



**Violations of rights** Physical  
and/or organic disability

Report 2022 *3rd edition*



## Violations of rights

Physical and/or organic disability

Report 2022 *3rd edition*

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# Summary



Presentation/ 4



1 About us. Disability from a law model. Equality and non-discrimination.

1.1

**ecom** Erasing barriers *Creating opportunities* / 5

1.2

The conception of disability from a law model / 6

1.3

The principle of equality and the right to non-discrimination / 7



2 Violation of rights of people with physical and/or organic disabilities

2.1

⊙ The need to make rights violations visible / 8

2.2

⊙ Violation of the **right to accessibility** / 17

2.3

⊙ Violation of the **right to work** / 20

2.4

⊙ Violation of the **right to mobility and transportation** / 23

2.5

⊙ Violation of the **right to housing** / 26

2.6

⊙ Violation of the **right to an adequate standard of living**

2.7

**and social protection** / 29

2.8

⊙ Violation of the **right to health** / 32

2.9

⊙ Violation of the **right to live independently and to be included**

2.10

**in the community** / 35

⊙ Violation of the **right to participate in cultural, leisure, and sports activities** / 38

⊙ Violation of the **right to education** / 41



3 Underreporting and its causes / 46



## PRESENTATION

**Albert Carbonell**

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The third edition of the **RAJAR ecom** report reveals 300 rights violations suffered by people with physical and/or organic disabilities in Catalonia throughout 2022. And that nearly 50% of these violations are related to accessibility, depriving from the exercise of many other rights such as, for example, the right to mobility, the right to housing or the right to participate in cultural, leisure and sports activities, to name a few.

This transversality of accessibility issues shows that accessibility is still the big problem that deprives people with physical and/or organic disabilities of being able to exercise our rights in equal opportunities. That is why the political advocacy we do from ECOM always falls upon the demand for accessibility improvements that can favor our equality in the exercise of rights and our full inclusion in society.

Although improving the accessibility of spaces, buildings, products and services is something urgent and necessary, the **RAJAR ecom** report also notes the importance of attention to diversity and the lack of knowledge that continues to exist about specific needs of people with physical and/or organic disabilities.

After three editions, the data from the **RAJAR ecom** report is beginning to show us trends to better understand the context in which discrimination occurs: which are the most violated rights, who is the agent that mainly acts as the infractor, and where the violations occur. As well as it is also allowing us to draw a profile of the person who is a victim of these violations and to better know the reasons why people do not report the infractions. This is valuable information that can guide us when establishing a strategy to deal with addressing and minimizing underreporting issues, which do so much harm to the defense of rights. Let's not forget that if a violation is not reported, it is as if it did not exist, and that if there is no record of it, it will be difficult to prevent future violations and it will be difficult to put in place adequate solutions.



# About us. Disability from a law model. Equality and non-discrimination.

## 1.1 ecom Erasing barriers *Creating opportunities*

### About us

ECOM is a movement driven by people with physical and/or organic disabilities who work, through our empowerment and participation, to achieve an inclusive society in which we can exercise our rights effectively.

**The ECOM brand is formed by the ECOM Federation and the ECOM Fundació.**

Currently, the **ECOM Federation** is made up of **117 entities** of people with physical and/or organic disabilities throughout the state.

*Created in 1971*

ecom  
federació

*Created in 2007*

ecom  
fundació

### Purpose

Transform society so that every person's dignity is respected.

### Mission

ECOM has a twofold mission:

**1) Defend** in the first person the exercise of the rights of people with physical and/or organic disabilities to participate in society with equal opportunities.

**2) Strengthen** the associative sector of physical and/or organic disability to respond to the needs and expectations of the people we represent.

### Vision

To be the reference entity for physical disability and the recognized and legitimized representative for the development of policies that favor equal opportunities, always with a spirit of innovation, collaboration, and social transformation.

### Values

ECOM's mission is based on the values of empowerment, inclusion, activism, participation, commitment and innovation.



## 1.2 The conception of disability from a law model

**In Catalonia, 351.174 people have a recognized physical and/or organic disability.<sup>1</sup>**

○ **Disability is a person's characteristic, not a defining trait.** It is understood, therefore, as an inherent component of society and human diversity, enriching, positive, and evolving, as indicated by the International Convention on the Rights of Persons with Disabilities.

○ For some time now, **the concept of disability has been changing and there is talk of a model in which the person with a disability is conceived as a full member, with obligations, but also with the same rights as the rest of the population;** and where non-discrimination and equal opportunities must be guaranteed, through the development of policies that adapt to the person and not the other way around.

○ People with disabilities need to be actively involved in the community. The most important aspect is to lay claim to our freedom to choose and this claim is the one that must be strengthened, **providing us with the tools we need to have a life of equal opportunities, like everyone else.**

○ **With this paradigm shift, we have therefore gone from being recipients of services to being responsible for our lives.** We have the right to make our own decisions, to make mistakes, and not be conceived solely as patients or beneficiaries of decisions made by other people or services.

<sup>1</sup> Statistics on the number of people with disabilities in Catalonia. Department of Social Rights. 2023.



### 1.3 The principle of equality and the right to non-discrimination

● **Article 7 of the Universal Declaration of Human Rights** (adopted and affirmed by the United Nations General Assembly on December 10, 1948), recognizes that everyone is equal before the law and has the right to the same protection against any discrimination that violates this declaration.

● **According to the International Convention on the Rights of Persons with Disabilities, discrimination means:** “any distinction, exclusion or restriction on the grounds of disability that has the purpose or effect of hindering or invalidating the recognition, enjoyment or exercise, on an equal basis with others, of all human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field”.

● Equality and non-discrimination are two of the general principles that govern the Convention. **Only if there is no discrimination can equality be effective.** Therefore, they are two interrelated concepts.

● **The UN International Convention on the Rights of Persons with Disabilities** was approved on December 3, 2006, and entered into force in Spain in May 2008. The purpose of the Convention is to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities and promote respect for their inherent dignity. Convention: *Convención / Disabilities ES (un.org)*



## Violation of rights of people with physical and/or organic disabilities

### 2.1 The need to make rights violations visible

#### When do we face a violation of rights?

In our legal system there are laws and regulations that promote, protect and defend the full enjoyment, under conditions of equality, of the human rights and freedoms of people with disabilities. However, experience shows that, too often, this legislation is not applied.

In this sense, **rights are only rights if they are effective and if they can be exercised. And precisely when a law or regulation that recognizes a right is transgressed, a violation of rights occurs.**

#### Purposes of the Report

- Visibility
- Awareness
- Prevention

#### Report Methodology

- **The analyzed time period:** from January 2022 to December 2022.
- **The analyzed territorial area:** Catalonia.
- **Reference framework:** UN Convention on the Rights of Persons with Disabilities.
- The **RAJAR ecom 2022 Report combines quantitative analysis with qualitative analysis.** This mixed methodology has allowed us to explore and evaluate different levels of information, amplify the study perspective and delve deeper into the different problems we have detected in the diagnosis. In this way we were able to draw the following conclusions:



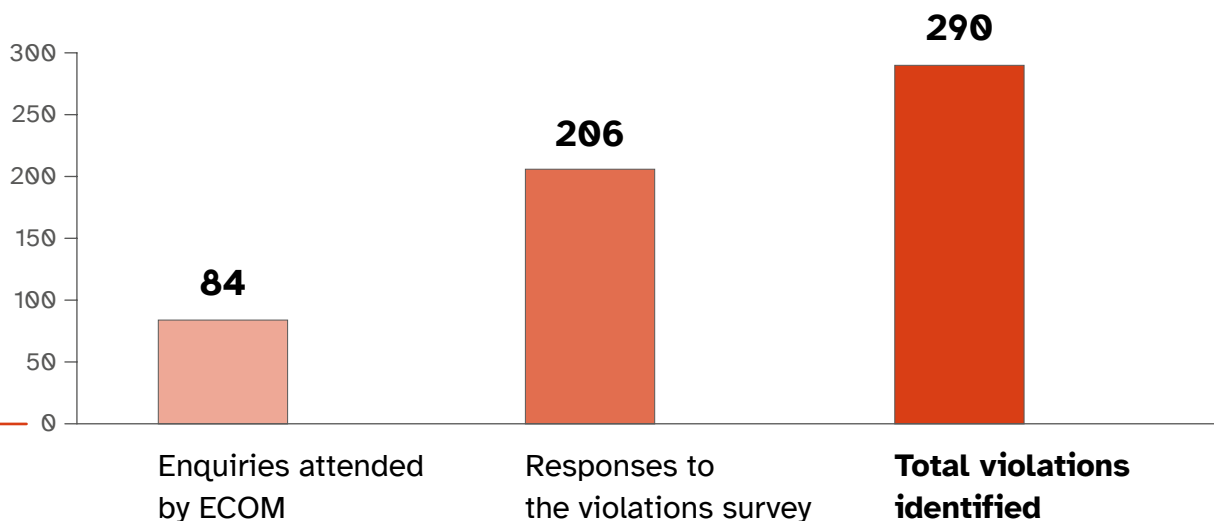


## Figures of detected violations

We received and attended a total of 821 inquiries during 2022, of these, 84 referred to rights violations. On the other hand, we carried out a survey to detect the rights violations that had impacted the population with physical and/or organic disabilities in Catalonia during the year. We received a total of 376 responses, of which 206 ended up being rights violations. Therefore, in total, **between the inquiries attended by ECOM and the survey responses, we have detected a total of 290 rights violations during 2022.**

### Graphic 1

Violations identified through consultations and survey



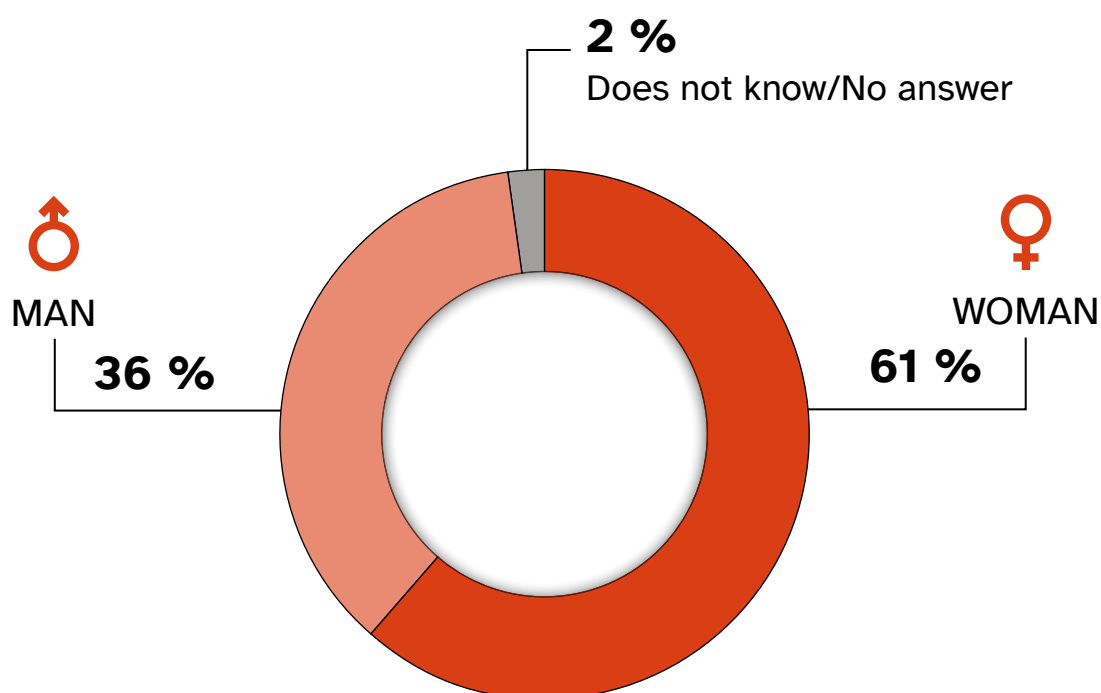


## Profile of people who have suffered a right violation

61 % of the people who suffered a rights violation during 2022 were women. Moreover, 66 % of the total violations have been suffered by people belonging to the age ranges between 35 and 64 years. Data practically identical to that of 2021:

### Graphic 2

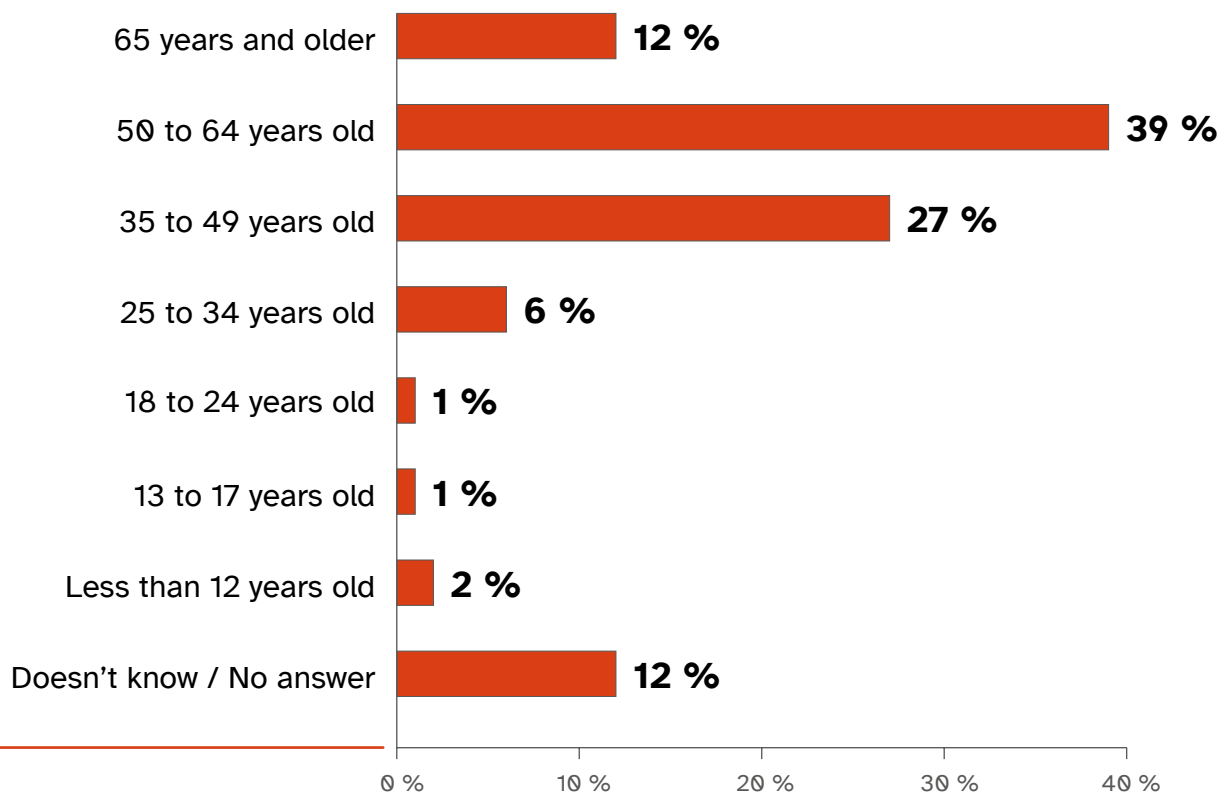
Violation of rights by gender





**Graphic 3**

**Violation of rights by age group**

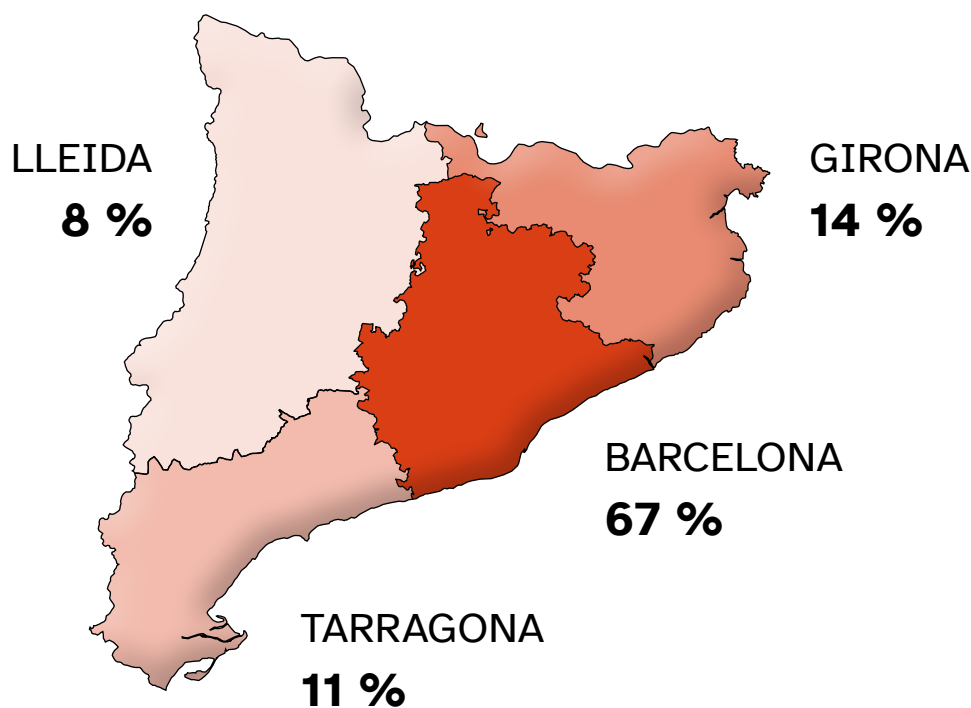




In relation to origin, **67 % were residents of the province of Barcelona.** This data could be conditioned by ECOM's areas of action, mainly located in this province and, specifically, in the city of Barcelona and its metropolitan area. However, in relation to 2021, the number of people who came from the provinces of Girona, Lleida and Tarragona has increased:

**Map 1**

**Violations of rights by provinces of Catalonia**

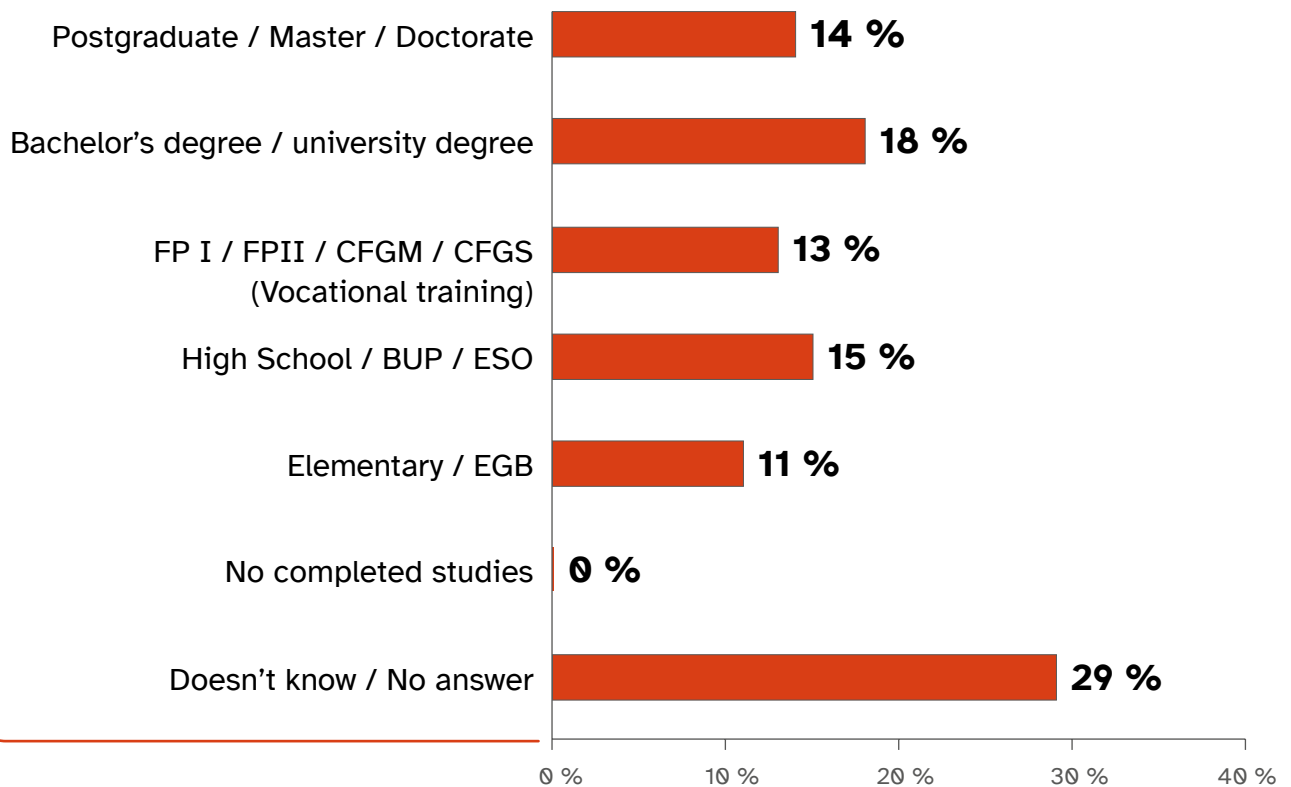




Regarding the level of education, **the people who have reported a violation to us were largely people with higher educational levels**, as was also the case the previous year, even though in 2022 it was in smaller percentages:

**Graphic 4**

Violations of rights **by level of studies completed**



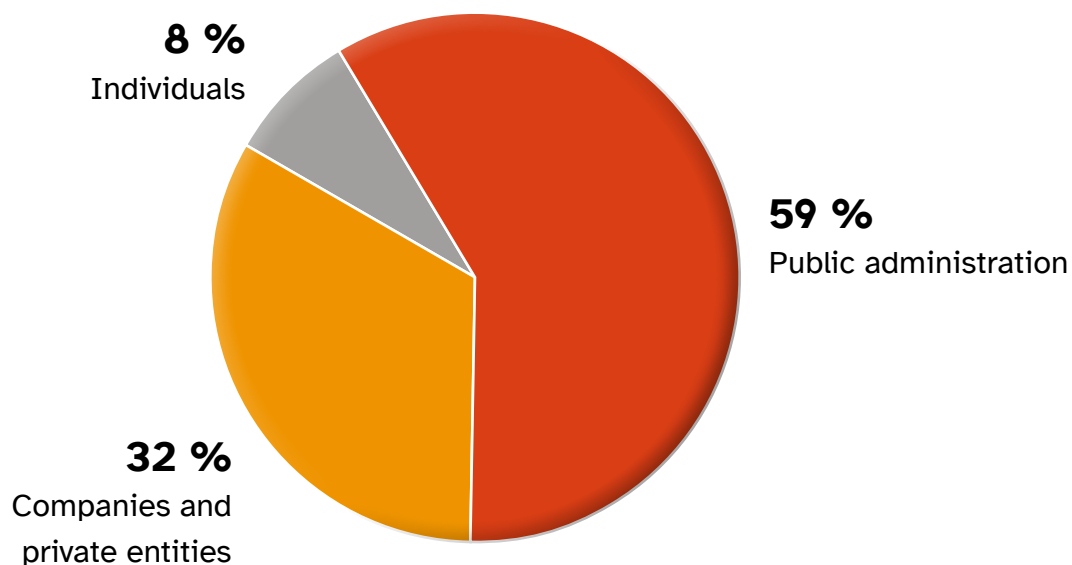


## ○ Main offending agents

During 2022, of the violations detected, **59 % had the public administration as the main offending agent**. In second place, we find companies and private entities, with 32 %; followed by individuals, with 8 %.

### ▶ **Graphic 5**

**Main agents** violating rights



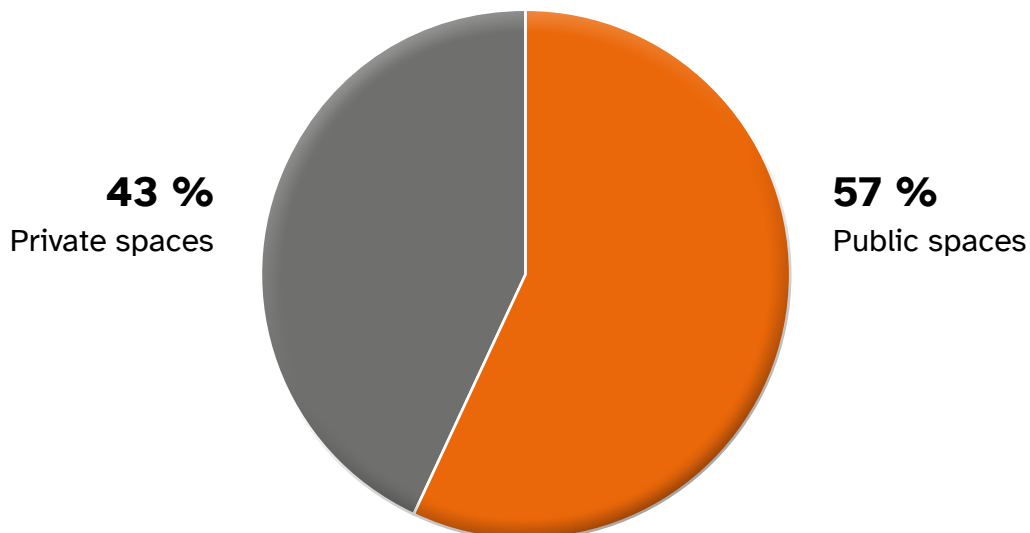


## Places where most violations took place

The main areas where rights violations have occurred are **public spaces and facilities, which account for more than half of the cases (57 %)**. Private spaces, on the other hand, have brought together 43 %. Among the specific places where the most violations have occurred are public service offices and publicly owned services (20 %) (by these spaces we mean face-to-face public service buildings and also the various public web pages and online platforms that exist) followed by workplaces (18 %) and public spaces: streets, squares, beaches... (14 %).

### Graphic 6

**Main places** where the violation took place





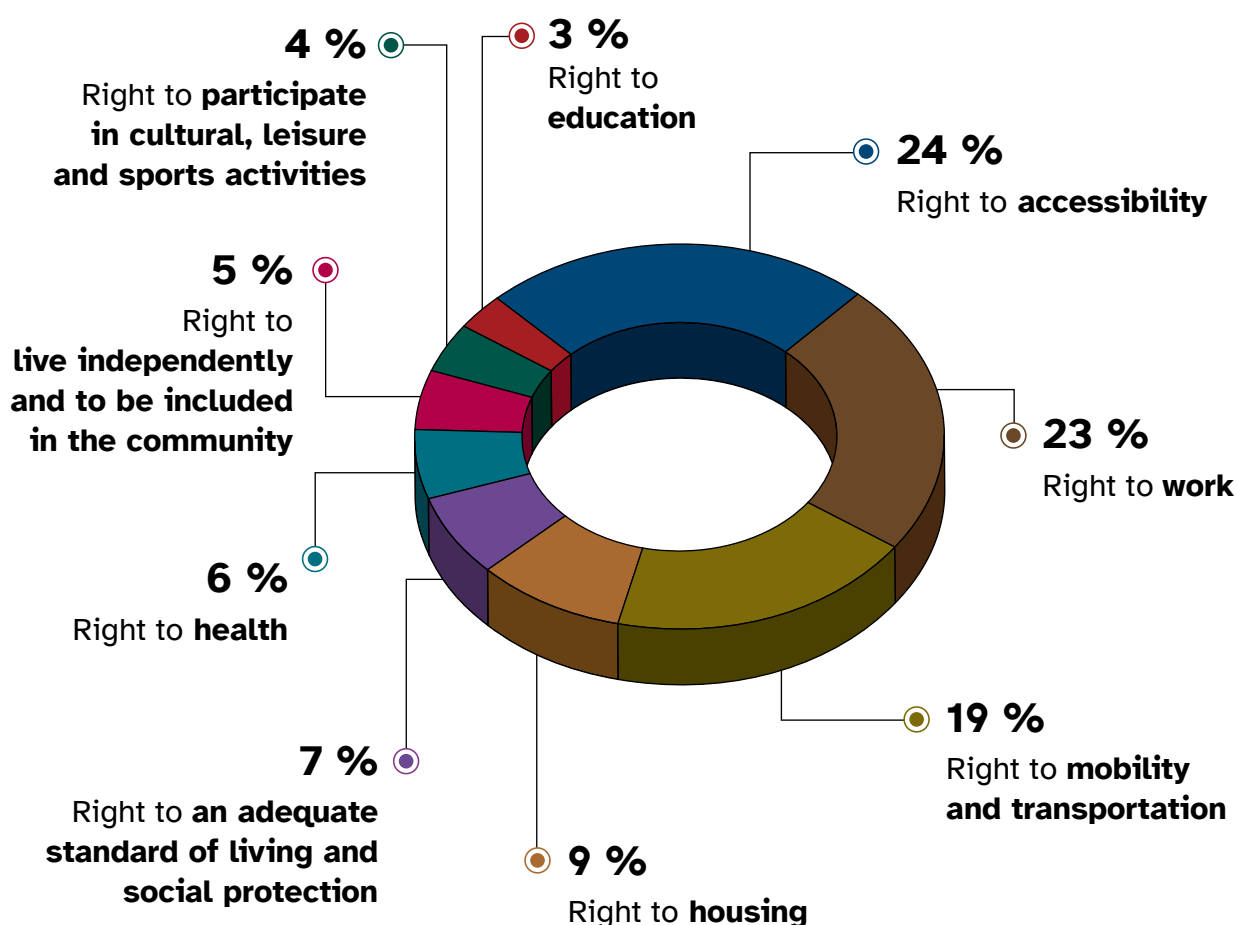
## The three most violated rights

The most violated right during 2022 was the right to accessibility, with 24 % of registered cases. Next, with very little difference, we find the violation of the right to work, with 23 %. The right to mobility and transportation is in third place, with 19 %.

All three account for 66 % of the cases of rights violations detected during 2022:

### Graphic 7

Violations of rights identified during 2022







## 2.2 Violation of the **right to accessibility**

**24 %**

of identified cases

### ( Personal experience )

"My cousin has to try on clothes for me because I can't, many fitting rooms are not accessible."



"I had to go to an appearance at the Catalanian Parliament Catalonia, at the social rights commission for a housing matter.

They had to change the room because I couldn't access the floor where the seats were located."





## Detected vulnerabilities

- The right to accessibility is the right that collects a higher number of violations during 2022. Following the trend of 2021, **urban planning and public spaces, as well as general construction (together they account for 71 % of violations reported) are the categories with the most violations.** The architectural barriers, present in public spaces (streets, parks, squares, etc.) and the lack of support products necessary to properly adapt the infrastructure of public and private buildings, have continued to hinder the free mobility of people with physical and/or organic disability.
  - During 2022 we continued to call for the approval and make contributions to the decree of the future Catalan accessibility code, which will be deployed by the Accessibility Law approved in 2014.
-  **The local administration has been the main violator of the right to accessibility (44 %) and these violations have mostly occurred in public spaces (34 %) and in markets and businesses (21 %, a percentage that has meant an increase of 14 % compared to 2021).**
-  **With respect to gender, 61 % of the total violations correspond to women with physical and/or organic disabilities.**



## Future challenges

- To guarantee the right to accessibility (the most violated right during 2021), it is urgent **to approve the Catalan Accessibility Decree -which is 7 years behind schedule- and that will need to implement the 2014 Accessibility Law**. Likewise, at the time of its approval, all the agents involved (persons, entities, administrations, service providers...) must be duly informed of the contents and the new developments (through training, exhibitions, resolution of inquiries...). The organizations representing people with disabilities can collaborate in this informative task to ensure its correct application. For its part, the administration must guarantee monitoring, control and, where appropriate, sanctions for infractions committed in terms of accessibility.
- On the other hand, given that the local administration has been the main violator of this right (44 %), **the incorporation of universal accessibility criteria, at least the legally established parameters, must be guaranteed in a coordinated way with all the sectoral plans** promoted and executed by the municipalities: plans for accessibility, mobility, housing, leisure, culture, uses... With this objective, there is the need to create an execution schedule linked to a financial report and a maintenance protocol for the elements, as well as the monitoring and control of new construction, and of reforms to public buildings and commercial premises.
- Taking into account that 21 % of violations have taken place in markets and businesses, due to the lack of accessibility of these establishments (a percentage that has meant an increase of 14 % compared to last year) **we must work together with the associations and trade unions in the territory to be able to make this inequality visible and join efforts**. This task must be carried out together with the public administration, to find solutions that help reverse this problem and aiming to promote access to local businesses under equal conditions.



## 2.3 Violation of the **right to work**

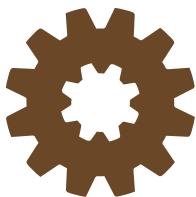
**23 %**

of identified cases

### ( Personal experience )

"Normally when I send my CV I don't state that I have a disability, I tell them in the interview. In one case they canceled my interview when I mentioned it."

"The demands of the workplace do not match the reality of the individual. In the case of people who have a disability and are migrants, we have additional difficulties, when, for example, we don't know the language that well."





## Detected vulnerabilities

- The right to work is the second most violated right in 2022. **47 % of the violations refer to situations of employment discrimination on grounds of disability** and to pressures to perform different tasks and meet certain objectives without taking into account the adaptations of the organization of the work needed by the disabled person. Likewise, differences in treatment have been identified with respect to the rest of the staff, those who do not have a disability.
- **The second category with a higher percentage is the failure to comply with labor rights (16 %).** Mainly, they are the lack of adaptation of the work spaces, the imposition of precarious working conditions (without taking into account the physical needs of the person) and the infringement of the legal quota reserved for people with disabilities in the civil service examinations or other access tests to public administrations.
- ⚡ **The main violator of the right to work has been the private company, with 68 %. 74 % of the total violations collected have occurred in the workplace.**
- ♀ **Regarding gender, women have suffered 60 % of the violations identified.**



## Future challenges

- This year's report shows that almost half of the work rights violations referred to situations of employment discrimination on grounds of disability, in which the company acts as the main offending agent (68 %). For this reason, **it is necessary to accompany and advise the worker, so that he can make the complaint through the corresponding channels and apply, if necessary, the sanctioning regime to the company.**
- **Likewise, efforts must also be directed at companies, so that they know the parts of the legislation related to the employment of people with disabilities that they need to comply with. It is therefore necessary to create sensitization and awareness campaigns, as well as specific guidance and advice to companies,** in order to guarantee the right to work under equal conditions. We must remember that during 2022, 74 % of violations of this right have been in the workplace.
- In relation to the administration's responsibility to guarantee the right to work for people with physical and/or organic disabilities, **it is necessary to continue the demand of a clear commitment to encouraging the creation of quality jobs with the support that each person requires.** In this sense, it is necessary to ensure compliance with the legal quota of 2 % of disabled people; for the corresponding reserved seats in the public administration and for the equal access of people with disabilities to the different active employment policies, promoted or executed by the administration.



## 2.4 Violation the **right to mobility and transportation**

**19 %**

of identified cases

### ( Personal experience )

"I end up going everywhere by car to avoid using public transportation because I know I'll find one problem or another."

"On public transportation, the elevators either don't work or are too small."

"It is a social problem. Reserved parking spaces are not respected. You have to face people directly and when the urban police come, the car is no longer there. I have to end up parking in a private parking lot and it is very expensive."





## Detected vulnerabilities

- Regarding the third right where most violations have been detected (the right to mobility and transportation), **the categories with the highest number of violations in 2022 have been the transportation network access difficulties (40 %) and reserved parking (22 %).**  
The impossibility to access stations and means of transportation, especially buses, continues to be a constant issue. These difficulties are greater in the rural areas.
- Regarding reserved parking, the most numerous complaints are those that have to do with people without any disabilities who use these spaces inappropriately. Likewise, we have also received complaints about fines for parking in places where it is legally allowed to do so when you have a disabled parking pass.
- ⚡ **The main violator of the right to mobility and transportation has been the regional administration (38 %). These violations have mostly occurred at stations or public means of transportation (47 %).**
- ♀ **Regarding gender, women again have suffered more than 50 % of the violations identified.**





## Future challenges

- Given that the regional administration has been who has most violated the right to mobility and transportation and that this violation has occurred at stations or public means of transportation in practically half of the cases, **there is the need for a clear commitment to an accessible, affordable and safe transportation system, which would allow people with disabilities to enjoy sustainable, accessible and equitable mobility, eradicating territorial inequalities.**
- **The transportation accessibility system (information, services, stations, vehicles, validation systems...) and its maintenance must be ensured**, which, in no case, should be subject to resource constrains. Likewise, **coordination between the involved agents in this accessibility chain must be guaranteed.**
- Considering that 11 % of the violations referred to discriminatory attitudes, mainly due to the bad treatment received from bus drivers and from some public transportation passengers, **it is necessary to continue promoting, as we have been doing for some time, awareness campaigns and diversity training, both in regard to society in general as with transportation staff in particular.**



## 2.5 Violation of the **right to housing**

**9 %**

of identified cases

### ( Personal experience )

"In rural areas it is very difficult to find adapted housing. There is none. I had to choose to buy a small piece of land and build my house. I needed the ground to be flat to be able to have mobility."

"I live on the fourth floor without an elevator. When I broke my leg, I was unable to leave the apartment for four months.

The homeowners communities is not agreeing to install an elevator and an elderly person has been unable to go down to the street for five years."





## Detected vulnerabilities

- Violations of the right to housing account for 9% of those detected. During 2022, **many violations have been identified linked to problems with the homeowners communities (37 %), followed by the problem of access to housing (33 %)**. Specifically, the events that have generated the most violations are the actions and accessibility reforms of the common areas of the homeowners communities. The main reasons for disputes are the unwillingness of the community to agree to being in charge of the cost that they are responsible for or, directly, not wanting to incorporate an item on the agenda of the community meetings to be able to be discussed with the rest of the homeowners. The fact of not having accessible common areas has resulted in the impossibility of being able to leave the house, in some cases, for more than two years.
- To this reality we must add the lack of an accessible, affordable and supported housing offer. The main difficulties reported have been the lack of clear and accessible information about the housing supply (especially in the form of rent); the lack of public housing for rent and the long wait time from when you apply for social housing until you receive a response from the housing office.
- ⚡ **The main violator of the right to housing has been the local administration (41 %) and the second place is occupied by communities of homeowners (33 %). 96 % of these violations have taken place in the house or in the common areas of homeowners communities.**
- ♀ **More than 70 % of the total violations correspond to women with physical and/or organic disabilities.**



## Future challenges

- During 2022, one of the main violators of the right to housing has been the local administration (41 %). For this reason, we see it necessary **to implement local municipal housing plans, in a transversal manner with other plans such as the disability or municipal accessibility plans, in order to detect and respond to the needs of people with disabilities with specific programs** such as the expansion of the affordable public and private housing stock as well as the expansion of the budget dedicated to the rehabilitation of the existing park, specifically in accessibility actions and the reservation of accessible housing (both in new construction and in the acquisition of existing park).
- In relation to the second violator of this right, the homeowner communities (33 %), it is necessary for them **to know the legislation they must comply with in terms of accessibility and that they carry out the necessary works to guarantee the mobility in the common areas (as well as the entrance and exit of the homes) for all homeowners, under equal conditions.** In this sense, we see the need for collaboration with professional associations and property administrator associations as well as with the administration itself, in order to provide technical support to homeowner communities and develop services such as mediation, to find solutions that benefit all parties involved.
- Finally, from the entities that defend the right to housing, we will have to be very attentive **to check whether the implementation of the new state housing law has a real and effective impact on the rights of people with physical and/or organic disabilities.**



## 2.6 Violation of the right to an adequate standard of living and social protection

7 %

of identified cases

### Personal experience

"I was given disability recognition after covid-19. I have found myself very lost, without information and with delayed appointments everywhere."



"I still have not gotten an answer about the aid I asked for in 2021."

"The procedure for my disability recognition took 15 months and the medical court was very tough. I had the feeling that they thought I was exaggerating things."





## Detected vulnerabilities

- Following the trend of 2021, **during 2022 the category with the most cases of violation (55 %) has been the reduction, rejection and or loss of benefits, along with bureaucratic hurdles and time to access aid (30 %)**. The violations are mainly related to the difficulties of knowing what the access requirements are for each benefit, the reasons for refusal and how to process the corresponding appeal in the face of a dismissive response from the public administration. The perception of excessive bureaucracy and the lack of common protocols for resolving requests for benefits are added to these factors.
  - During 2022, the serious collapse that is affecting both the request for the recognition and/or review of the degree of disability and the recognition assessments of the dependency have continued. And it is equally serious that during 2022 the call for Social Assistance Benefits (PUA) for people with disabilities was not launched (its publication was postponed until 2023) and that many applications for the financial year 2021 still had not been resolved a year later.
-  **The main agent violating the right to an adequate standard of living and social protection has been the regional administration (75 %). These violations have occurred entirely (100 %) in public service offices and public services.**
-  **Regarding gender, both men and women present the same figures: 50 % of the total violations.**



## Future challenges

- We have to take into account that the regional administration has acted in 75 % of cases as the agent violating the right to an adequate standard of living and social protection, and that many complaints were related to the difficulty of accessing information and care, with bureaucratic hurdles and the time to access aid. Therefore, **it is necessary to rethink the organization of the public administration so that it guarantees social protection and becomes an open, accessible administration that is able to adapt to the needs of the people to whom it must guarantee this social protection, among them, people with disabilities.**
- It is necessary to bear in mind **the comparative economic burden of the cost of living of people with disabilities, evidenced and quantified in the study carried out by the Barcelona City Council -in the provision of benefits and aid aimed at people with physical and/or organic disabilities** (it is established that the average economic comparative burden is between 17,700 and 41,200 euros per year).
- **The wait lists that are affecting both the request for the recognition and/or review of the degree of disability and the assessments for the recognition of the dependency situation must be reduced**, as it limits the access to these services and the equipment and resources they need by people with physical and /or organic disabilities. In this sense, it is necessary to assess how the new scale for the recognition of the degree of disability is implemented (approved in October 2022 and in application from April 2023), as well as the impact it will have among people with disabilities.



## 2.7 Violation of the **right to health**

**6 %**

of identified cases

### Personal experience

"The overload of professionals has led to a lack of friendliness and support."

"Telemedicine or telephone care should be an improvement to avoid travel, but at the same time it does not solve many of the conditions or health problems because there is no personalized attention."







## Detected vulnerabilities

- The right to health has been the sixth most violated right during 2022. Unlike in 2021, **there is a significant increase in the lack of empathy and lack of attention to diversity training, which causes this to be the category that presents a higher percentage (56 %).**
- Violations in the treatment of patients, due to the lack of information and knowledge or awareness about disability, affect the maintenance of a universal, accessible and equitable healthcare system, especially towards people with physical and/or organic disabilities. There are those who have stated that they have not felt empathy from the professional who treated them (they even doubted them when they explained how they were feeling), or specific knowledge about their disability and their health needs. In addition, cases have also been reported where a companion was not allowed to enter (when their needs required it), which has caused the person to feel alone and disoriented within the health facility.
- ⚡ **The agents violating the right to health have been, in equal parts, the regional public administration (50 %) and the staff of public health centers (50 %). All the violations collected have occurred in public health centers.**
- ♀ **Regarding gender, 88 % of the total violations correspond to women with physical and/or organic disabilities.**



## Future challenges

- During 2022, the agents who violated the right to health were, in equal parts, the regional public administration and the staff of public healthcare centers. A significant increase in complaints was observed in relation to the lack of empathy and training in attention to diversity. For this reason, **it is essential to train all agents involved in the planning and direct care services of the healthcare field.**
- DSince the second category that has presented a more important bulk of violations has been the lack of accessibility to healthcare facilities, services and materials, it is necessary to **ensure that all healthcare equipment is accessible, in the entrance, in the interior and in the facilities and materials (stretchers, scales, scanning devices...).**
- **A greater participation of healthcare entities in healthcare policies is necessary and also it is necessary that a direct interlocutor with the public administration is appointed** that recognizes the work of the entities in health matters and favors more coordination between them, especially with regard to referral to specialized services.
- **Regarding organic disability, it is important to include it at the same level as other disabilities in the public administration protocols and action plans.** In this sense, it is recommended to increase the training of health professionals in the care of organic disabilities.
- Faced with the disappearance of face-to-face interactions in many services, **it is necessary to ensure that medical visits that are carried out via telephone assistance do not harm the users** and that the same quality is maintained as if the visit were face-to-face.



## 2.8 Violation the **right to live independently and to be included in the community**

**5 %**

of identified cases

### ( Personal experience )

"I need more personal assistant hours. Each person needs their own life plan. Each person should be able to choose the assistant they want and that having a degree is not a requirement."

"Currently I only have 45 hours and that does not allow me to have an independent life. It should be a real public service. I have to pay hours out of my own pocket to be able to have the life I have and decide what activities I do, when I shower, etc."





## Detected vulnerabilities

- Regarding the violations of the right to independent living and to be included in the community, **we find that resources for independent living is the category with the highest number of violations (57 %)**. The main cause of violation is that, despite having the figure of the personal assistant, the hours covered are totally insufficient to be able to live independently and carry out an autonomous life project. At the same time, the lack of knowledge on the part of the administration of this figure, and its operation and application, is again observed.
- **Discrimination in access to different services (21 %)** also stands out because they do not take into account the necessary adaptations so that the person with a disability can carry out procedures independently. These violations result in facts such as the administration, for example, asking another person to sign for the person with a disability (in the event that he or she cannot use the traditional rubric).
- ⚡ **During 2022, the violations of the right to independent living and to be included in the community have been produced by two main offending agents. Both the regional administration and the staff of private companies collect the same number of violations (36 %). 57 % of these violations have occurred in public service offices.**
- ♀ **50 % of the violations have been suffered by women with physical and/or organic disabilities.**



## Future challenges

- It is necessary to review the assistance models for people with physical and/or organic disabilities **to promote a true model of community assistance centered on the person. This model needs to offer sufficient and effective supports, guaranteeing people with physical and/or organic disabilities the development of their own life project on equal terms with the rest of citizens and allowing them to choose how and where they want to live, as promoted by the afore mentioned Convention.**
- It is urgent to **approve the decree that must regulate personal assistance in Catalonia, so that it can guarantee the right to an independent life of people with physical and/or organic disabilities** (following the mandates established by general observation 5, of article 19 of the International Convention on the Rights of Persons with Disabilities). We remember that more than 57 % of the violations of this right referred to the lack of resources for independent living.
- **Regarding the figure of the personal assistant, it must be deployed at state level, respecting the number of hours the person needs to lead an independent life, and without co-payment** (also following the mandates established by general observation 5, of article 19 of the Convention). There is also the need for rethinking the model in the sense that the person with disabilities is the main agent and their self-determination is guaranteed in relation to everything that has to do with the management of their service. This will involve ensuring that the figure of the assistant is not distorted (requirements of the service providers) and self-management possibilities in the training of this professional. It is a priority to follow the 50-hour **training model established by CERMI (Spanish Committee of Representatives of Persons with Disabilities) and to legitimize the expertise of the person with disabilities as the main trainer in personal assistance.**



## 2.9 Violation the **right to participate in cultural, leisure, and sports activities**

**4 %**

of identified cases

### Personal experience

"I wanted to go to pilates.

They created obstacles: if you hurt yourself, etc.

They said they would do a one-on-one test, but they haven't called me yet.

It's been 2 months."

"When you want to visit cultural spaces,

you have to do a google maps search game

to try to find out if you can access them.

You also don't have way of knowing if they

have reserved parking spaces for people

with reduced mobility."





## Detected vulnerabilities

- Violations of the right to participate in cultural, leisure and sports activities occupy the second-to-last position of the most violated rights during 2022. **Discriminatory attitudes (36 %) and problems accessing spaces (36 %) are the categories that present more violations.**
- There is a lack of knowledge and awareness towards physical and/or organic disability, which results in situations where the infrastructure is not adapted (sports equipment zones that do not have support products: transfer cranes or hydraulic chairs. And if they have them, they have been broken for a long time because they are not properly maintained). We have also detected situations where people using support products for their movement have not been admitted to leisure premises.
- ⚡ **The main violator of the right to participate in cultural, leisure and sports activities has been private company staff (73 %). More than 50 % of these violations have occurred in private leisure, cultural and sports centres.**
- ♀ **Regarding gender, 64 % of the total violations correspond to women with physical and/or organic disabilities.**



## Future challenges

- It must be guaranteed that all dimensions of cultural life, recreational activities and sport are accessible to everyone in their entire process, that the necessary supports are provided so that people with disabilities can enjoy them equally, that the maintenance protocol required by law is correctly executed and that they are properly promoted so that everyone can benefit from them.
- **It is necessary to encourage that the territorial civic and cultural centers programs are inclusive and that everyone who wants to can participate in the activities offered in the different towns and cities facilities.** In this sense, the suitability of the activities to the needs of the people must be guaranteed and they must be given the personal support that is necessary to carry them out. We understand that these spaces are a good option to enjoy cultural, leisure and sports activities, not only because they offer more affordable prices, but because they encourage participation in the community.
- Taking into account that 73 % of violations have been caused by private company personnel, it is essential **to train the personnel who is involved in the design, management, realization, information and support of cultural, leisure and sports activities in attention to diversity.**





## 2.10 Violation the **right to education**

**3 %**

of identified cases

### ( Personal experience )

"There are mainstream schools that are adapted to a specific disability, for example, a school where all the teachers speak sign language to be able to communicate with the child or the parents. All the children who go to the same class eventually learn sign language because all the activities are done with oral and sign language and these children are not isolated. But mainstream schools are not prepared to accommodate all types of disabilities. For example, not all schools have a lift or toilets adapted for wheelchairs."

"There is reluctance on the part of the teaching staff when they know they will have a student with a specific need."

"The difficulties of school inclusion increase as we advance in educational stages."





## Detected vulnerabilities

- The right to education occupies the last position among the most violated rights (3 %). Following the trend of 2021, **student support resources is the category with the highest percentage of violations in 2022 (56 %)**.
- Mainly, we have detected the denial or lack of offer of sufficient hours of the school disability caretaker and monitoring service for school activities. This fact has an impact on the lack of attention, support and accompaniment for students with special educational needs (in the different levels and mainstream educational centers), so that it does not allow them to enjoy the right to education in the same way as the rest of children and teenagers who occupy the classrooms. In these cases, some families showed their discomfort with the school because, despite defending and identifying with the inclusive school, in practice they have not adapted to the needs of the disabled child; in addition, they have disregarded the preferences and demands of the families, who have not found the space to be able to express what their sons and daughters needed.
- ⚡ **The main violator of the right to education has been the regional administration (56 %) and all identified violations (100 %) have occurred in public or charter schools.**
- ⬆️ **In this case, 56 % of the total violations correspond to men with physical and/or organic disabilities.**



## Future challenges

- **We continue to demand the implementation and full development of Decree 150/2017, of October 17 on educational support for students within the framework of an inclusive education system.** Therefore, it is necessary to increase the budget intended for its deployment and count on the participation of all the educational community agents and the organizations of people with disabilities in order to guarantee the right to education with equal opportunities for all the student body.
- Considering that student support resources are the category that has presented a higher number of violations of the right to education (56 %), **it is necessary to guarantee the access to school guardians, given that many of the violations detected have been in relation to the denial or lack of offering sufficient hours of service for school activities.** This fact has had an impact on the lack of attention, support and accompaniment for students with special educational needs (in the different levels and mainstream educational centres).
- It is important **to bear in mind the importance of evaluating how resources are managed to ensure that they allow maximum inclusion of students with special educational needs** in their classroom and among their peers. In addition, plans must be put forward to guarantee universal accessibility to all educational centers in Catalonia.
- Since the educational curriculum is often not being adapted to the needs of the students and there is still a great lack of knowledge about disability (both physical and organic), **it is necessary that the professionals (both the teaching staff and the direct care staff) are trained with respect to the inclusive school and the social model of disability, as well as on the methodologies of attention to diversity.**



## Other challenges



### Transversal challenges

- Data follows the trend of last year and it should be taken into account that, during 2022, 59% of the violations detected had the public administration as the main offending agent; moreover, in most cases the places where the violations had occurred had been in the public sphere (public spaces and facilities). For all that, **we continue to demand that public policies be conceived from the perspective of diversity and with an intersectional view, incorporating disability in a transversal way in all areas to prevent situations of violations.**
- Likewise, **it is necessary to review and modify all regional regulations to adapt them to the regulatory framework established with the ratification by the Spanish State of the International Convention on the Rights of Persons with Disabilities. In this way, the prevention and elimination of all types of discrimination against people with disabilities** will be facilitated and positive action measures will be available to achieve the maximum degree of inclusion of people with disabilities and their families.
- It is important to promote **gender policies that are transversal and take into account the needs, demands and characteristics of women and girls with disabilities**, including the indicators of women and disability in data collection, to be able to assess the impact of actions in this group and their rights.
- **The participation of people with physical and/or organic disabilities, and of the entities that represent them, must be guaranteed in the construction and implementation of public policies and strategies**, in order to guarantee that these take into account the needs of people with disabilities.



## Challenges in diversity training

- Direct care staff has been one of the biggest offending agents during 2022 many times due to a lack of knowledge regarding physical and/or organic disability. In order to prevent discrimination from occurring, **it is necessary to develop training plans and give support and accompaniment in diversity caregiving to all agents involved in the planning and implementation of direct care activities and services: social, educational, health, transport services, cultural, sports, leisure, tourist and other direct services.**



## Challenges in digital transformation

- It is necessary to continue to claim that people with physical and/or organic disabilities can access technological media and strengthen training in the use of new technologies, thus minimizing the impact of the digital divide, so that they are not excluded from the digital transformation that our society is experiencing in all areas and to ensure that whatever is in digital format, is accessible, affordable, and takes into account human diversity. **It is also necessary to use clear language, the intercommunication of data between the different administrations and a specific circuit for social service sector professionals who help with the application and other processes.**



## Underreporting and its causes



Underreporting continues to be a problem that makes invisible the violations suffered by people with physical and/or organic disabilities.

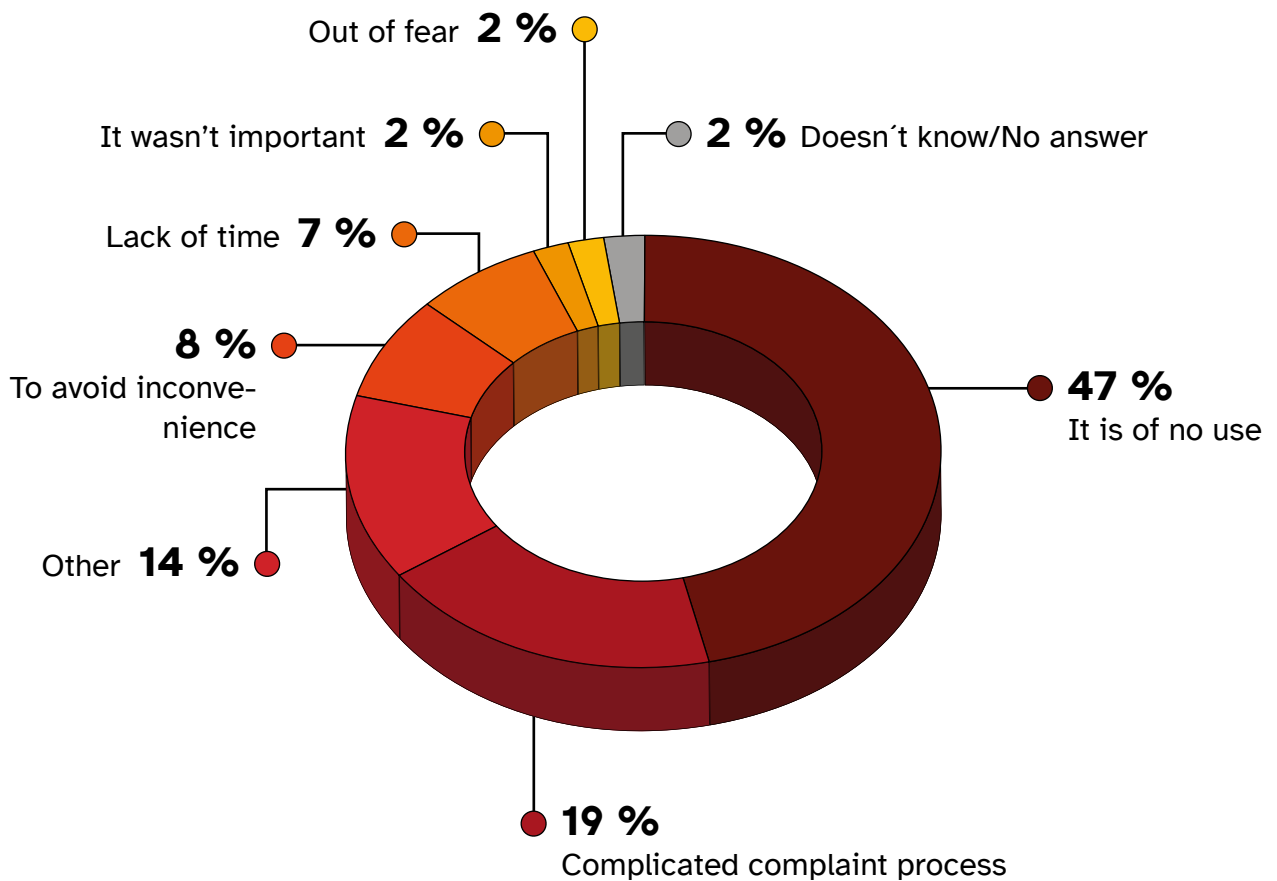
- The absence of complaints of situations of discrimination and violations of rights is an obstacle to being able to identify all the people with disabilities who do not see their rights recognized, as well as to determine the places where these violations occur and what the main offending agents are.
- Of the inquiries handled by ECOM and the survey of violations, which add up to 290 violations identified, **133 violations were not reported, as opposed to 103 that were (we do not have the corresponding information for the rest of the 54 violations)**. Therefore, if we only take into account the number of people for whom we know whether or not they filed a report, **we can say that 56 % of violations were not reported**.
- If we analyze the gender that has mostly filed complaints (out of the 103 violations that have been reported), we find that 63 % were women compared to 37 % of men. However, if we analyze the data taking into account, on the one hand, only the female gender and, on the other, the male gender (to find out which gender reported more), we can see that practically, the percentages are the same (45 % of women who have suffered a violation have reported it, in the case of men it is 44 %).



- This data varies from those extracted in RADAR ECOM 2021, since although women were the ones who had suffered the most violations, proportionally they reported less than men (women did so in 41.8 % of cases and men in 51.5 %). Therefore, we can say that the trend in 2022 has changed in terms of the percentage of women and men reporting, because it is practically identical.
- Regarding the age of the people who have reported, we see that, in proportion, the violations suffered by people under 24 and over 65 are the ones that have been reported the most. Regarding the level of education, people with higher levels of education are the ones who, in proportion, have reported more. And if we look at the province of origin, we see that Barcelona has been the only province where the number of people who have reported has exceeded those who have not.
- **The reasons why a person who is a victim of a violation has decided not to report it have been various. Regarding the 133 violations that were not reported, 47 % of people stated that they did not do it because it was of no use** (the RADAR data from the last edition shows us that for the second consecutive year this has been the main reason for not reporting). This data can indicate that people do not perceive the reporting process as an important fact to give a response to the situation experienced, repair the damage and make this violation visible.

Next, the reason given by 19 % of people was that the complaint process was complicated. In smaller percentages we find reasons such as avoiding inconvenience (8 %), lack of time (7 %) and, finally and sharing a percentage, because it was not important or out of fear (2 % each):

**Graphic 8**  
Causes of underreporting







## Future challenges

- 56 % of violations were not reported and 47 % of people stated that they did not do it because it is of no use. **Therefore the importance of informing, guiding and accompanying people with physical and/or organic disabilities on the legislative recognition of their rights, the importance of reporting and self-defense and knowledge of the channels to report rights violations is made clear** with the aim of reducing underreporting and making visible the situations of violations suffered by people with disabilities in their day-to-day life.
- **It is necessary to verify that the existing reporting tools and channels provide an adequate and effective response to people who have been victims of a violation, and that the complaint process is agile and accessible** since, according to this report, 19 % of people who did not report the violation they suffered did not do so because the complaint process was complicated.



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