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## **The Catalan Ombudsman considers the non-fulfilment of acknowledged rights to be serious and non acceptable**

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- **In 2014 the Catalan Ombudsman handled over 27,211 actions, concerning 53.095 people. 40% of these actions were related to social policies**
- **The current restriction of the rights of dependant people, specially the suspension of economic benefits related to nursing home services, is unacceptable**
- **There is an urgent need to pass a new regulation with regards to minimum income benefits that meets current social needs**
- **As for healthcare, proceedings regarding waiting lists should be reviewed**
- **It cannot be understood the lack of definition by the Government of Catalonia of energy poverty**
- **The Ombudsman urges the Government of Catalonia to revoke all sanctions of the campaign #Novullpagar in order not to create an undue disadvantage between citizens**
- **The Ombudsman also warns that some of the regulations regarding public security being put in place by the Spanish Government may undermine citizens' rights and freedoms**

The Catalan Ombudsman, Rafael Ribó, has submitted the Annual Report 2014 to the Catalan Parliament.

Complaints show the effects of the social and economic crisis and, particularly, the continuous weakening of social rights from 2009. The Catalan Ombudsman considers that the Administration cannot justify the restriction of rights for budgetary reasons. The institution also reminds that the Administration has the duty to put in place the necessary resources to safeguard the rights of these people and the non-fulfilment of this duty is very serious.

It should be highlighted that 40% of handled complaints were related to social policies. Within the social sphere, the highest number of complaints was related to social services, followed by those related to childhood and education.

The number of complaint has increased a 7,4% with respect to the previous year. The Catalan Ombudsman has handled over 27.211 actions (complaints, queries and ex officio actions), concerning 53.095 people.

In 97% of cases the recommendations issued by the Catalan Ombudsman were accepted by the local authority or company concerned.

### **Suspension of benefits regarding nursing home services related to the rights set out in the Law protecting dependant people**

The changes put in place from 2010 in the operating of the System of Attention to Dependant People have entailed a reduction of rights protection.

Several dependant people cannot have access to the resources set out in the Law although their needs have been increasing. One of the most concerning issues is the suspension of benefits regarding nursing home services for dependant people. The acknowledgement of rights should come necessarily with the fulfilment of the duty to put in place the necessary resources. This should be provided preferably by public services or, otherwise, by an economic benefit related to this service. All efforts should be made so these rights be fulfilled, bearing in mind the non-compliance by the Spanish Government with the committed funding.

### **The regulation of minimum income benefits should be updated**

The current system of handling minimum income benefits is too complex and non transparent, and it generates uncertainty about the possibility to access to this social benefit. The problems originated by the increase of people in need are worsening because of the shortage of resources to meet essential needs. That is why there is an urgent need for a new regulation that reflects this new social reality.

As for the delays in the payment of these benefits, there are several people who are still waiting for due payments of years 2011, 2012 or 2013. Although by the end of year 2014 several long due payments have been made, this situation is far from being solved, and it will not be addressed unless urgent additional measures are taken.

### **Measures in order to handle waiting lists**

As for healthcare, waiting lists have led to the opening of four ex officio actions. The Catalan Ombudsman considers that, besides of setting up a new regulation about proceedings regarding waiting lists, it is essential to work on all the issues affecting waiting lists. A new model taking into account the opinions and views both of doctors and of patients should be put in place.

## **An increase of actions regarding consumers' rights and basic supplies**

The increase in actions regarding consumers' affairs has been outstanding. The number of complaints due to possible irregularities and malpractices by energy and water companies has multiplied five-fold since 2010. This has strengthened the ombudsman as the defender of the rights of consumers.

The Ombudsman has underlined the troubles of many households to face the payment of energy bills because of their economic vulnerability. It also insists that the right to basic supplies should be acknowledged to all people considered to be vulnerable according to the law.

The lack of this acknowledgment by the Government of Catalonia is not understandable one year after passing the Catalan regulatory decree on energy poverty. The appeal filed by the Spanish Government against this decree to Spanish Constitutional Court should not be used as a excuse not to seek for alternative solutions.

The Catalan Ombudsman believes that the cost of supplies to vulnerable consumers should be covered by tax system, supply companies and people with excessive consumption. It also considers that the right to basic supplies should be set out legally, regardless the nature of the provider (public or private).

Misinformation with regards to supply contracts, billing or prices is very frequent, so it is advisable that information regarding alternative dispute resolution and energy ombudsmen be highlighted in supply contracts, billing, websites, etc.

## **The handling of the campaign #Novullpagar: an example of maladministration**

The Ombudsman has urged the Catalan Traffic Service to revoke all sanctions with regards to the non-payment of road tolls within the framework of the campaign #Novullpagar after some court judgements consider there is no illegality neither criminal nor administrative.

The Administration must guarantee the same treatment to those sanctioned in order to avoid undue disadvantages.

Although all prescribed sanctions or those with exculpatory evidence have been annulled, the Government of Catalonia has not revoked all sanctions on the grounds that there are other court judgements against claimants. The duality of court rulings allows the Government of Catalonia to take into account the court ruling more favourable to citizens.

If it does not rectify its decision that will entail undue disadvantages between citizens, which would be difficult to justify.

## **Legality and legitimacy of regulations about public security**

Year 2014 has ended with several announcements of new regulations regarding public security. The passing of these regulations as they have been announced might entail a reduction of citizens' rights and freedoms.

The Catalan Ombudsman, according to its function of safeguarding people's rights and freedoms, might report to the highest courts and the Council of Europe if these new regulations collide with protocols and agreements on human rights and freedoms signed by the Spanish government.

## **New functions of the Catalan Ombudsman**

In 2014 the Catalan Ombudsman was assigned two new functions according to the law. On the one hand, the Law 11/2014, to safeguard the rights of lesbian, gay, transsexual bisexual and intersex people (LGTBI), assigns to the Ombudsman the function to safeguard LGTBI people's rights.

On the other hand, the Law 19/2014, on transparency, access to public information and good governance, assigns to the Ombudsman the function to evaluate the enforcement of this law.

## **67,4% of Catalans know about the Catalan Ombudsman**

The level of general public's awareness of the Catalan Ombudsman has increased from February 2011 to February 2015 in 9 points and it has reached a 67,4%. The evaluation of its usefulness reaches the 6,6 in a scale from 0 to 10.