ANNUAL REPORT 2022

MARCH 2023

SÍNDIC

EL DEFENSOR DE LES PERSONES

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Catalan Ombudsman (Síndic de Greuges de Catalunya)

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PREFACE

The Parliamentary Plenary session elected me as the Catalan Ombudswoman on 30 June 2022, and I took office on 14 July. Therefore, this first annual report for the institution is the result of the work done by my predecessor, Rafael Ribó, and my first six months leading the Catalan Ombudsman institution.

I would like to take this opportunity to thank Ombudsman Ribó for his work over the last eighteen years. With his team, he achieved important milestones such as the fight against social segregation in schools, installation of video-surveillance cameras in Catalan police stations, protection of the environment in emblematic places such as the El Montseny Nature Reserve and the Ebro Delta, and the international presence of the institution. Likewise, he worked with determination to respond to the political, health and economic crises we have endured over the last few years.

I also want to thank the Parliament for its trust in me and to state I will work with enthusiasm, conviction and dedication in the defence of the fundamental rights and freedoms of everyone in this country, and particularly those who are most vulnerable.

My commitment is to make the institution an agent for transformation in our society. By simply listening and taking on people's need as our own we can improve the administrations and create a fairer country.

Barcelona, 15 March 2023

Esther Giménez-Salinas i Colomer

GENERAL CONSIDERATIONS

I. GENERAL CONSIDERATIONS

The 2022 report of the Catalan Ombudsman covers all the activities carried out by the institution and highlights the most relevant actions in each area. This year has been marked by the change in the institution's leadership; the office is now occupied by Esther Giménez-Salinas after 18 years led by Ombudsman Rafael Ribó. The new Ombudswoman was sworn in on 14 July 2022, after the Catalan Parliament revised Catalan Ombudsman Act 24/2009, of 23 December, to shorten the Ombudsman or Ombudswoman's mandate to six years, non-renewable.

Following the system of the last few years, and as established by the Catalan Ombudsman Act, this chapter on general considerations is followed by a second chapter containing statistical data, detailing the institution's actions in figures for this year and compared to previous years. The data is shown in absolute terms and broken down by subject matter, geographical origin, user profiles, the administrations concerned, etc. The report concludes with a chapter devoted to the Catalan Ombudsman's institutional and dissemination activities.

This report on the annual activity of the Catalan Ombudsman is complemented by other annual reports that the institution submits to the Catalan Parliament by legal mandate. All the information on children's affairs and education is contained in the *Report on Children's Rights*, which was submitted to the Parliament on 14 December 2022, the full version of which can be found on the institution's website, in the section on reports and decisions. This report was debated by the Catalan Ombudsman Committee on 17 January 2023.

Likewise, the activity and recommendations made as the Catalan Mechanism for the Prevention of Torture during 2022 are set out in the corresponding report, which was submitted to the President of the Catalan Parliament on 6 February 2023 and which can also be found on the institution's website.

Finally, in April 2022, the *6th Report of the Catalan Ombudsman on Transparency, Access to Public Information and Good Governance* was submitted to the Catalan Parliament. It is also available on the website.

Later on, in the same introductory chapter, reference is made to other monographic reports submitted to the Parliament throughout the year.

Details of all the Catalan Ombudsman's actions and recommendations can be found on the website featuring all the resolutions issued throughout 2021. Subsequently, focus is turned to the general considerations and recommendations arising from the Catalan Ombudsman's activity during 2022, the significance of which makes them worthy of mention.

PROTECTION OF SOCIAL RIGHTS

The social domain is once again the main concern, more so if possible, of most of the Catalan Ombudsman's interventions in 2022, to the extent that 45% of the complaints initiated this year correspond to possible violations of social rights.

In this sector, firstly it is necessary to highlight the response to a situation arising from the most significant international event of the year: the armed invasion launched by the Russian Federation against the Ukraine in February, which is still on-going today, and the resulting crisis of refugees who have arrived in our country. According to Idescat data, more than 16,000 people from Ukraine, between adults and children (some of the latter, without family members) have arrived in Catalonia during 2022. Administrations and society alike have responded with the desire to welcome them but, despite the good intentions, bureaucratic difficulties have increased: the fact that the integration application is done via prior appointment, which is inaccessible for many of the refugees, the length of time and lack of coordination among the administrations to grant aid have been some of the main complaints made to the institution. So much so that only 28% of refugees coming from Ukraine who are in Catalonia are under the protection of the State welcome plan for displaced people from Ukraine. The rest have been integrated in the Ukrainian diaspora resident in Catalonia accompanied by the municipalities and the Generalitat Government of Catalonia. This means that the public resources allocated to care for the population integrated in Catalonia mainly come from autonomous community and local administrations, despite refugee matters being essentially a competence of the general Administration of the Spanish State.

It is also necessary to remember that there are thousands of people in Catalonia and the rest of Spain who have fled from different conflicts and who are awaiting a decision on their status as a refugee or for subsidiary protection. These people have the same right as those coming from Ukraine to have their status as refugees recognised and, therefore, to access the rights and benefits inherent to this condition.

In health, over 2,000 actions have been initiated among complaints, consultations and ex officio actions. Aside from the recurring problems we have mentioned in other annual reports (such as the persistence and increase in waiting lists), in this year's report we want to focus on matters that, despite not being generalised, clearly affect people's individual rights. Firstly, we refer to the change of healthcare professionals by a unilateral decision of the Administration, normally due to service requirements. Although self-organisation is a prerogative of the Administration and it is understandable that it wants to lighten the burden of the most overworked professionals and balance the services fairly, this must be done taking into account the people concerned, informing them in advance, and individually analysing applications for return, according to each patient's personal circumstances.

Secondly, we focus on the humanisation of the healthcare system established by Law 15/1990 and which resulted, ten years ago, in the implementation of the

individual healthcare card "Cuida'm" [Look after me], which helps identify people with high relational fragility. This card is a useful tool for offering better, more human and more suitable care for each person's needs, but for it to be effective it is necessary for all services and professionals to act with due care and diligence, to check the person's characteristics, background and medical history, and also whether they need specific care, something that does not always happen. Furthermore, the Catalan Ombudsman is of the opinion that, with or without this card, all healthcare services must ensure care and attention of people in a fragile situation, not just in terms of medical matters but also in all related processes and in providing information to their relatives.

Finally, we also report the difficulties of people who are in Catalonia temporarily to be seen by the Catalan Health Service, despite being fully entitled to it. Complaints received by the institution show that, although the Administration does not question the right of everyone who has travelled to another autonomous community to be attended when they ask to be seen at a primary healthcare centre, some health centres are not aware of this and others, despite being aware of it, do not have agile and secure mechanisms to make this right effective. Waiting for a response can cause uncertainty for the person, which should not happen and should be avoided.

Regarding social services, which represent 10% of the institution's actions this year, the complaints received confirm the need to modify some aspects of the guaranteed income benefit so it reaches more people who are effectively in poverty. For example, if one takes into account that, despite being employed, many people do not have enough income to cover the costs of housing, food and other basic needs, it is logical to consider making the benefit compatible with being employed and that this compatibility be generalised, beyond those situations in which it is currently permitted.

Similarly, it is necessary to review the criteria used to assess applicants' economic situation, such as receiving economic help from relatives or third parties who are not obliged to do so, as in practice this is a factor that results in many denials and, in short, does not respond to a reality of available resources but solidarity in situations of economic need.

On the other hand, the general law on the rights of people with disability and their social inclusion refers to universal accessibility as "the condition that environments, processes, goods, products and services, as well as objects, instruments, tools and devices must comply with to be understandable, usable and practicable by everyone in safe and comfortable conditions and in the most independent and natural way possible". Most of the complaints about accessibility received this year refer to difficulties faced by people who use wheelchairs or who have reduced independent mobility. The institution deems that the Administration cannot remain passive before this situation and there needs to be a more forceful intervention to remove obstacles, even forcibly executing the order if necessary.

Otherwise, despite the difficulties that are no doubt involved in processing a law of the scale of the Accessibility Code, the five-year delay regarding its initial approval date is unacceptable. The necessary processes must be expedited and it must be approved as soon as possible to complete and update the current regulatory framework and prevent it from being outdated as soon as it comes into force.

Effective equality between men and women is another of the concerns of our institution, in addition to the specific mandate that the different equality laws

approved by the Catalan Parliament since 2014 have entrusted to us. In a year in which, unfortunately, gender-based crime has increased, the report highlights the need not to minimise violence against women, however it occurs, as well as the Administration's obligation to deal with victims appropriately and with empathy. Likewise, the Catalan Ombudsman is in the midst of preparing and launching its second Equality Plan; this aims to update the commitments to women's rights and those of the LGBTI community made in 2019.

In the field of children's rights, the annual report published in December 2022 emphasises the increase in social vulnerability over the last few years and its impact on the emotional well-being and social and educational opportunities of children and adolescents. In this context, the policies of income transfer and provision of services aimed at responding to these needs of vulnerable children and adolescents do not manage to cover them sufficiently.

Likewise, in the field of protection, structural reforms are needed to increase family foster care, which would be the most suitable measure to guarantee children's well-being, rather than residential care which continues to prevail. In both cases, the structural causes, of a social nature, that cause vulnerabilities in children and adolescents need to be addressed.

Finally, on the right to housing, this year the report focusses on administrations' duty of prevention to avoid loss of the habitual residence.

The reality seen from the complaints received on this matter leads us to conclude that preventive action from the Administration, aimed at helping the person maintain their habitual residence and acting in the face of the risk of losing the home, is much more effective, more economic and, above all, less traumatic for the people concerned.

Naturally, it is necessary to continue insisting on the need to increase the social rental housing stock, but in the short term rent subsidies must be improved and resolution times shortened, as well as public mediation and intervention services promoted to facilitate agreements that prevent loss of the habitual residence.

ENVIRONMENT, TERRITORY AND CONSUMER AFFAIRS

One of the most serious environmental and public health problems for our country is the extensive presence of asbestos in all kinds of buildings, both publicly and privately owned, and with various uses, including residential. Speedy removal of the asbestos, even if done gradually, is as important as it is complex, and first requires the creation of public registers to identify buildings that contain it. In this sense, the Catalan Ombudsman recognises the initiative of the Generalitat Government of Catalonia to create a Catalan asbestos census to remove it from all public and private buildings, and to support municipalities so they may comply with the obligation imposed by State and EU legislation on this matter. The magnitude of the problem requires the administrations involved work together and, in this sense, the institution deems the creation of the Committee for the Eradication of Asbestos to be a good idea. This committee comprises ample representation of the public administrations involved and is commissioned with promoting a joint strategy to definitively eradicate asbestos from Catalonia.

Meanwhile, as a result of the complaints and ex officio actions processed in 2022, we have recommended that administrations concerned bear in mind the following in their most imminent actions: prioritising the removal of asbestos from schools and education environments; accurately assessing the viability of using alternative techniques such as the encapsulation of asbestos; combining the removal of roofs containing asbestos with the installation of photovoltaic panels, and drawing up a new regulation that includes a transversal approach to the problem so that, together with occupational health and safety provisions, protection of the environment and public health is taken into account.

On the other hand, another result of the Russian attack on Ukraine, apart from the refugee crisis mentioned above, has been the exponential increase in the prices of electricity and gas supplies for households, which have been worsened by inflation rates that have not been seen in Europe for decades. In this context, the public authorities have approved a series of exceptional measures during 2022, among which stand out (with the prior authorisation of the European Union) an exceptional mechanism that limits the price of gas in the wholesale market to electricity producers, such as thermal power plants, until May 2023. However, although this measure has allowed the increase in electricity prices to be contained to a certain extent compared to other countries. it is necessary to point out that applying it entails a cost that consumers cover in their electricity bill, and this has not been sufficiently publicised nor is its clearly stated on the bills, which has generated numerous complaints and consultations to the Catalan Ombudsman.

In addition to this lack of information is the fact that many people do not know the electricity rate applied to them (free market or last resort) and, therefore, whether they have the right to access the subsidised rate or not. This discount must be applied by the utility companies of reference to consumers in situations of economic vulnerability, depending on their level of income and compliance with certain personal and family requirements. The processing of this subsidised rate continues to be too complex, and continues to leave out a lot of people who are entitled to it.

In fact, combating energy poverty and arranging support measures for families in that situation was the purpose of the agreements signed in April 2021 between the Generalitat Government of Catalonia and Endesa. In 2022, the Catalan Ombudsman has initiated an ex officio action to monitor implementation of the agreed commitments, bearing in mind that electricity is a basic service in accordance with the Code of Consumption of Catalonia and that obligates companies to offer special protection to consumers. At the same time it obligates the consumer affairs administrations to ensure compliance.

PUBLIC ADMINISTRATION, PUBLIC SERVICE AND TAXES

Free and unconditional access to public service and registration offices of the public administrations was suddenly interrupted in March 2020, with the declaration of the state of emergency caused by the Covid-19 pandemic, the general lockdown of the population and the closure of administration offices. Subsequently, with the reopening of the offices, in general, administrations chose to make appointments obligatory as a requirement for in-person meetings in the offices, as a way of respecting the capacity limitations established at any given time. Now, although these restrictions no longer exist, prior appointments continue to be the norm for in-person service at the administrations, and the complications that this generates (true inaccessibility for citizens, inflexibility in terms of expiry of deadlines) has caused numerous complaints to our

institution. For the Catalan Ombudswoman, restriction of the right to access Administration offices in-person, which can generate situations of neglect and inequality of access, or even the impossibility of exercising rights and powers subject to deadline, has no legal protection. And although the organisational advantages of appointment-based service must be recognised, this cannot entail a violation of people's rights to be dealt with in-person without restrictions. Therefore, it is necessary to re-direct citizen's services for the benefit of the people, making them accessible and friendly.

Regarding the right to in-person service, we also want to warn of the digital gap and risk of exclusion of the most vulnerable groups and the elderly when they cannot contact administrations electronically. In this sense, particular care must be made not to impose electronic contacts on groups that may not have the means or the necessary abilities for this electronic relationship. At the same time, we demand an effort to favour digital inclusion and to facilitate the electronic relationship for people who voluntarily wish to contact the administrations in this way. However, in this case, the electronic relationship between the person and the Administration must be implemented correctly. Sometimes administrations have taken advantage of having personal e-mail addresses to send notifications of various processes without, on one hand, there being a record of people's express consent to this and, on the other, without taking into account that the e-mail can only be used to send a message that the notification is available, but not to send the notification itself.

As a result of several complaints being processed on these grounds, the institution has pointed out to the corresponding administrations that, especially in sanction procedures, it is necessary to ensure the effectiveness of the administrative action, and more specifically of the notification of the proceedings, such as the proposed resolution and the final resolution, taking into account that the paper notification sent to an address or two unsuccessful notification attempts is what provides a record that it has been sent or that it has been received when the person concerned has not stated their desire to receive electronic notifications.

In the field of public service, 2022 has been a year with numerous selection processes, the course of which has generated quite a few tensions among candidates to access a job in the Administration. The Catalan Ombudsman has stated that taking part in a selection process has a significant human cost for candidates, and it is not acceptable for administrations to add unjustified delays and uncertainties throughout the process, as occurred in session 242 for the higher administration body of the Generalitat Government. For this reason, we deem that administrations must publish a schedule of the different stages of the process with session announcements, and they must always keep candidates up to date with the decisions.

Also in this area, the institution has repeatedly stated that, in the access to public employment of temporary personnel, the absence of a specific legal reservation order in favour of people with disability should not be an obstacle to administrations setting positive discrimination measures, as long as the functional ability of candidates is guaranteed. The fact that the basic Statute on public employment establishes a legal obligation to reserve 7% for people with a disability in public employment offers does not prevent this reservation being extended to all cases in which temporary coverage of jobs must be resorted to, whether through the constitution of job banks, or through selection processes for the temporary provision of jobs (internships and temporary contracts). Temporary employment cannot be excluded from the reservation policy because, otherwise, people with disability would be deprived of the opportunity to enter

the world of work and to gain experience that could be used as credit for participation in a selection process.

Any restriction on access to public employment conflicts with compliance of the constitutional, statutory and legal mandates that obligate public authorities to guarantee the legal protection of people with disability and to promote their incorporation into work.

On the other hand, the institution considers that fiscal policy is one of the most important tools to fight against inequality, poverty and social exclusion. Sufficient and fair taxation, which correctly redistributes wealth, is the best instrument to achieve a fairer society, guarantee social rights and offer a welfare state that dignifies people's lives. This institution has detected, as explained in the corresponding section of this report, that there are situations in which people who receive a social benefit have a final economic result and disposable income for basic family needs that is much lower than if they had not received the benefit, as a result of the taxation applied. When this happens, there is a total loss of the aim and purpose of the benefit as a protection mechanism for their specific need.

Therefore, it is not enough to have formal or regulatory recognition of benefits as measures of support and social protection for people and groups in need. For benefits to be real and effective, it is necessary to configure them taking into account the system as a whole and the applicable sector regulations. Therefore, it is worth coordinating them with the tax regime so that, due to the taxation applied, the final result does not distort, undermine or invalidate the function and purpose of the benefit granted.

SPECIAL REPORTS

One of the most relevant activities of the Catalan Ombudsman, due to its scope, is the creation of special monographic reports, in addition to the annual reports required of the institution by the Catalan Ombudsman Act and the Transparency Act. This special activity has been consolidated over the last few years and is no longer sporadic or occasional, but has become a central part of the institution's work. The special report format allows in-depth analysis of topics that cannot be sufficiently covered in individual complaints.

As well as being made public, the reports are registered with the Catalan Parliament and are debated in the Catalan Ombudsman Committee or in the competent committee depending on the subject matter. This year, seven special reports have been drawn up and registered in the parliamentary office:

- *Report on the linguistic rights and uses of childhood and adolescence.* March 2022

- *Mechanical restraints in the Catalan prison system. Analysis of the practice and the legal framework.* March 2022

- *Follow-up to Resolution 2381 (2021) of the Parliamentary Assembly of the Council of Europe.* April 2022

- *Challenges and difficulties in women's access to Catalan police forces and the fire department of the Generalitat Government of Catalonia.* June 2022

- *Pegasus case: violation of the rights to provacy, defence and other rights.* *June 2022*
- *The protection of children and adolescents in the digital environment.* *November 2022*
- *Staffing and management of educational teams in highly complex centres.* *December 2022*

All these reports, in addition to the forty singular supervision reports with municipalities and regions with which the Catalan Ombudsman has an agreement, can be found on the institution's website.

FINAL CONSIDERATION

The priorities of the Catalan Ombudswoman's term of office

After taking possession of the Catalan Ombudswoman's office on 14 July 2022, Esther Giménez-Salinas had the chance to present the core policies and priorities of her mandate before the Catalan Ombudsman Committee of the Catalan Parliament in December. Within the framework of the economic and social crisis arising from the pandemic and the war in Ukraine, the Ombudswoman stated it is essential that the institution emphasises the social sphere. Among other matters, of particular concern is effective access to decent housing, long waiting lists in healthcare and the lack of professionals in some specialities, especially the coverage of services that guarantee the mental health of both adults and children.

In the field of children's affairs, the increase in child poverty is a concern, as stated in the Catalan Ombudsman's recent annual report on children's rights, and the fight against school segregation through the Pact against Segregation. Likewise, it is necessary to reform the child protection system to make it fairer, as mentioned above. In other words, that its protective purpose does not contradict the Administration's ability to guarantee the rights of children and their families.

Social policy must protect the most vulnerable, as they suffer the consequences of the system's deficiencies to a greater extent. In this mandate, we will focus on ensuring that the Administration guarantees truly accessible social benefits and agile and flexible services and procedures. Furthermore, it is necessary to move towards care models for the elderly that provide specific care for their physical and mental needs, but that also bear in mind their wishes. And regarding people with physical, organic and/or intellectual disabilities, it is necessary to resume efforts initiated with the national Pact for the rights of people with disability to promote comprehensive care systems for people and real progress in their social inclusion. The appearance and increase in discrimination against women and hate speech against homosexual, bisexual and transsexual people, often accompanied by violence, worry us in a context in which we thought certain ideas and prejudices had been overcome. The task of preventing LGTBI-phobia or gender-based violence must adopt more creative, educational and effective forms. Furthermore, a victimological look at these forms of violence and discrimination will be hugely helpful in the design of care interventions for the people who suffer them.

The institution will supervise the fight against energy poverty and support measures for families in this situation. In this sense, it is necessary to simplify the social subsidy processes, which are an obstacle for many people to access

these benefits. As mentioned above, it is necessary to verify full compliance of the agreements signed in April 2021 between the Generalitat Government of Catalonia and Endesa and to expand them to other electricity companies.

Likewise, the climate crisis and protection of the environment and the territory is another of the institution's concerns. From this perspective, one of the challenges of the mandate is to supervise the energy transition in Catalonia. We are greatly delayed in meeting the commitments imposed on us by the European Union (30% of renewable energy sources by 2030), but at the same time this transition must be done in a rational, planned and equitable manner with the participation of the territory where it is implemented.

These priorities demand that the Catalan Ombudsman cooperates with all administrations and companies that provide services of general interest in Catalonia. We are asked that they be friendlier, less vertical and with a more feminine culture. It is necessary to simplify administrative processes and make them more accessible to people. From this perspective, among the objectives of the mandate we can point to:

- Promoting the use of clearer and more understandable language, thinking about citizens. We must also apply this objective to our institution.

- Ensuring that prior appointments do not become an obstacle to citizens accessing the Administration.

- Promoting people's right to being helped with the use of electronic means to deal with administrations.

Furthermore, we want to be very proactive in the dialogue with entities in the territory and other agents such as unions and local ombudsmen, which are on the front line in the defence of rights. Our mission is only possible when these groups provide us with information on the ground, a fact that is essential for knowing the reality of the problems.

In our opinion, complaints and ex officio actions, beyond their individual value, must have an impact on the community, so it is important not only that the Administration pay attention to each specific case, but also what transformation power we have. Therefore, together with the ex officio action we will have to incorporate transformative action, in other words, the ability to transform that we will assess in all complaints and ex officio actions. This transformative action is a priority of the Catalan Ombudswoman. We are not looking for quantity as much as the ability to transform.

In this sense, we also want to incorporate the idea of restorative justice, which aims to seek forms of reparation for damage as a response to conflict and to prevent punishment being the first reaction. Reparation is good and useful for the people who suffer harm and at the same time promotes genuine accountability for those who caused it. We understand it is important to move towards a culture of dejudicialisation of conflicts, and stop turning to the legal system to resolve situations that could easily be addressed through agreed, more satisfactory, more agile and more economic solutions.

In short, the ability to listen, friendliness, restorative justice, giving back to society and effectiveness must be the keystones of all our actions. Aiming to be a useful institution for citizens that helps solve specific problems with the Administration and detects problems, tensions and structural dysfunctions that, through our intervention, can be resolved.

Relations with administrations

The Catalan Ombudsman positively values the good predisposition of all the administrations and companies with which it has contact, both regarding the processing of complaints and receiving suggestions.

In quantitative terms, the number of complaints received has returned to pre-pandemic figures, around 10,000 per year. Consultations have increased significantly and the number of ex officio actions has remained stable. Of the more than 14,000 cases closed this year, initiated in 2022 and in previous years, an irregular or improvable action of the Administration has been detected in approximately half. In many cases, the Administration has corrected its action during processing of the complaint. When an express resolution of the institution has been required, with recommendations and suggestions, the percentage of acceptance of our proposals continues to be very high: 80% of the more than 4,500 resolutions of the Catalan Ombudsman have been completely accepted, whilst up to 19.4% have been partially accepted, leaving a negligible 0.6% of the resolutions not being accepted by the Administration. Despite this tiny number, the corresponding section of this report includes the recommendations that have not been accepted, and those that, in our opinion, are particularly serious due to the lack of sensitivity regarding citizens' rights involved have received special mention. Nor are we fully satisfied with the resolutions that have only been partially accepted, particularly when they deal with such significant areas as education, the environment and social services.

In any case, it must be highlighted that the Catalan Ombudsman has not detected serious cases of obstruction of its work by any administration or company, quite the opposite. Despite some of them suffering bottlenecks and difficulties in processing our actions, their response is always positive and cooperative. However, the institution will continue working to improve the data on processing and acceptance of recommendations.

Electronic processing is once again the main way of communicating with citizens, but the rights of people who have difficulties with this has always been respected. Furthermore, with the aim of bringing the institution closer to citizens, in 2022 the Catalan Ombudsman office made 123 visits around the territory. Of these, 87 were done with both in-person and telematic service, and the remaining 36, were only telematic. It must be remembered that the first 23 visits, corresponding to January and February, were affected by the impossibility of face-to-face contact due to the outbreak of Covid-19 infections. 94 municipalities have been visited, including all the municipalities and regions with which the Catalan Ombudsman has signed an individual service agreement. Vielha has also been visited, within the framework of the agreement with the Conselh Generau d'Aran [General Council of Aran].

At the same time, the institution wants to continue working with all the relevant agents, including local and university ombudsmen, the autonomous community and Spanish ombudsmen, and also with the competent international bodies in the field of human rights.

These improvements and networking will enable the positive assessment of the institution by those who contact it to be maintained and increased. A positive assessment that is only possible thanks to the professionalism and vocation of service of the members of the Catalan Ombudsman's team.

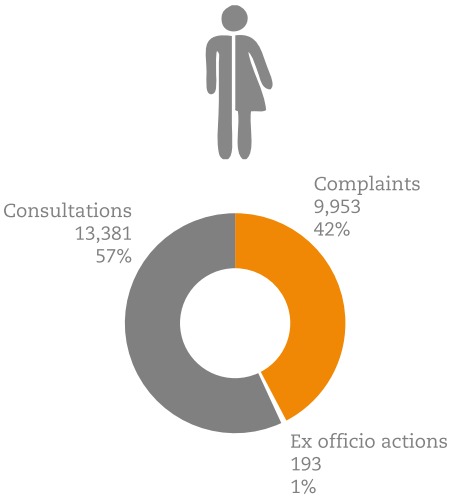
ACTIVITIES OF THE CATALAN OMBUDSMAN IN 2022

II. ACTIVITIES OF THE CATALAN OMBUDSMAN IN 2022

2.1. INTRODUCTION

Chapter II of the Catalan Ombudsman Annual Report includes the main data for activities initiated between 1 January and 31 December 2022. It also reports on processed actions, which are those worked on during the year, regardless of the year in which the case was opened.

Summary of the general data of the institution



18,068 people
have contacted the institution

23,527 actions
including accumulated cases

9,953	13,381	193
complaints	consultations	ex officio actions

2.2. PEOPLE WHO USE THE CATALAN OMBUDSMAN

During 2022, 18,068 people have requested the intervention of the Catalan Ombudsman, which has resulted in 23,334 actions (9,953 complaints and 13,381 consultations).

Table 1. Type of people who have contacted the Catalan Ombudsman

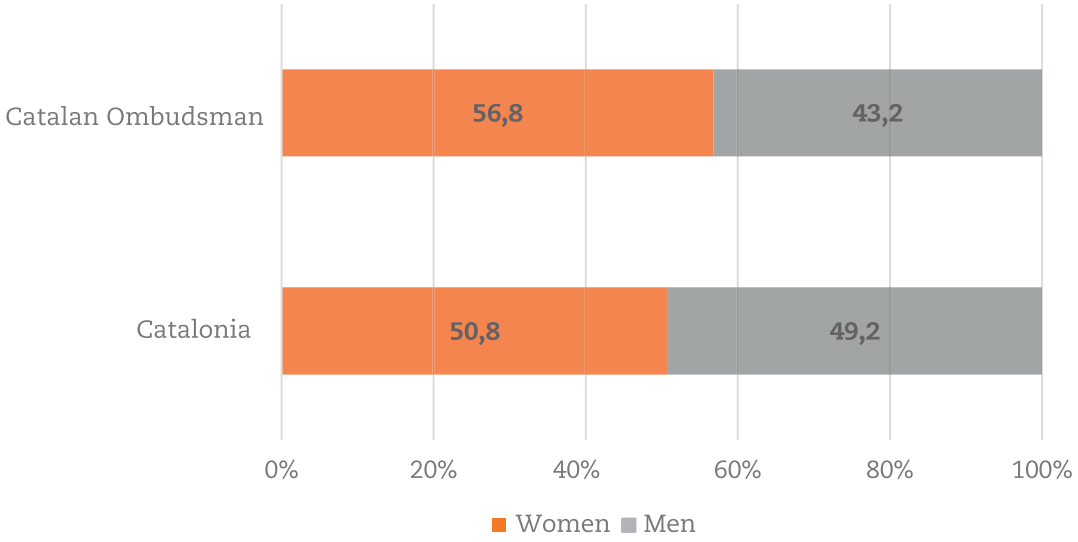
Type of person	N	%
Natural persons	**17.639**	**97,63**
Legal persons	**429**	**2,37**
Companies, non-profits, platforms (401, 2.22%)	401	2,22
Administration (17, 0.09%)	17	0,09
Services/Equipment (7, 0.04%)	7	0,04
Other ombudsmen (4, 0.02%)	4	0,02
Total	**18.068**	**100,00**

97.63% of people who have requested our intervention are natural persons, whilst only 2.37% are legal persons. Among these, there are administrations or other ombudsmen, who contact the Catalan Ombudsman when they deem a violation of rights has occurred and it is possible that the institution has still not received the information.

In seven cases, care resources, facilities or services connected to an administration have also contacted the institution (for example, schools, health centres, police stations, etc.).

2.2.1. Legal persons

Graph 1. Natural persons who contact the institution according to sex in relation to the population of Catalonia

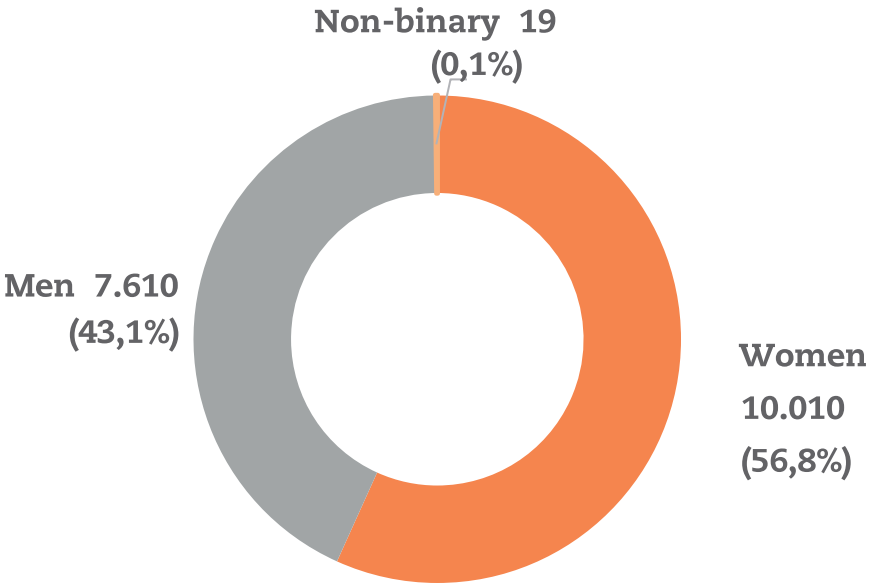


Source: Own creation from the Catalan Ombudsman database and population data by sex from Idescat.

57% of the natural persons who have contacted the institution in 2022 are women (10,010), and only 43% are men (7,610). In 19 cases the people have defined themselves as non-binary. At the moment, therefore, it is a minority representation.

These data contrast with the general Catalan population statistics, in which the distribution between men and women is more equal. This unequal distribution occurs every year at the Catalan Ombudsman, and the difference is more or less high depending on the subject matter in which the complaint or consultation is registered. So, as can be seen when regarding actions of the institution, the presence of women is higher in subjects such as education and research, child and adolescent affairs, social services or housing, a fact that reflects the role of women: on one hand, as people who may find themselves in a more unfavourable situation: and on the other, as people who take care of children or dependents or who have family responsibilities.

Graph 2. Natural persons who have contacted the Catalan Ombudsman according to gender identity

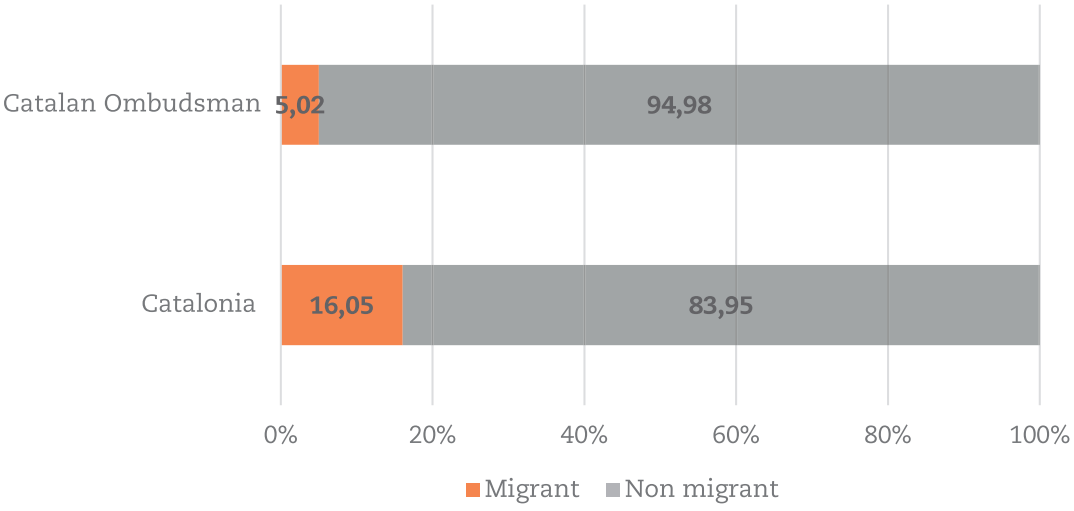


Source: Own creation from the Catalan Ombudsman database and population data by sex from Idescat.

Regarding gender identity, the data do not vary much, as people have identified as non-binary in only 19 cases.

Regarding origin, the percentage of the migrant population that contacts the institution is lower than the percentage that this population represents in Catalonia.

Graph 3. Percentage of migrants who have contacted the institution in relation to the population of Catalonia

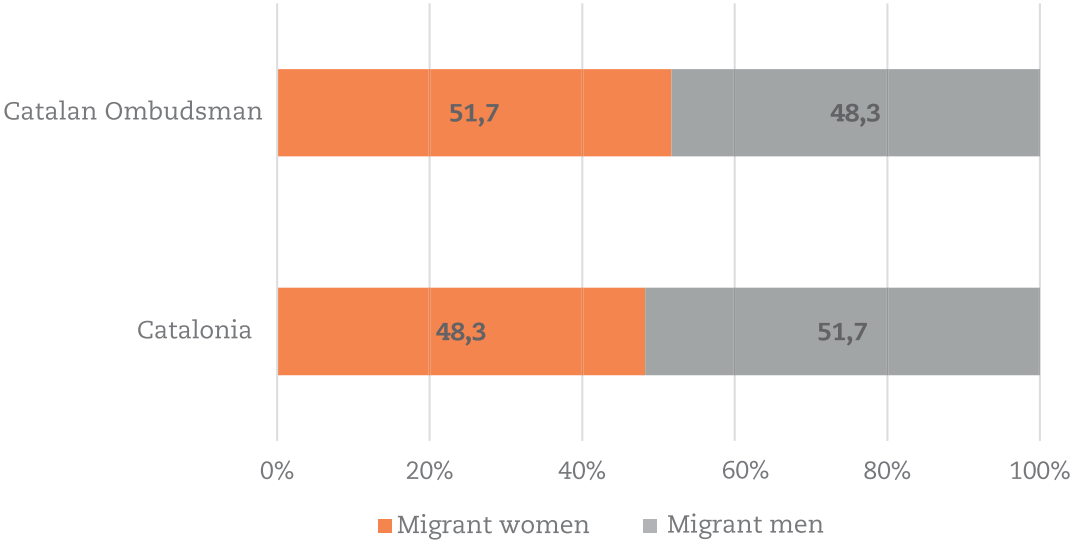


Source: Own creation from the Catalan Ombudsman database and foreign population data from Idescat.

In this sense, it is observed that the Catalan Ombudsman has difficulties reaching the migrant population. The fact that many processes the migrant population has to do with the Administration are of State competence and, therefore, they are used to contacting the Spanish Ombudsman explains this data to a great extent, together with the fact that the institution is not well known among the migrant population. This is why one of the objectives of this mandate is to reach groups that do not know much about the institution, including the migrant population.

> The Ombudswoman wants to reach the most vulnerable groups in society and, in particular, people at risk of social exclusion, children, the elderly and migrants

Graph 4. Distribution of migrants who have contacted the institution in relation to the population of Catalonia according to sex



Source: Own creation from the Catalan Ombudsman database and foreign population data by sex from Idescat.

Regarding the origin of people who contact the Catalan Ombudsman, 4.5% of the women are migrants, while 5.6% of the men are. As there is an overrepresentation of women who have contacted the institution, the percentage of migrant women is lower than that of the men, despite it being higher in absolute terms.

In fact, if an analysis is done bearing in mind other factors that could be a cause of vulnerability (intersectionality), it is observed that of the set of migrants who have contacted the institution, 51.7% are women, while 48.3% are men. This

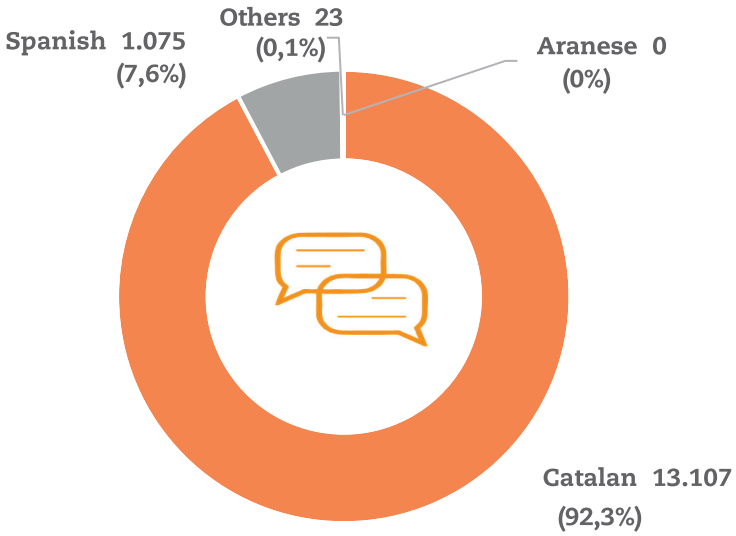
shows, again, the situation of special vulnerability that women find themselves in, particularly when other situations of vulnerability are added. The situation is reversed in the case of Catalonia.

It is essential to increase the institution's presence in the territory, cooperating more closely with local ombudsmen

The territorial distribution shows that the inland regions of Catalonia are those that in percentage terms contact the institution less -although it is true that they are also the least populated.

That said, it is essential to increase the presence of the institution around the territory, cooperating more closely with local ombudsmen.

Graph 5. Language used by people when they contact the institution



Regarding the language, most people use Catalan when they contact the institution, whether for a consultation or to file a complaint.

2.2.2. Legal persons

Although legal persons only make up 2.37% of the people who have contacted the institution, it is worth analysing some of their characteristics in detail.

Table 2. Type of legal persons who have contacted the institution

	N	%
Neighbourhood and owners' associations	131	32,67
Non-profits (ESAL)	131	32,67
Private companies	90	22,44
Political organisations	26	6,48
Labour organisations	19	4,74
Business organisations	3	0,75
Religious organisations	1	0,25
Total	**401**	**100,00**

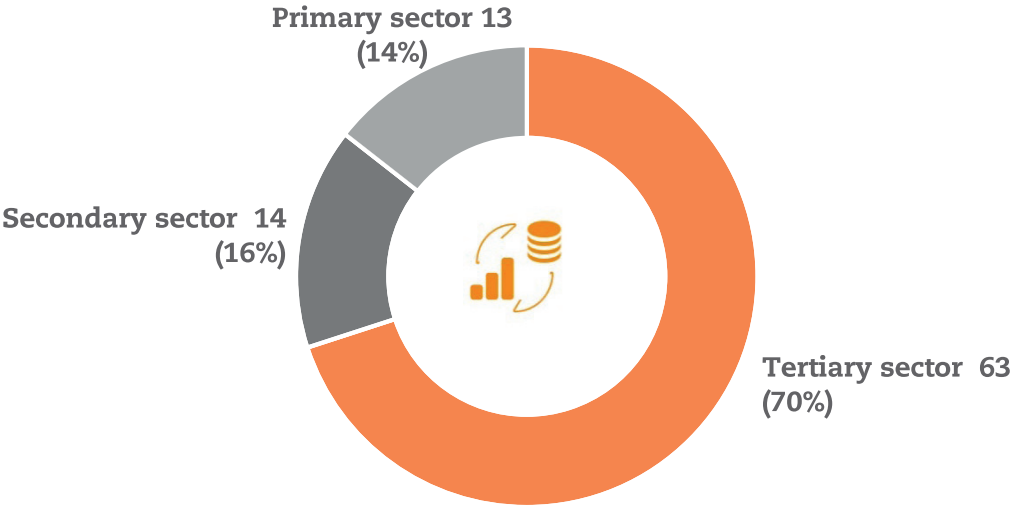
Regarding previous years, owners' associations, neighbourhood associations and non-profits are the type of legal persons that have contacted the institution the most, followed by private companies.

Table 3. Type of non-profit organisations or sectors in which they work that have contacted the institution

	N	%
Education, training and research	29	22,1
Environment	19	14,5
Cultural organisations	12	9,2
Economic and social rights	11	8,4
Human rights	11	8,4
Social and health care	9	6,9
Sports associations or clubs	9	6,9
Civil and political rights	6	4,6
Families, children and adolescents	5	3,8
Health	5	3,8
Fan clubs	4	3,1
Youth associations	3	2,3
Cooperation and development	3	2,3
Municipal entities	2	1,5
Economic activity and professionals	2	1,5
Consumer associations	1	0,8
Total	**131**	**100,0**

Organisations related to education and the environment have contacted the institution the most during 2022. In fact, it is worth saying that education and research and the environment are those most conditioned by social mobilisations over the years.

Graph 6. Distribution by economic sectors of the companies that have contacted the institution

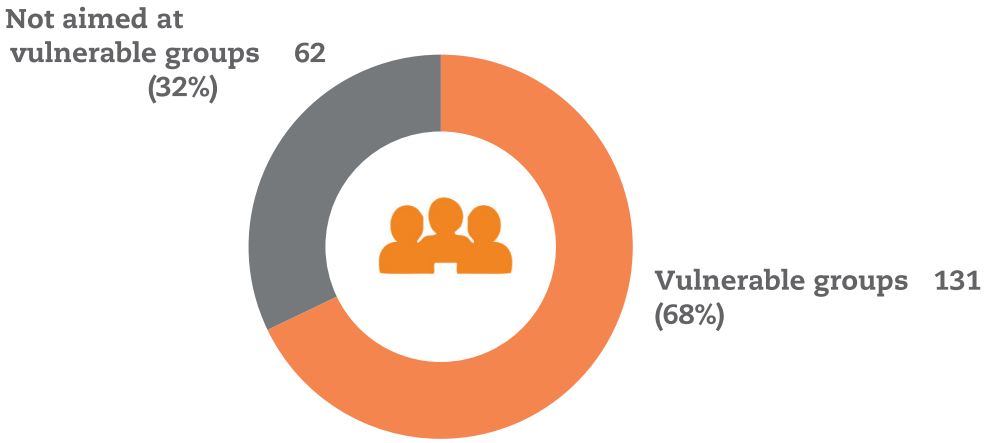


2.2.3. Recipients of ex officio actions

Finally, groups that benefit from ex officio actions opened by the institution must be borne in mind. In accordance with article 41 of the Catalan Ombudsman Act 24/2009, of 23 December, an *ex officio action* is deemed to be "the deeds in which the activity or inactivity attributable to the administrations, bodies, companies or persons referred to in article 26 may have violated constitutional or statutory rights or freedoms".

In this sense, an analysis of the target groups of ex officio actions also allows the priority lines of the institution to be identified, as well as the objectives it aims to achieve in the next few years.

Graph 7. Recipients of ex officio actions



Most of the ex officio actions that have been opened are related to child and adolescent affairs. This can be explained, to a great extent, by the need to protect the privacy of children and people who report situations of risk or abandonment of a child. Other groups for which ex officio actions have been opened are inmates of penitentiary centres, women, people with disability or the LGTBI community, among others.

Notwithstanding the above, as the Ombudswoman stated in her last appearance before the Parliament of Catalonia in 2022, the aim is not to open ex officio actions with a prospective or investigative purpose, but to circumscribe them to situations of possible rights violations in which the institution's intervention has some expectation of having an impact on said situation.

Furthermore, the idea is to increase the importance of vulnerable communities that, in accordance with the data, have not been the subject of a study by the institution.

Table 4. Ex officio actions that have borne in mind intersectionality[1]

Women	N
who are part of the LGTBI community	1
who have suffered male violence	1

Children and adolescents	N
migrants	5
with disability	3
in single-parent families	3
who have suffered male violence	2
refugees	2
who are a situation of social exclusion	2
who are part of an ethnic group	2
who have suffered vicarious violence	1
who are part of the LGTBI community	1

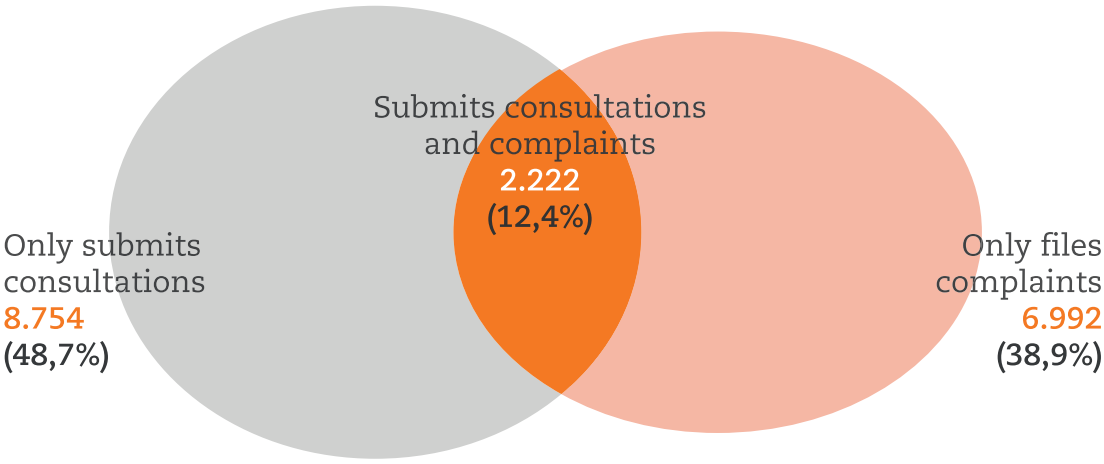
Inmates of penitentiary centres	N
with mental health problems	1
Total	**24**

[1] *Intersectionality* is deemed the study of specific social groups that share the same concept of inequality or vulnerability.

2.2.4. Loyalty of people to the Catalan Ombudsman institution

Legal advice and problem-solving functions of the institution

Graph 8. Legal advice and problem-solving functions



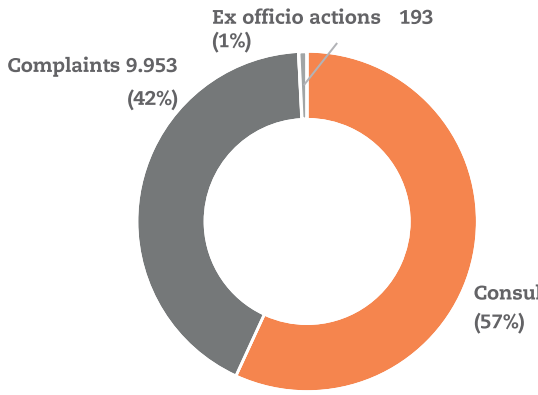
Regarding the people who contact the institution, two different types of users are observed: people who want information and who request legal advice (48.45% of people only submit consultations) and those who consider that the institution should intervene to solve an alleged violation of rights (38.70% of people file complaints). There are less cases of people filing complaints than submitting consultations.

2.3. VIOLATIONS OF RIGHTS

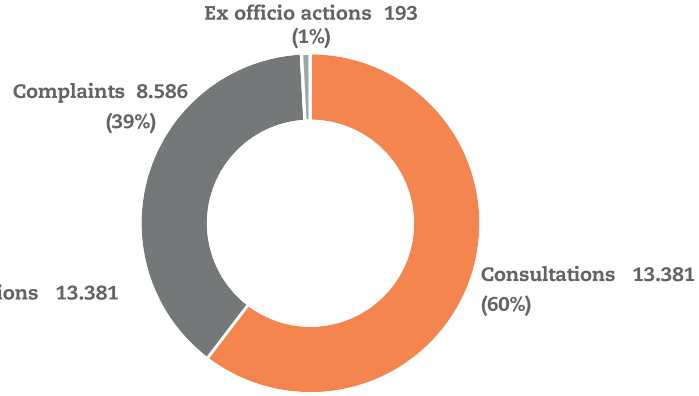
During 2022, 23,527 actions have been initiated (9,953 complaints, 193 ex officio actions and 13,381 consultations). With the exception of 2021, which had 2,924 accumulated cases, this is the year with the most actions initiated by the institution in the last ten years. And, in fact, although it is true that there is a 5.6% decrease in the volume of actions compared with 2021, if the effect of the accumulated cases is removed, it turns out there has been a 0.73% increase in the volume of actions compared with last year.

Graph 9. Actions initiated in 2022

Actions initiated bearing in mind accumulated cases



Actions initiated counting each accumulated case as a unique case



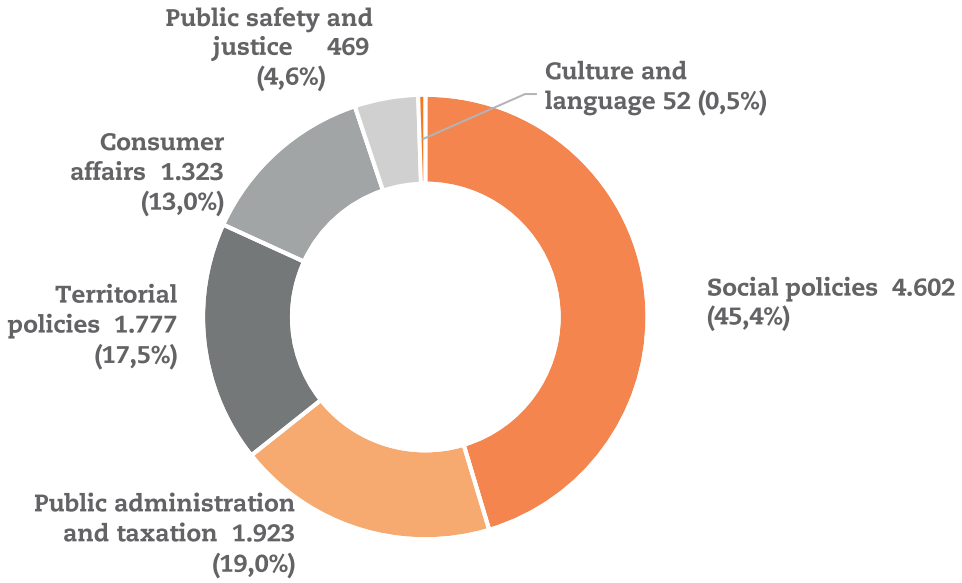
Despite this, it is possible that in the next few years these data remain the same, or they may even be lower, due to the aim of the new team to approach complaints from a transversal, global and transformative perspective.

The objective is to approach complaints from a transversal, global and transformative perspective

Regarding consultations, the data show an increase compared to previous years, caused by the increase in virtual movements in the territory and the management of prior appointments. Both may generate various consultations, during preliminary contact with people and in the event that these people finally have to be seen in person and ask for legal advice on other matters.

Regarding the areas of action of the Catalan Ombudsman, the 2022 data maintain the trend of previous years and social policies continue to be the institution's main area of intervention. In fact, they increasingly represent a higher percentage regarding all the sectors, especially since 2020 when the Covid-19 pandemic began.

Graph 10. Number of complaints and ex officio actions initiated in 2022 by sector



D

Since the beginning of the pandemic, complaints and ex officio actions connected to social rights have gradually increased. Only 2012 shows similar figures, in a context of a severe social and economic crisis

The other sectors maintain the trend of previous years: the sectors of public administration and taxation and territorial policies represent around 20% of the actions; consumer affairs, around 10%, and the sectors of public safety and justice and culture and language are more of a minority.

As has been done in previous years, detailed analysis of each of the subjects will incorporate analysis of the consultations submitted to the institution.

Table 5. Evolution of the complaints and ex officio actions initiated between 2018-2022 by sectors and subjects

	2018		2019		2020		2021		2022	
	N	%	N	%	N	%	N	%	N	%
Social policies	3.367	31,3	3.205	29,8	4.244	36,5	4.935	40,5	4.602	45,4
Education and research	834	7,7	865	8,0	1.329	11,4	1.676	13,7	1.862	18,4
Child and adolescent affairs	619	5,8	662	6,1	945	8,1	842	6,9	798	7,9
Health	680	6,3	790	7,3	885	7,6	1.458	12,0	915	9,0
Social services	1.068	9,9	735	6,8	883	7,6	750	6,1	921	9,1
Work and pensions	66	0,6	77	0,7	149	0,0	77	0,6	55	0,5
Discrimination	100	0,9	76	0,7	53	0,5	132	1,1	51	0,5
Public administration and taxation	2.996	27,8	2.216	20,6	2.301	19,8	2.747	22,5	1.923	19,0
Public administration and rights	2.668	24,8	1.744	16,2	1.618	13,9	1.421	11,7	1.461	14,4
Taxation	328	3,0	472	4,4	683	5,9	1.326	10,9	462	4,6
Territorial policies	1.993	18,5	3.001	27,9	2.784	24,0	2.490	20,4	1.777	17,5
Environment	1.023	9,5	2.096	19,5	1.806	15,5	1.585	13,0	869	8,6
Housing	408	3,8	328	3,0	288	2,5	248	2,0	333	3,3
Town planning	562	5,2	577	5,4	690	5,9	657	5,4	575	5,7
Consummer affairs	1.679	15,6	1.489	13,8	1.440	12,4	1.401	11,5	1.323	13,0
Public safety and justice	685	6,4	822	7,6	675	5,8	547	4,5	469	4,6
Culture and language	42	0,4	32	0,3	176	1,5	76	0,6	52	0,5
Total	10.762	100,0	10.765	100,0	11.620	100,0	12.196	100,0	10.146	100,0

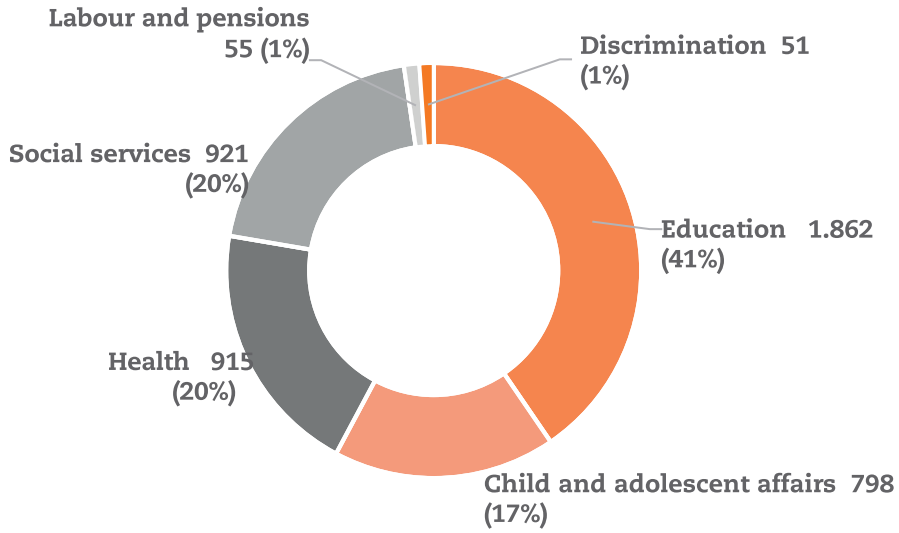
2.3.1. Social policies

Education and research is the subject with most complaints and ex officio actions, basically caused by the existence of thirteen groups of accumulated cases that affect 1,030 cases.

In fact, education and research is the subject that most frequently has accumulated complaints within the scope of social policies, as the type of problems dealt with in this area are of a community or group nature. The rest of the social policy subjects have more individual and private effects.

It is important to bear this fact in mind to highlight the reason for one of the three most significant increases that have occurred this year in the number of complaints, which is the case for the delay in resolving citizens' guaranteed income benefit applications, or the delay in resolving appeals filed against denial of the benefit.

Graph 11. Number of complaints and ex officio actions initiated in 2022 by subjects in the domain of social policies



D

The number of complaints and ex officio actions initiated in the social services sector has increased 22.8% compared with 2021

In the subject of health, even though it continues to have a significant amount of complaints and ex officio actions since the start of the Covid-19 pandemic, the volume of actions is gradually reducing. The areas of equality and non-discriminations and of labour relations and pensions are the most minor.

Education

In education, all complaints, ex officio actions and consultations relating to all educational stages and to other education are included. It also includes the section on research, which is often a minority.

Education highlights

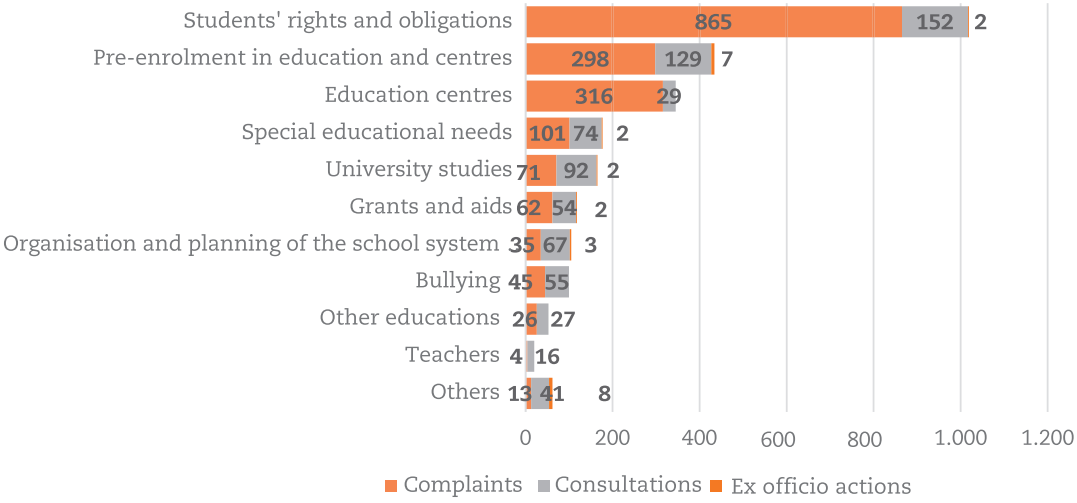
71,2% women

13,4% migrants

31,3% Barcelonès region

This subject shows a more uneven distribution between the percentage of complaints filed by women and by men. It is also one of the subjects in which migrant people are overrepresented compared to the institution's average.

Graph 12. Classification of the complaints, ex officio actions and consultations initiated in 2022 in Education



Most of the complaints, consultations and ex officio actions are related to students' rights and obligations. This is conditioned by the effect of accumulated cases and, in particular, by the application of the Protocol on management of Covid-19 cases in education centres for the 2021/2022 academic year.

Secondly, cases of education centres and pre-enrolment, complaints related to prioritisation criteria in the event of a tie or assignment of students to centres not chosen as the first choice all stand out, among others. Complaints have also been filed, although to a lesser extent, related to the functioning of the university pre-enrolment application.

As has occurred in previous years, the 46.3% increase in the number of complaints, ex officio actions and consultations on the subject of special educational needs must be highlighted. Regarding complaints for bullying, there has been a slight reduction compared to last year (-9.9%).

The number of complaints, ex officio actions and consultations related to special educational needs has increased 46.3%

Child and adolescent affairs

Child and adolescent affairs cover complaints, ex officio actions and consultations related to childcare (leisure education, social networks, child health and disability, etc.), rights of families (single-parent and large family cards, housing emergencies when there are children) and the child and adolescent care and protection system, when the child is in a situation of risk or abandonment.

Child and adolescents affairs highlights

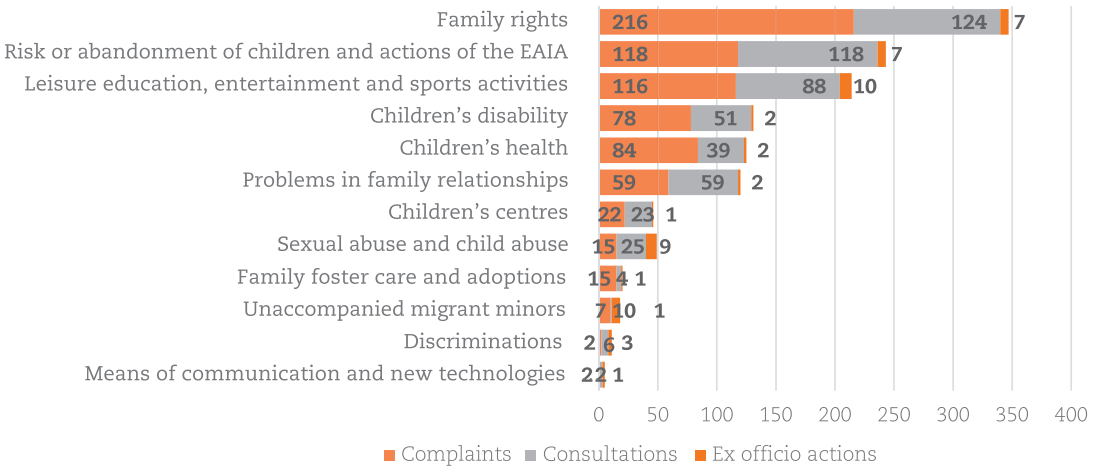
68,9% women

12,2% migrants

34,1% Barcelonès region

Once again, the area of child and adolescent affairs shows that family responsibilities, particularly regarding children and dependent people, are assumed by women. It must also be highlighted that in this area there is a higher representation of foreigners than in the rest of the institution's subjects.

Graph 13. Classification of the complaints, ex officio actions and consultations initiated in 2022 in child and adolescent affairs



The area of child and adolescent affairs does not have significant modifications compared to the previous year, with the exception of a 50.1% increase in complaints, ex officio actions and consultations related to disability in childhood and adolescence.

The number of actions related to disability in childhood and adolescence has increased 50.1% compared with 2021

Health

The subject of health covers complaints, ex officio actions and consultations related to waiting lists (whether for primary care, specialist care, operations, etc.), health benefits, patients' rights and obligations or infrastructure, management and resources assigned to healthcare.

Health highlights

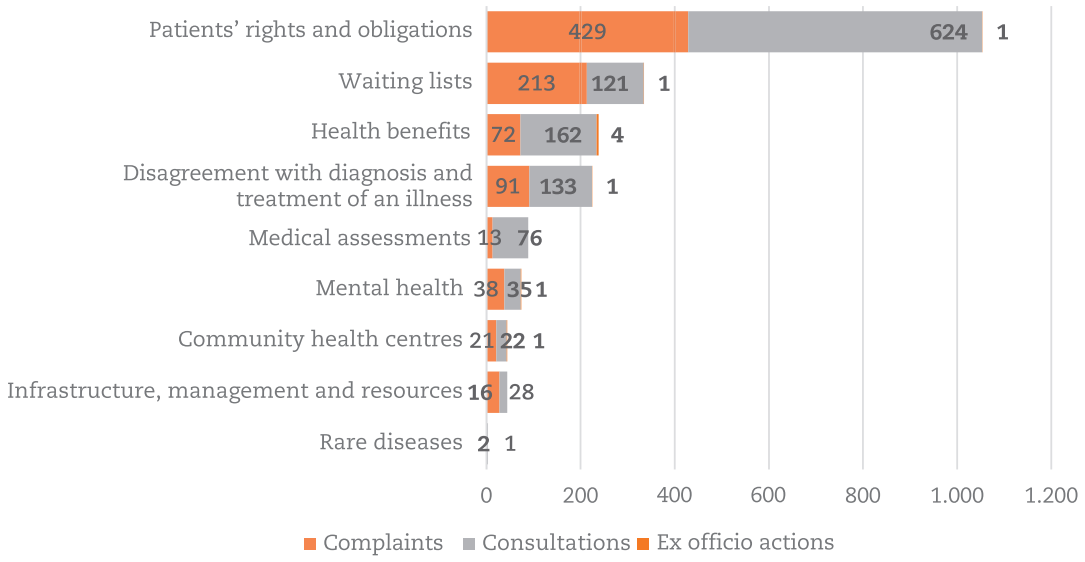
61,6% women

7,0% migrants

30,2% Barcelonès region

As with most of the actions regarding social policies, it is mainly women who file complaints or consult the institution, whether as health service users or as representatives of dependent children or adults. Regarding migrant people, the figures match the average for the institution.

Graph 14. Classification of the complaints, ex officio actions and consultations initiated in 2022 in health



Although the effects on the health sector of the pandemic are getting smaller, the data on patients' rights and obligations (related to dissatisfaction with the treatment received, with requests for a change of centre or medical personnel, etc.) remains in similar figures to 2021. However, complaints related to waiting lists in healthcare rise 66.7%. It is possible that the data related to waiting lists may increase next year, once the situation resulting from Covid-19 has been regularised.

In this sense, it is not surprising that an ex officio action was initiated at the end of 2022 to study the waiting lists for child and adolescent affairs.

More and more actions are initiated related to the management and resources assigned to community health centres for the elderly

Finally, it is necessary to highlight a new subject, which is related to the management of the resources assigned to community health centres, due to demand from users, such as the elderly.

Social services

The subject of social services covers complaints, ex officio actions and consultations related to social inclusion (guaranteed income, non-contributory pensions, etc.), people with disability, the elderly, homelessness or people who are legally incapacitated.

Social services highlights

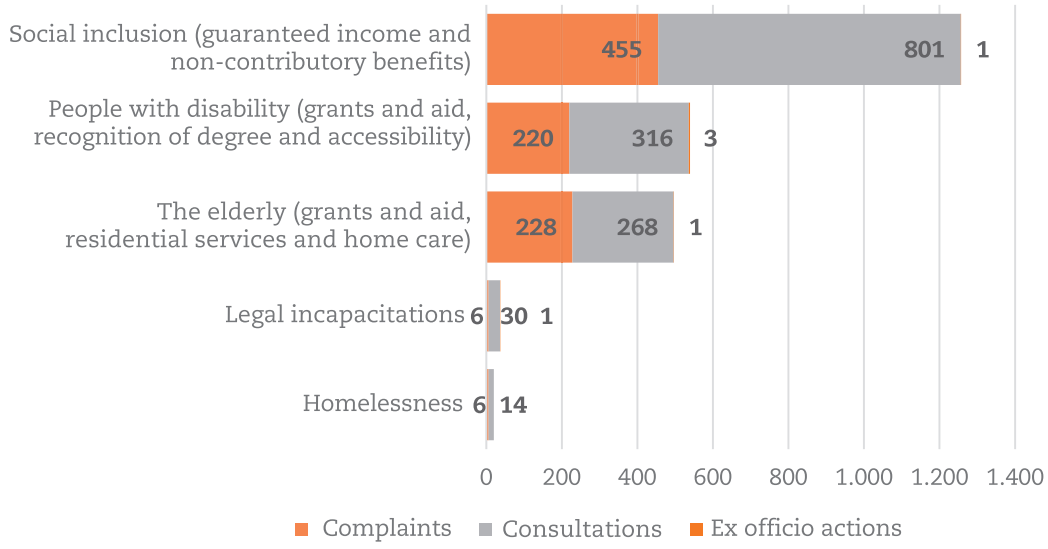
63,3% women

13,5% migrants

34,3% Barcelonès region

The subject of social services, as with health, has a high percentage of actions initiated by women, whether as service or benefit users, or as representatives of dependents. 13.5% of people who contact the institution are migrants. Most complaints come from the Barcelonès region.

Graph 15. Classification of the complaints, ex officio actions and consultations initiated in 2022 in social services



Compared to last year, the number of actions related to social inclusion have increased 37.5% and 23.9% for the number of complaints related to the elderly (delay in the processing of degrees of dependence, admission in residential centres, home care, etc.). People with disability have also contacted the institution more, though to a lesser extent, with an increase of 9.33%.

D Actions related to social inclusion have increased 37.5%, and 23.9% for those related to the elderly

Labour relations and pensions

The subject of labour relations and pensions covers actions related to the social security and labour sectors. Most of the aspects related to social security and labour relations are a State competence, which is why this subject traditionally receives few complaints, with the exception of 2020, in which the difficulties with processing temporary redundancy plans (ERTO) resulted in a significant increase in complaints on this subject.

Labour relations and pensions highlights

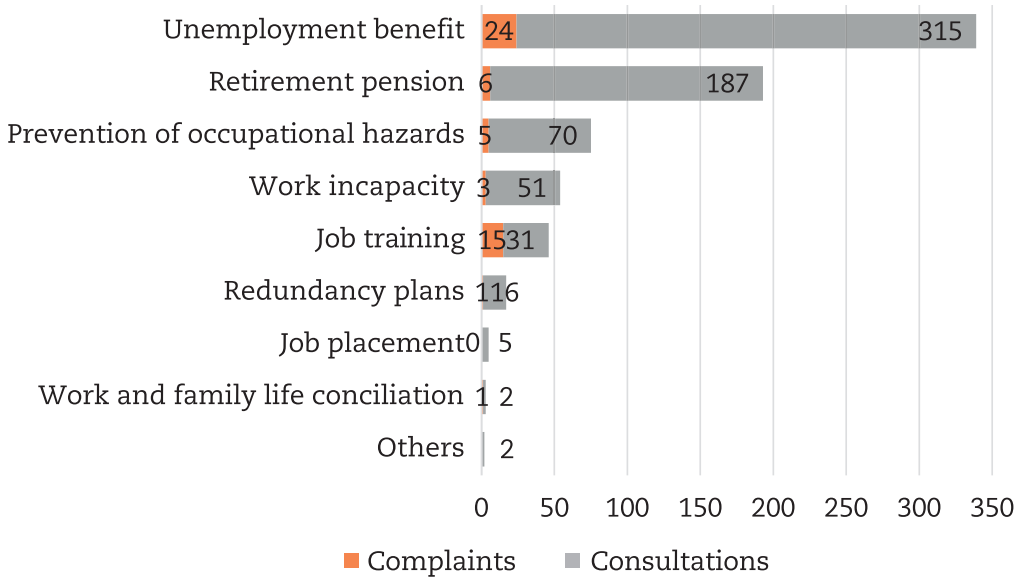
54,8% women

3,4% migrants

33,3% Barcelonès region

Regarding this area, the data begin to show a more even distribution in terms of sex. Migrants contact the institution for work-related matters in a lower percentage than the average. Finally, the people who contact the institution most regarding this type of matter live in the municipalities of the Barcelonès region and, more broadly, the Metropolitan Area of Barcelona.

Graph 16. Classification of the complaints, ex officio actions and consultations initiated in 2022 in work and pensions



Regarding social security, the number of actions related to unemployment benefits and allowances remain stable compared with last year. However, actions related to retirements have significantly increased this year, from 51 in 2021 to 193 in 2022, as have those for the prevention of occupational hazards, from 8 in 2021 to 75 in 2022.

Equality and non-discrimination

The subject of equality and non-discrimination covers actions related to gender equality, rights of the LGTBI community, racial discriminations, religious affairs or social or ideological discriminations.

In this sense, it is necessary to remember the institution's role in Law 19/2020, of 30 December, on equal treatment and non-discrimination, Law 17/2015, of 21 July, on effective equality of men and women, and Law 11/2014, of 10 October, to guarantee the rights of lesbians, gays, bisexuals, transgender and intersexual people and to eradicate homophobia, biphobia and transphobia.

Equality and non-discrimination highlights

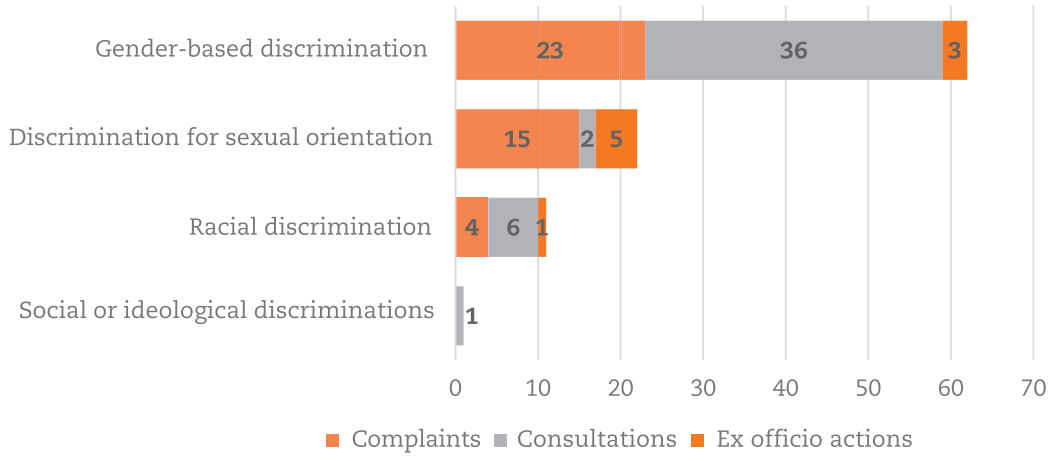
55,4% women

0,5% migrants

61,7% Barcelonès region

The data show a more even distribution in terms of sex in this area, although most continue to be women, mainly in the Barcelonès region. This shows the need to publicise the competencies of the institution beyond the metropolitan area of Barcelona, and also to provide information among the migrant population, particularly regarding aspects such as racial discrimination.

Graph 17. Classification of the complaints, ex officio actions and consultations initiated in 2022 in equality and non-discrimination

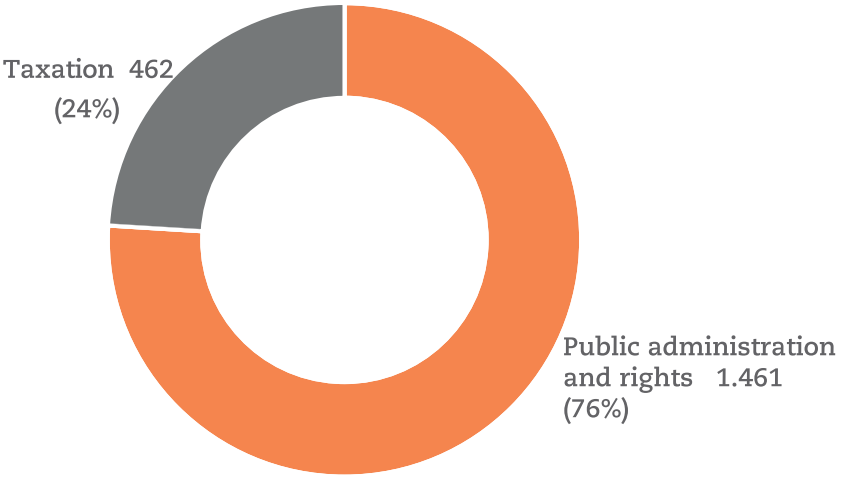


During 2022, the number of actions regarding equality and non-discriminations have substantially decreased compared with the previous year because it is a subject that is highly conditioned by the accumulation of proceedings and, in this sense, in 2021 a mobilisation occurred that greatly increased the number of cases related to this sector.

2.3.2. Public administration and taxation

Within the public administration and taxation block, most complaints are related to public administration and, to a lesser extent, there are complaints related to taxation.

Graph 18. Number of complaints and ex officio actions initiated in 2022 by subjects in the domain of public administration and taxation



Public administration and rights

The subject of public administration and rights includes complaints of authorisations and concessions, public service, sanction proceedings, heritage, citizens' participation, financial liability, transparency, grants and aid and government procurement.

It also covers complaints related to nationality proceedings, visa renewals, etc., which despite being in the minority as they are a State competence, are transferred to the Spanish Ombudsman.

Public administration highlights

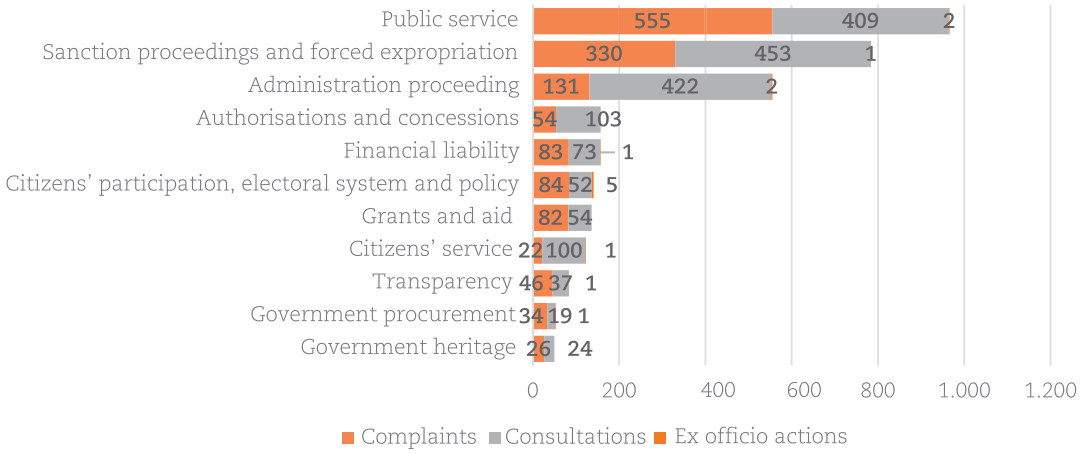
50,0% women

14,0% migrants

25,7% Barcelonès region

This area has an even distribution by sex. However, 14% of people who have contacted the institution are migrants, precisely because they comprise all the proceedings related to migration. Another noteworthy fact is that, although most of the people who have contacted the institution for matters related to this subject belong to the Barcelonès region, the percentage is lower compared to other subjects.

Graph 19. Classification of the complaints, ex officio actions and consultations initiated in 2022 in public administration and rights



A 39.6% increase in actions has occurred in the subject of public service as a result of the stabilisation processes and new selective processes, which have caused some cases to accumulate.

However, the subject of citizen participation, greatly conditioned by electoral cycles, has greatly reduced compared with 2021. In this sense, the municipal elections in 2023 will probably result in another increase in the number of actions on this matter.

Finally, it must be mentioned that a new category has been created within public administration and rights, related to attention to people or citizens, especially motivated by the problems caused by the prior appointment system when required to contact public administrations; this has resulted in the opening of an ex officio action.

D

A new category of citizen welfare has been created, due to complaints and consultations regarding prior appointments as an obligatory system for dealing with citizens

Taxation

The subject of taxation covers complaints related to taxes, fees and public prices, among others, of a local, autonomous community and State nature, although due to jurisdictional matters, complaints regarding the latter are transferred to the Spanish Ombudsman.

Taxation highlights

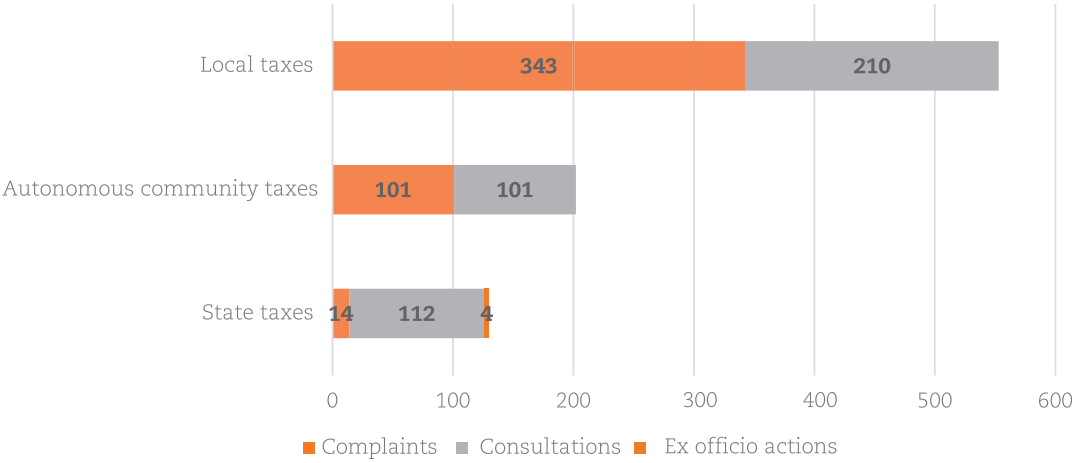
55,5% men

2,3% migrants

23,0% Barcelonès region

Regarding taxation, most of the actions are initiated by men. Therefore, the behaviour of previous subjects is changed, although this has always been the distribution of people contacting the institution for taxation-related matters. It is also one of the subjects in which the presence of migrant people is a minority.

Graph 20. Classification of the complaints, ex officio actions and consultations initiated in 2022 in taxation

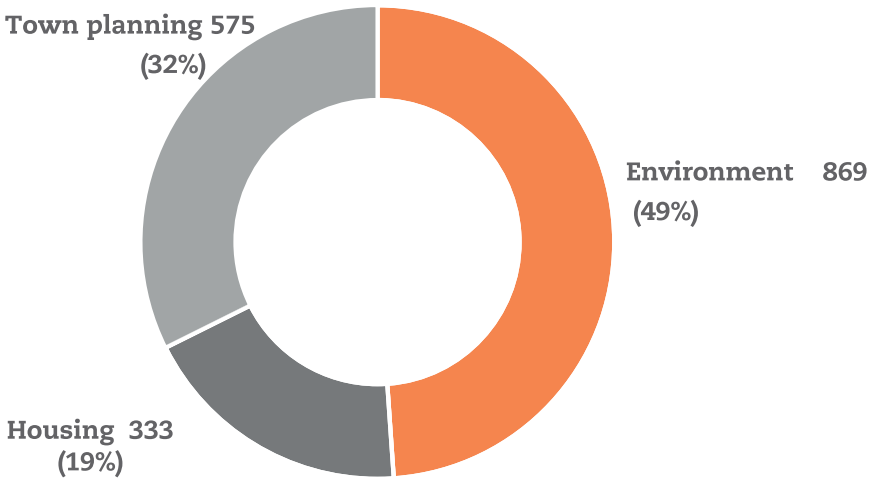


Most of the complaints related to taxation are of a local scope and represent a significant reduction compared to 2021, in which there was an accumulation of cases for the tax on carbon dioxide emissions from motor vehicles.

2.3.3. Territorial policies

The area of territorial policies covers complaints related to the subjects of the environment and quality of life, housing, and town planning and mobility. Although it is a minority area in terms of the Ombudsman's actions as a whole, a worrying increase in this area is detected which particularly affects towns with more than 100,000 inhabitants.

Graph 21. Number of complaints and ex officio actions initiated in 2022 by subjects in the domain of territorial policies



Environment and quality of life

The subject of the environment and quality of life covers actions related to pollution, environmental management, control and ownership of pets, treatment of wild animals or permits for activities that cause noise or fumes, among others.

Environment highlights

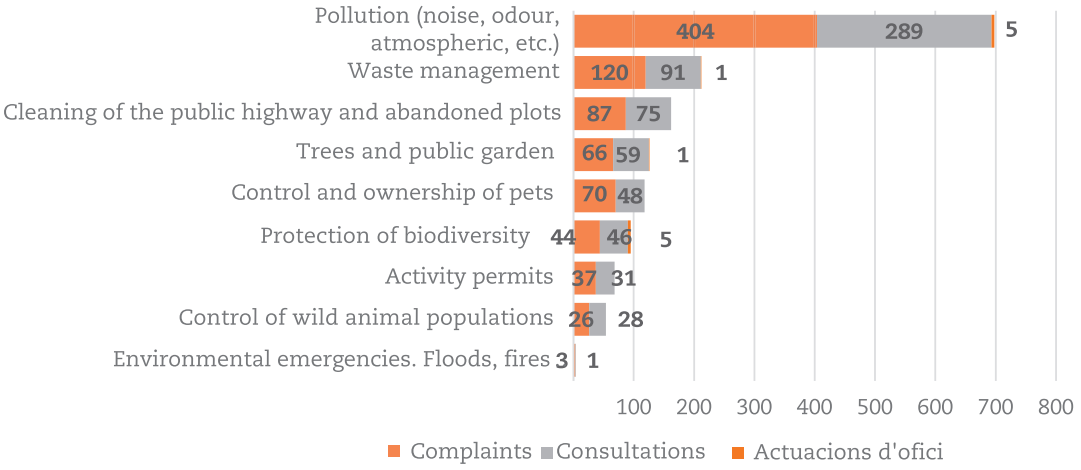
52,5% women

3,9% migrants

22,3% Barcelonès region

This subject also has a very even distribution. However, there is a low percentage of migrants who contact the institution for matters related to the environment and, although the actions are mainly initiated by people who are in the Barcelonès region, mainly for the effects of pollution, this subject is widely distributed throughout the territory, precisely because of environmental protection concerns.

Graph 22. Classification of the complaints, ex officio actions and consultations initiated in 2022 in environment



Regarding the environment, the number of actions related to waste management and, in particular, the increase in waste and the different selective collection systems, has increased by 72.4%.

Actions related to waste management have increased 72.4%

Complaints related to pollution, however, maintain moderate annual growth, and this year there has been a 12.4% increase in complaints.

Housing

The subject of housing, despite being included in the area of territorial policies, is closely linked to the social and economic situation of the person contacting the institution. This subject covers situations of housing emergencies (both evictions and applications for access to emergency social housing), rent or housing subsidies and grants, access, conservation and maintenance of properties or the consequences of squatters occupying a property.

Housing highlights

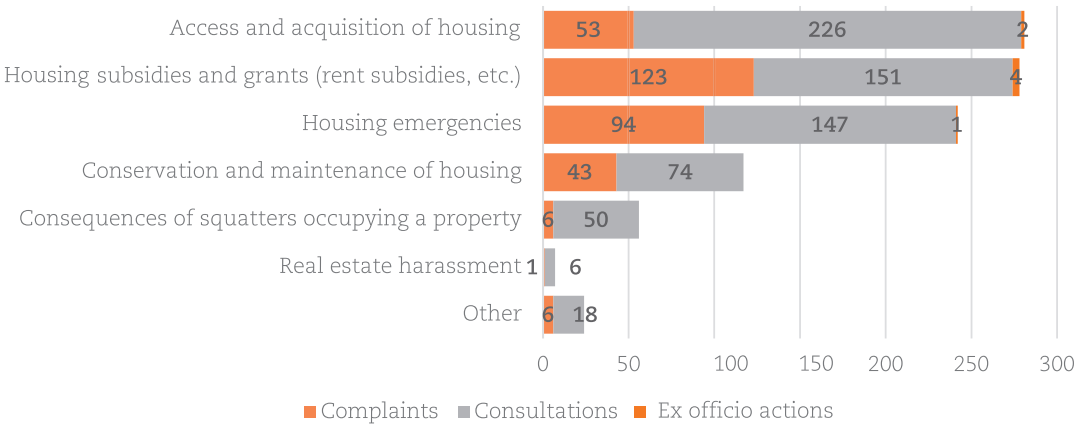
62,1% women

9,3% migrants

49,2% Barcelonès region

Again, the patterns observed in the subjects included under the domain of social policies are repeated, with women submitting the most complaints or consultations in this area. The number of migrants is also above average for the institution. However, in this case almost 50% of the actions affect the Barcelonès region, as housing is one of the main questions that worries people who live in cities with more than 100,000 inhabitants.

Graph 23. Annual evolution of the numbers of complaints, ex officio actions and consultations in housing



In the subject of housing, very significant increases are observed in the number of actions related to access to housing and the acquisition of housing, 134.5% compared to 2021, housing subsidies and grants and, in particular, delays in the processing of rent subsidies and grants, 21.4% compared to the previous year, and, finally, housing emergencies, 33% compared to 2021.

Cases of emergency housing, access to housing and delay in the processing of rent subsidies have significantly increased

Town planning and mobility

The subject of town planning and mobility covers complaints related to town planning and execution, protection of legality and mobility.

Town planning and mobility highlights

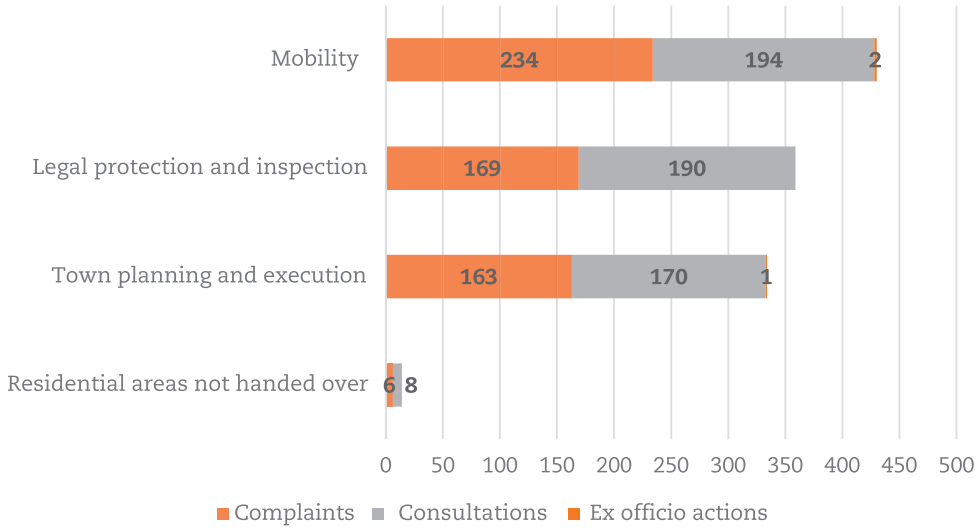
51,8% men

1,7% migrants

18,9% Barcelonès region

In this case, most of the people who have contacted the institution about problems relating to town planning and mobility were men. However, the percentage of migrants who have filed complaints about these matters is a minority, and, although the Barcelonès region has the most complaints, the percentage is not high.

Graph 24. Classification of the complaints, ex officio actions and consultations initiated in 2022 in town planning and mobility



Regarding town planning, the distribution of the actions remains stable compared to the previous year and, in this sense, mobility continues to be the main reason for concern for those who have contacted the institution.

2.3.4. Consummer affairs

The subject of consumer affairs covers complaints, consultations and ex officio actions related to energy consumption (electricity and gas), basic and universal services such as water, telephony and telecommunications and, finally, transport.

Consumer affairs highlights

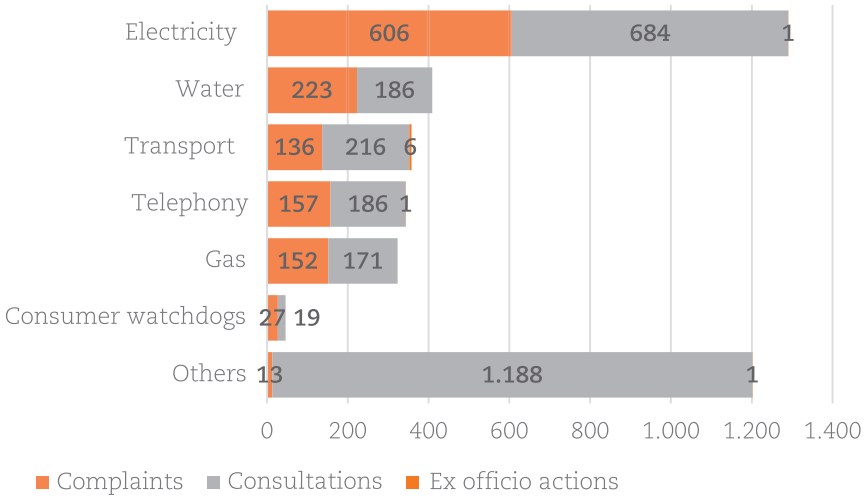
52,9% women

11,3% migrants

24,4% Barcelonès region

Regarding consumer affairs, the distribution is quite even, although there has been an increase in migrants contacting the institution, particularly as a result of the increase in actions related to energy consumption.

Graph 25. Classification of the complaints, ex officio actions and consultations initiated in 2022 in consumer affairs



Complaints, consultations and ex officio actions related to electricity supply have increased 20.2% compared to 2021, and those related to gas supplies have increased 32.9%. These data are concerning because they show the difficulties people face to cover their basic household needs.

In this subject, the *other* category covers consultations related to the acquisition of goods and services, for which many people ask for advice, although it is not a direct competence of the institution.

2.3.5. Public safety and justice

The subject of public safety and justice comprises actions regarding the justice administration, professional associations, action of the security forces and penitentiary services.

62% of the people who contact the institution with questions about public safety and justice matters are men. Regarding penitentiary services, most complaints are filed by men, which is explained by the fact that 92% of the penitentiary population is male.

Public safety and justice highlights

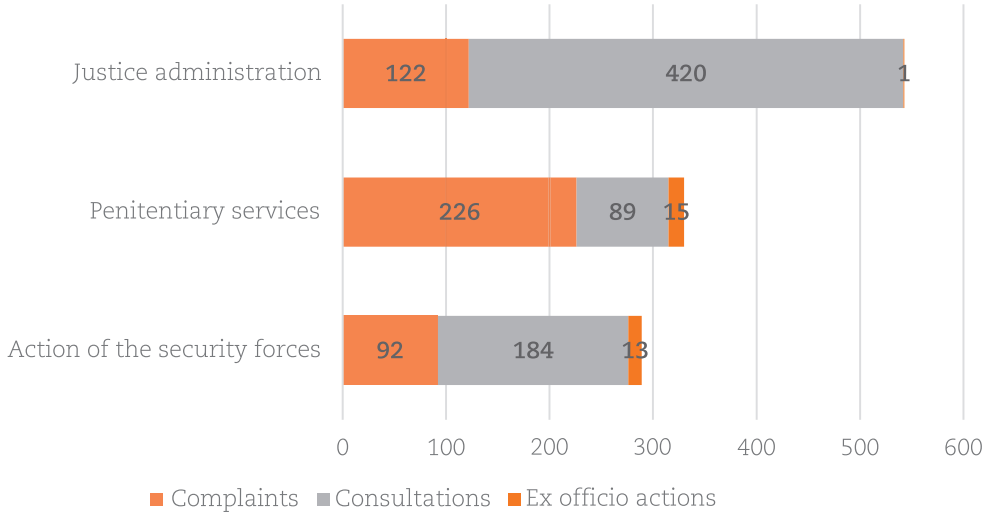
62,0% men

7,6% migrants

21,7% Barcelonès region

In this case there is a difference that has been mentioned in previous reports, and that is that while men send their complaints and consultations to the institution via the postal service, women prefer to tell the institution's team during its visits to penitentiary centres.

Graph 26. Classification of the complaints, ex officio actions and consultations initiated in 2022 in public safety and justice



The justice administration is the main reason for complaint or consultation by people who contact the institution, followed by the penitentiary services and, finally, the action of the security forces.

2.3.6. Culture and language

The subject of culture and language, which is a minority subject in terms of the numbers of complaints to the institution, covers actions related to heritage, arts or language.

Culture and language highlights

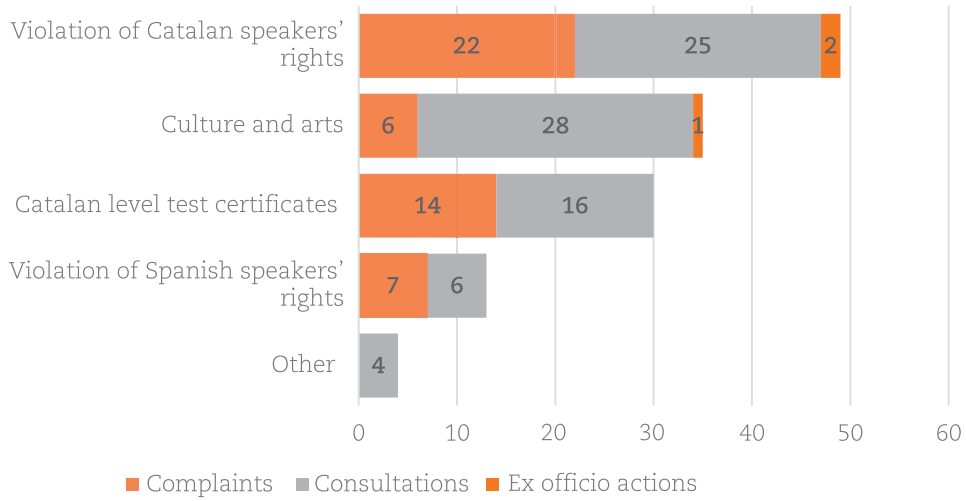
62,9% men

0,0% migrants

31,7% Barcelonès region

People who contact the institution for these matters are mainly men and more than 30% come from the Barcelonès region.

Graph 27. Classification of the complaints, ex officio actions and consultations initiated in 2022 in culture and language

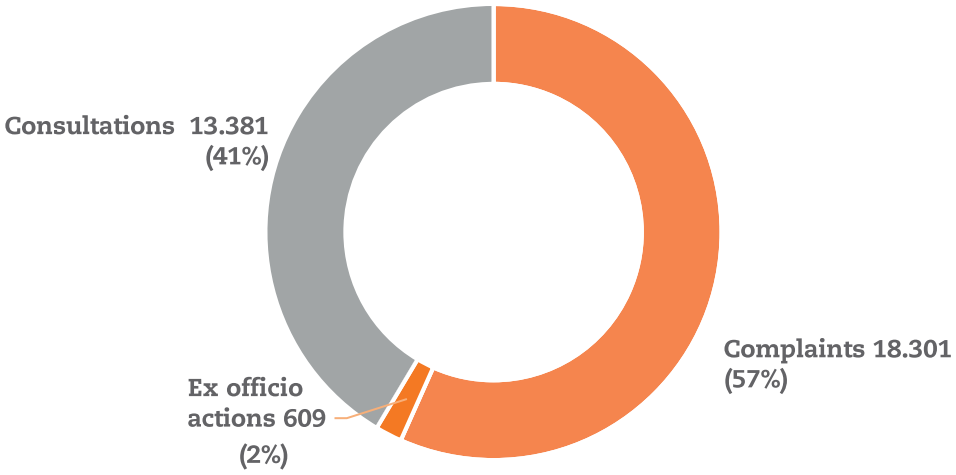


Most of the actions in this area are regarding the violation of Catalan speakers' rights and obtaining Catalan level test certificates, a matter that is closely linked to selection processes.

2.4. STATUS OF THE ACTIONS

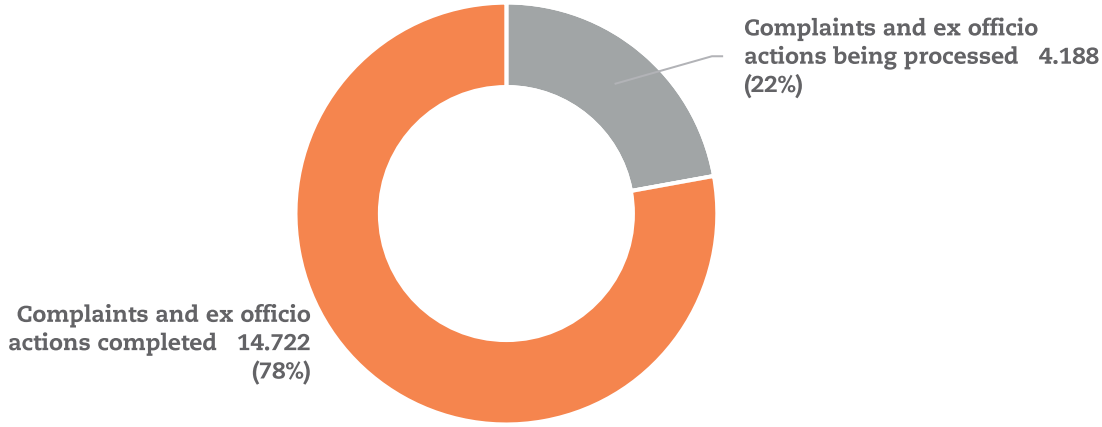
In this section, the complaints and ex officio actions processed by the institution during 2022 are analysed. In other words, the complaints and ex officio actions that have undergone some processing during 2022, which comprise all those initiated this year and also those initiated in other years that have still not been closed.

Graph 28. Actions processed during 2022



According to the data, there is a large number of actions opened in previous years. Specifically, of the 18,910 complaints and ex officio actions that have been processed this year, 46.4% are prior to 2022.

Graph 29. Situation of the complaints and ex officio actions at the end of 2022



Of all the actions processed, 22% remain open and are being processed, while 78% have been completed. 2022 has been the year in which the most actions have been completed for the institution as a whole (14,722), coinciding with the change of mandate.

Table 6. Complaints and ex officio actions admitted and being processed

	<2022	2022	Total	%
Complaint open	7	908	915	21,8
Waiting for more information from the complainant	3	255	258	6,2
Waiting for more information from the Administration	306	1059	1.365	32,6
Pending Ombudsman decision	237	510	747	17,8
Awaiting acceptance of the decision by the Administration	312	297	609	14,5
Pending completion by the Catalan Ombudsman	188	106	294	7,0
Total	**1.053**	**3.135**	**4.188**	**100,0**

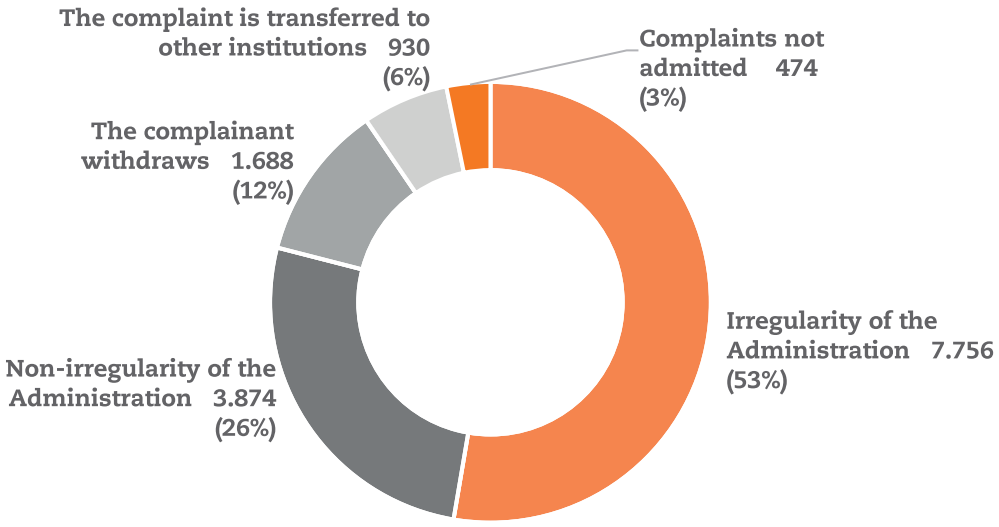
Regarding complaints and ex officio actions that are open and being processed, as has happened in recent years, 47.1% of actions are pending a procedure from the Administration. This situation is concerning because it affects the provision of services, which must be managed quickly and well.

In this sense, new lines of cooperation with the Administration must be addressed to find mechanisms that enable the time frames for processing cases to be reduced and to resolve the issues raised by citizens in the terms they require.

D New areas of cooperation with the Administration need to be found to respond to people when they need it

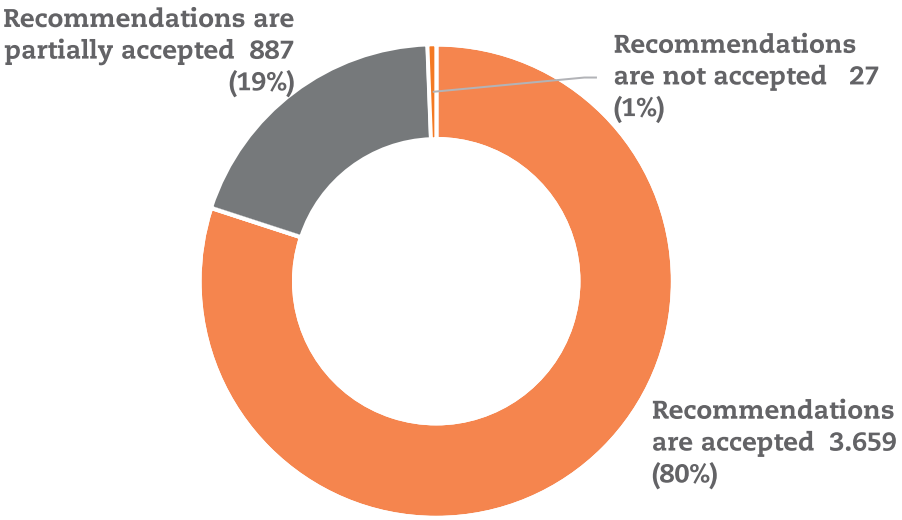
Regarding complaints and ex officio actions that have already been completed, there is a distinction between cases in which an irregularity of the Administration has occurred (the Administration corrects an error and the problem is resolved), cases in which there has been no irregularity of the Administration, cases in which the complainant withdraws the complaint, cases in which the complaint is transferred to other institutions for jurisdiction reasons (for example, institutions with state competencies) or because we have a cooperation agreement with them (this is the case for local or university ombudsmen), and cases in which complaints have not been admitted for processing in accordance with article 38 of the Catalan Ombudsman Act 24/2009, of 23 December.

Graph 30. Completed complaints and ex officio actions



In 53% of cases an administrative irregularity has occurred, although it is true that in a significant percentage (41% of these 7,756 cases) the problem is solved without the need for the institution to make recommendations or suggestions.

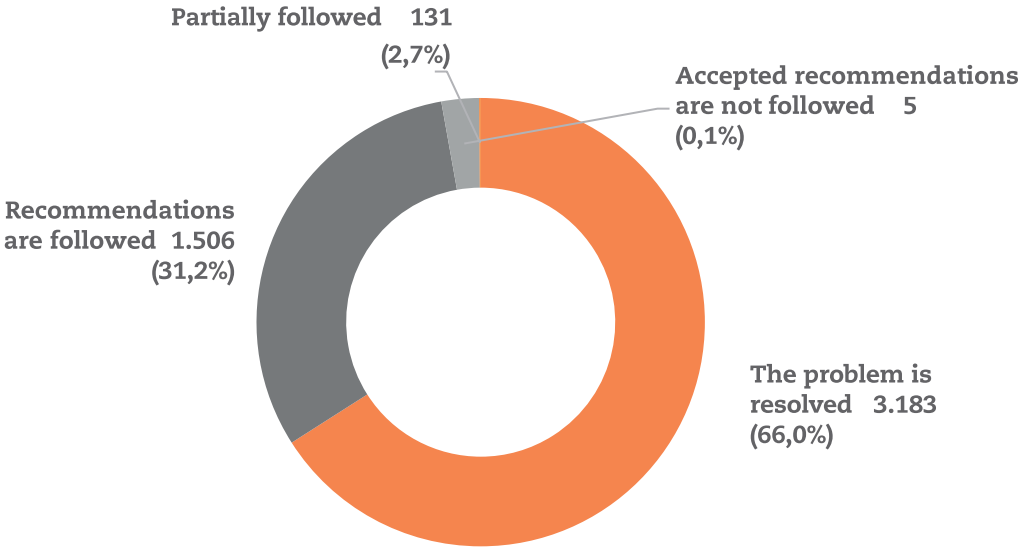
Graph 31. Acceptance of the institution's recommendations and suggestions regarding complaints and ex officio actions processed in 2022



In 80% of the cases in which the institution has made recommendations and suggestions, these have been fully accepted, and they have been partially accepted in 19%. They have not been accepted in only 1% of the cases.

Finally, regarding data on the degree of compliance of the suggestions made by the institution, the following graph shows the cases in which the problem has been resolved during processing, cases in which the institution has made a suggestion and it has been followed and cases in which the suggestion has not been followed.

Graph 32. Compliance with the suggestions made by the Catalan Ombudsman during 2022



In most of the cases in which an administrative irregularity has occurred the problem is resolved, in the same way that when the institution's recommendations have been accepted the Administration tends to comply with them.

2.5. TERRITORIAL PRESENCE OF THE CATALAN OMBUDSMAN OFFICE

The pandemic and its associated mobility restrictions have also conditioned the itinerant citizens' service of the Catalan Ombudsman's office during 2022, although not as much as last year.

Only telematic visits could be offered in January and February 2022, but in-person visits were initiated throughout Catalonia in March.

The experience acquired over these years in which face-to-face contact has been restricted has made us enhance the telematic service via phone or video calls. Most of the movements of the itinerant office offer a mixed model of service, in-person and telematic. Phone or video calls allow more flexibility and for people to be contacted in a broader schedule, and it complements the in-person service, which continues to be in high demand and valued.

In 2022, the Catalan Ombudsman office has made 123 visits around the territory. Of these, 87 were done with both in-person and telematic service, and the rest, 36, were only telematic. It must be remembered that the first 23 visits, corresponding to January and February, were affected by the impossibility of face-to-face contact due to the outbreak of Covid-19 infections.

94 municipalities have been visited, most being regional capitals, the towns with most inhabitants in Catalonia and all the municipalities and regions where the Ombudsman has signed an individualised care agreement with town councils or regional councils (we refer to the regional councils of Alt Urgell, Anoia and La Cerdanya). Vielha has also been visited, within the framework of the agreement we have with the Conselh Generau d'Aran [General Council of Aran].

In these 123 trips, 1,784 visits and calls have been dealt with, 904 complaints received and 975 consultations resolved, with a total of 1,879 actions.

Map of the visits

* **Barcelona:** el Raval, Gràcia, les Corts, el Bon Pastor

2.6. PROCESSING WITH ADMINISTRATIONS AND COMPANIES

This section reports on the administrations and companies with which the institution has processed complaints and ex officio actions. In the last ten years, information has been provided on the processing status of all actions that each administration or company had open and the result of those actions that had already been completed.

This demand responds to the desire to show that in a large number of cases no irregularity is detected or the problem is resolved before the institution delivered its findings.

Detailed data are incorporated on the institution's website, in the annual report section, as an attached document.

Local administrations and the Generalitat Government of Catalonia represent 92.8% of all the administrations with which the Catalan Ombudsman processes complaints and ex officio actions. In fact, 50% of the processes have been done with local Administrations and 42% with the Generalitat Government of Catalonia.

2.7. THE RELATIONSHIP WITH THE JUSTICE ADMINISTRATION

In accordance with the agreements signed between the Catalan Ombudsman and each institution of the Justice Administration, the Catalan Ombudsman forwards complaints it receives so they are aware of them, and so they may adopt measures.

As the data show, during 2022, 15 complaints or ex officio actions have been forwarded to the High Court of Justice of Catalonia, four to the Public Prosecutor's Office of the High Court of Justice of Catalonia and seven to the Juvenile Prosecutor's Office of Barcelona.

INTERNATIONAL RELATIONS

V. INTERNATIONAL RELATIONS

In 2022, the Síndic de Greuges (hereinafter, the Catalan Ombudsman) has undergone a change in leadership. Ombudsman Rafael Ribó led the institution from 1 July 2004 until 13 July 2022. On 30 June 2022, the Parliament of Catalonia approved the appointment of Dr Esther Giménez-Salinas i Colomer as the new Ombudswoman, and the handover occurred on 14 July, the day on which the Ombudswoman's swearing-in ceremony took place in Parliament.

The institutional activities described below refer to the different international initiatives and activities promoted by Ombudsman Rafael Ribó and Ombudswoman Esther Giménez-Salinas, or the events in which they have actively participated throughout the year.

A. International Ombudsman Associations

1. European Ombudsman

■ European Network of Ombudsmen (ENO)

On 27 and 28 April, Ombudsman Rafael Ribó participated in the European Network of Ombudsmen conference, organised by the European Ombudswoman, Emily O'Reilly, with the cooperation of the French Ombudswoman, Claire Hédon. This year's event, entitled "The role of Ombudsmen in times of crisis", was organised in three different sessions, each presided over by a European Commissioner.

The first session was on the functioning of Ukrainian refugee integration policies and the improvements that could be made, and detected best practices were analysed and shared. The second session was on how the pandemic has accelerated the digitalisation of many aspects of citizens' lives and to what degree public administrations have guaranteed citizens' rights during this digitalisation process. Finally, the third session covered the principles of transparency in governments' use of recovery funds, with a presentation by the Organisation for Economic Cooperation and Development (OECD) to debate with the ombudsmen community which formulas are best to ensure transparency and the principles of good governance.

■ Meeting with the European Ombudsman

On 8 March 2022, Ombudsman Rafael Ribó, accompanied by members of the Delta Consensus Table, travelled to Brussels for a meeting with experts from the European Ombudsman office.

The Catalan Ombudsman had received around 800 complaints referring to the Ebro Delta and the process of regression and strong impact of sea storms, caused, among other things, by climate change. In these complaints, people reported the inaction and lack of response of the public administrations regarding these threats, and indicated the possibility of a breach of European legislation as they are not adopting the necessary measures for the effective protection of the Ebro Delta and, specifically, of its protected natural spaces.

2. Internacional Ombudsman Institute (IOI)

European Conference and Assembly

Ombudsman Rafael Ribó travelled to Sounion (Greece) on 26 and 27 May to participate in the European Conference and General Assembly of the International Ombudsman Institute (IOI), where he gave a speech on the use of new technologies and artificial intelligence.

IOI challenges

The Catalan Ombudsman organised a conference within the framework of the International Ombudsman Institute on 28 June in Barcelona. The main objective of the conference was to debate the institution's past and the conclusions and lessons learnt over the last few years; the present and current threats to human rights; the main challenges in the future, and the objectives and need to work in a network to improve the quality of the ombudsman institutions.

The conference was attended by Andreas Pottakis, President of the European Chapter of the IOI and the current Greek Ombudsman; Rob Behrens, Vice President Europe and Parliamentary and Health Service Ombudsman for the United Kingdom, and Catherine de Bruecker, ex-Vice President Europe and the current Ombudswoman for Brussels

3. European Network of Ombudsmen for Children (ENOC), European Network of Young Advisors (ENYA) and the Youth Advisory Council of the Catalan Ombudsman

On 19, 20 and 21 September, the Deputy for the Defence of Children's Rights participated in the European Network of Ombudsmen for Children (ENOC) Conference in Reykjavik, on children's rights and climate justice. The conference concluded with an institutional declaration of the ENOC on children's rights and climate justice.

The declaration was enriched with the work carried out by the European Network of Young Advisors (ENYA). It is essential that children and adolescents are heard and have access to climate justice, through higher quality education and better channels of participation.

The Youth Advisory Council of the Catalan Ombudsman has taken part in the ENYA 2022 project via two representatives: Iriza Noor, from La Mina high school, and Laia Linglet, from Anna Ravell primary school.

During the 2021/2022 academic year, climate justice has been worked on with the Youth Advisory Council of the Catalan Ombudsman, comprising students between 14 and 15 years old from different schools around Catalonia.

They have done joint debates and activities, watched documentaries and produced a video. The sessions are led by Joan Grivé, an environmentalist and climate change influencer. The work done has focussed on the following topics:

1. Climate action and participation in environmental decisions

2. North-south: climate change exacerbates inequalities

3. Consumer affairs and carbon footprint: questioning the growth paradigm

4. Sustainable mobility and territory management

5. Energy sources: use and impact on the climate and on our lives

4. National Energy Ombudsman Network (NEON)

General assemblies

On 21 February 2022, Ombudsman Rafael Ribó took part in an on-line assembly in which Greece's admission as a new member of NEON was approved and the energy crisis situation in Europe was debated. This was also the main objective of the meeting on 25 November 2022, which presented the different legislative responses of Member States to mitigate the increase in energy prices as a result of the war in Ukraine.

Meeting with the Energy Mediator of France

On 7 March, Ombudsman Rafael Ribó and the energy Ombudsman of Belgium, Eric Houtman, both representing the Board of NEON, met in Paris with the Energy Mediator team of France. The aim of the meeting was to cover various organisation and networking matters, and to explore the willingness of the French office to resume membership of the organisation.

5. International Association of Language Comissioners (IALC)

On 7 and 8 September 2022, the General Assembly of the International Association of Language Commissioners (IALC) took place in Bilbao; the Catalan Ombudsman being a founding member of this institution. Attended by the title holders and advisers to its counterparts that defend linguistic rights in the Basque Country, Wales, Kosovo, Ireland, Flanders, Ontario, New Brunswick, and the Northern Territories of Canada, a review was done of the situations that affect the objectives of the organisation (dissemination, possible incorporation of other members, admission criteria, website maintenance, election of the presidency and vice presidency for the next two years). Furthermore, the policy and research sub-committees also gave various presentations, as did the communications sub-committee, basically on the impact of Covid-19 on the tasks carried out during the pandemic in the respective institutions, on the role of linguistic rights ombudsmen in their jurisdictions and on the challenges and opportunities offered by social media for the institutions that defend these rights.

6. Ibero-American Federation of Ombudsmen (FIO)

Created almost thirty years ago, the FIO brings together over a hundred ombudsmen, administrators and presidents of national or state human rights committees from twenty-two Ibero-American countries.

Between 29 November and 1 December, Ombudswoman Esther Giménez-Salinas was invited to take part in the 27th General Assembly and the 26th Conference of the FIO taking place in Mexico City and which were organised

by the Human Rights Commission of Mexico City, presided over by Nashieli Ramírez.

The Ombudswoman participated in the roundtable with a speech entitled "Threats and challenges to social reinsertion and respect for the human rights of people deprived of their freedom", together with the ombudsmen for the Republic of Colombia and Bolivia, and she was able to present the situation of Catalan penitentiary centres and the work of the Catalan Ombudsman to guarantee the protection of inmates' rights.

B. International Bodies

1. Council of Europe

■ Appearance before the Committee on Legal Affairs and Human Rights

On 29 April 2022, Ombudsman Rafael Ribó appeared before the Committee on Legal Affairs and Human Rights of the Council of Europe Parliamentary Assembly to assess the degree of achievement of the recommendations set out in Resolution 2381 (2021) of the Assembly, entitled "Should politicians be prosecuted for statements made in the exercise of their mandate?".

■ Meeting with Council of Europe institutions

Ombudsman Rafael Ribó met with the team of the European Commissioner for Human Rights and with representatives of the Monitoring Committee of the Council of Europe, to whom he forwarded the report on the follow-up of the recommendations made within the framework of Resolution 2381 (2021) of the Council of Europe, so they may use it in their work. He also explained the concerns about the alleged spying through the Pegasus system and others in Catalonia.

2. European Union

■ Meeting with the Directorate-General for Environment of the European Commission

Ombudsman Rafael Ribó, accompanied by members of the Delta Consensus Table, travelled to Brussels on 8 March for a meeting with representatives of the European Commission Environment Department.

■ Seminar "Impacts of Modern Spyware Tools on Fundamental Rights"

Ombudsman Rafael Ribó, took part on-line in the seminar on the impact of modern spyware tools on fundamental rights, organised by the Generalitat Government of Catalonia delegation before the European Union on 13 July. The purpose of the seminar was to debate whether spyware is compatible with European legislation, and what measures could governments take to protect European citizens and to guarantee cybersecurity within the European Union.

During the event, Ribó presented the report *Pegasus case: violations of the rights to provacy and defence and other rights*, which he delivered to the Catalan Parliament in June 2022.

Joan Queralt, Professor of Criminal Law at the University of Barcelona and a contributor to the report, also participated in the event, chaired by Gorka Knörr, representative of the Generalitat Government of Catalonia before the European Union.

SÍNDIC

EL DEFENSOR DE LES PERSONES

Sindicatura de Greuges de Catalunya
Passeig Lluís Companys, 7
08003 Barcelona
Tel 933 018 075 Fax 933 013 187
sindic@sindic.cat
www.sindic.cat