



## **Rights violations**

Physical and/or organic disability

2023 report *4th edition*



## **RADAR ecom**

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Physical and/or organic disability

2023 report *4th edition*

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# SUMMARY



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# INTRODUCTION

**Albert Carbonell**

President of Ecom

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We are living through a time of change in society in which the parameters that were long considered acceptable no longer are. Given this new reality, we, persons with disabilities, see a missed opportunity to reduce the societal challenges that affect our community.

In the fourth edition of the **RADAR ecom**, we observed that under-reporting continues to be a significant barrier, as the perception persists that reporting is useless. This belief contributes to the growing discomfort and fatigue of persons with disabilities in their efforts to assert their rights.

Political instability, coupled with obstacles in electoral processes, destabilises public policy priorities and timing. A lack of understanding and the failure to approve budgets undermine people's rights and severely affect essential services for persons with disabilities.

Now that we have completed four editions of the **RADAR ecom**, report, we can identify recurring trends that require attention and improvement. One example is the fact that the authorities continue to be the main perpetrators. The very entity that is supposed to enforce more stringent compliance with existing regulations is the one that is disadvantaging persons with disabilities the most.

Other trends that continue unabated are the right to accessibility and the right to mobility and transport, which lead in the number of accumulated violations. Persons with disabilities, and especially persons with mobility problems, have placed great hope in the recently approved accessibility legislation. The new legislation has taken too long, but we hope it will provide a major push towards universal accessibility for all and that the budget will be sufficient for an effective roll-out.

Housing, which this year is third in the ranking of the most violated rights, is one of the greatest concerns for persons with disabilities. Like the rest of the population, our community experiences serious difficulties in finding housing, particularly places where we can live an independent life. Residential buildings are beginning to age, and renovation must be promoted in order to adapt them to accessibility needs.

Ways must also be found to ease the rental market, as persons with disabilities are often unable to afford prices in the cities where the services we need are located. And if we want to be able to live in other communities such as rural areas, services like transport must first be improved.

It is clear that it is still necessary to gather information on these violations. During 2023, we identified more than 200 cases. Therefore, we can say that 'Rights violations are the norm, not an exception.'

ECOM will continue to stand by the people, reporting rights violations. We understand that only by making these violations more visible will it be possible to build a fairer and more accessible future in which people's rights are not denied just because they have a disability. And, above all, we seek a future in which there is no longer the belief that reporting or protesting rights violations is useless.

Equality among all people regardless of their physical ability, economic status, gender, or any other difference is essential for a country that wishes to respect its citizens.

**Albert Carbonell**

President of Ecom

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# 1 About us.

Disability from a rights-based approach.  
Equality and non-discrimination

## 1.1 ecom erasing barriers, creating opportunities.

### About us

ECOM is a participatory movement driven by empowered persons with physical and/or organic disabilities who strive for an inclusive society in which we can exercise our rights.

The ECOM brand brings together the **ECOM Federation** (created in 1971) and the **ECOM Foundation** (created in 2007).

Currently, the **ECOM Federation is made up of more than 120 people** with physical and/or organic disabilities from all over the country.

*Created in 1971*



*Created in 2007*



### Purpose

To transform society so that the dignity of all people is respected.

### Mission

ECOM's mission is twofold:

**To defend** the right of persons with physical and/or organic disabilities to participate in society with equal opportunities, with persons with physical and/or organic disabilities at the forefront.

**To strengthen** the sector associated with physical and/or organic disabilities in order to respond to the needs and expectations of the people we represent.

### Vision

To be the organisation that leads and consolidates the shift towards independent living and personal autonomy in a sustainable, innovative and collaborative way, placing the individual at the centre.

### Values

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



## 1.2

### The concept of disability from a rights-based approach.

According to the latest figures published as of 2022, there are 351,174 people in Catalonia with a recognised physical and/or organic disability.

\* Figures taken from the Statistics on the number of people with disabilities in Catalonia. Department of Social Rights.2022.

**Disability is one characteristic of a whole person, not their defining feature.** It should therefore be understood as an inherent component of society and human diversity—enriching, positive and developing, as stated in the International Convention on the Rights of Persons with Disabilities.

For some time now, **the concept of disability has been shifting towards a model in which the person with a disability is seen as a full member of society**, with responsibilities and rights equal to those of the rest of the population. This approach calls for ensuring non-discrimination and equal opportunities by developing policies that are tailored to individuals, rather than requiring individuals to conform to existing policies.

People with disabilities must be active participants in the community. We believe that it is essential to strengthen our demand for the right to make our own decisions and **to equip ourselves with the necessary tools to enjoy a life with equal opportunities, just like the rest of society.**

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



## 1.3

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

**Article 7 of the Universal Declaration of Human Rights** (adopted and proclaimed by the United Nations General Assembly on 10 December 1948) recognises that “All are equal before the law and are [...] entitled to equal protection against any discrimination in violation of this Declaration [...].”

**According to the International Convention on the Rights of Persons with Disabilities, discrimination on the basis of disability:** “means any distinction, exclusion or restriction on the 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 governing the Convention. **Equality can only be effective if there is no discrimination.** Therefore, the two concepts are interrelated.

The UN Convention on the Rights of Persons with Disabilities was adopted on 3 December 2006 and entered into force in Spain in May 2008. The Convention aims to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their dignity. *See link.*





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

### 2.1

#### Making rights violations visible

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

Our legal system contains laws and regulations that promote, protect and defend the full and equal enjoyment of the human rights and freedoms of people with disabilities. However, experience shows that, all too often, this legislation is not enforced.

In this sense, rights are only rights if they are effective and can be exercised. Specifically, when a law or a regulation that recognises a right is transgressed, a rights violation occurs.

##### Purpose of RADAR

###### **Increase the visibility**

To increase the visibility of the rights violations suffered by people with physical and/or organic disabilities.

###### **Raise awareness**

To generate public awareness of the rights of people with physical disabilities and/or organic disabilities.

###### **Prevent**

To establish action plans (with different audiences) to prevent possible situations of rights violations and discrimination due to disability.

## RADAR Methodology

- **Period under analysis:** from January 2023 to December 2023.
- **Territorial scope analysed:** Catalonia.
- **Frame of reference:** UN Convention on the Rights of Persons with Disabilities.

### Data collection

The RADAR report **combines quantitative and qualitative analysis** and seeks to combine the information gathered using participants' freely expressed experiences. With this mixed methodology we have been able to explore and evaluate different levels of information, amplify the study perspective and delve deeper into the different problems that were identified during the analysis.

## Total number of violations

**226**

Vulnerabilities  
detected

**150**

People  
affected

**100**

Cases  
handled

**126**

Responses  
to the survey

This report has analysed the violations that have occurred in relation to the following rights:

- **Accessibility**
- **Living independently and being included in the community**
- **Mobility and transport**
- **Housing**
- **Education**
- **Health**
- **Work**
- **Adequate standard of living and social protection**
- **Participation in cultural, leisure and sporting activities**
- **Participation in political and public life**



We identified a total of **226 rights violations that occurred during 2023** via 100 cases handled by ECOM and 126 survey responses. These 226 violations were experienced by 150 people.



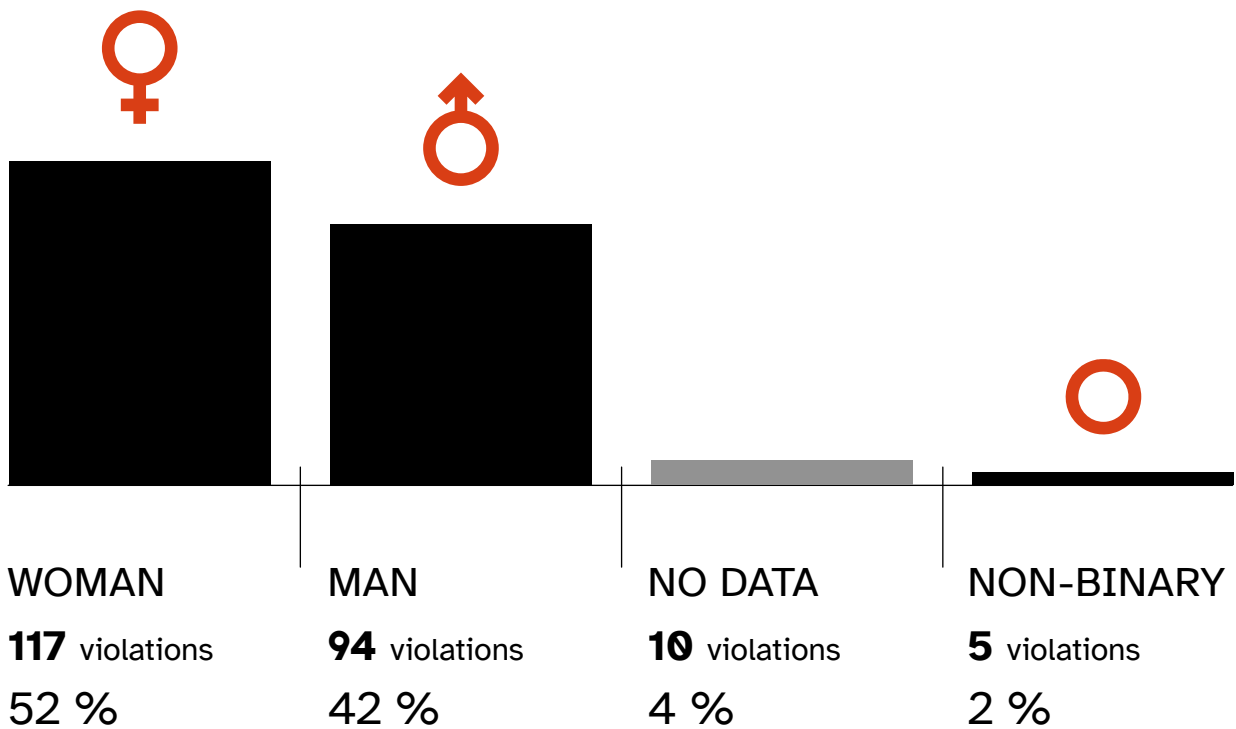
## Profile of people who experienced a rights violation

### Gender

**Women account for the majority of recorded violations (52 %),** while men account for 42 % and non-binary people for the remaining 2 %. We do not have this data for 4 % of participants.

#### Graphic 1

Violation of rights **by gender**

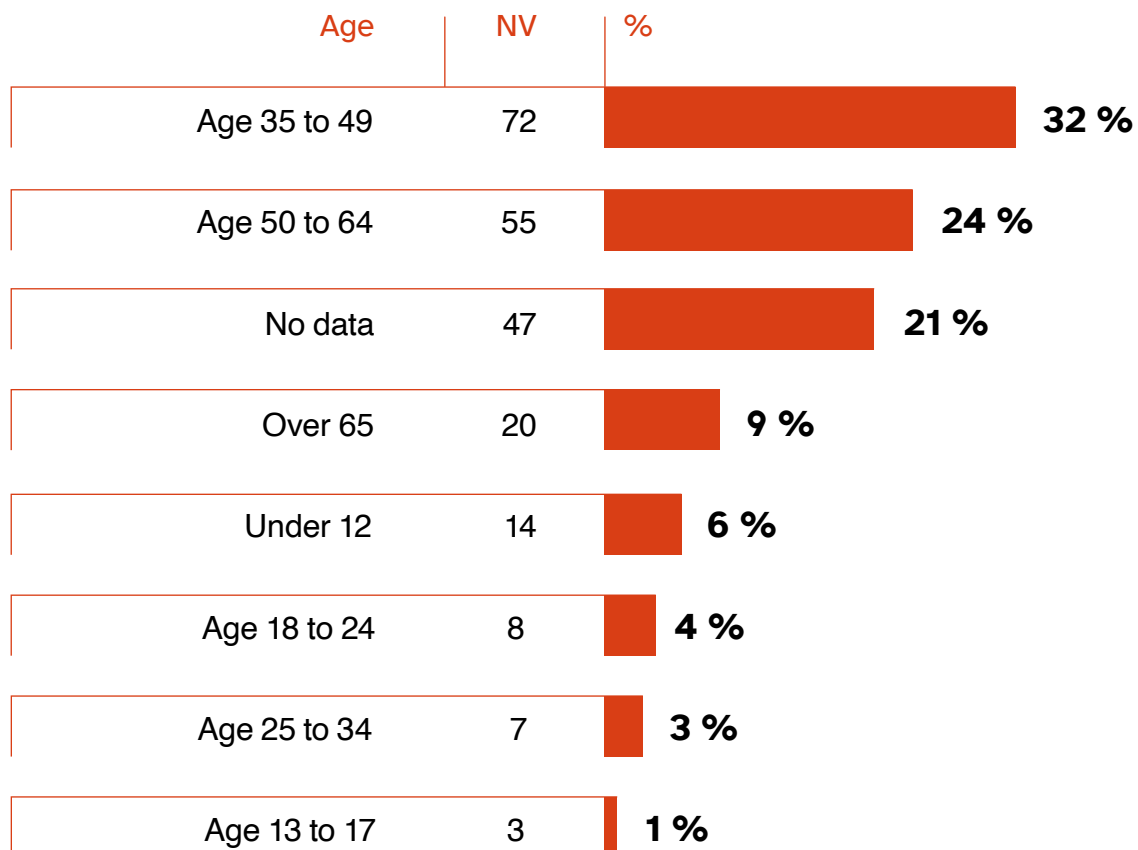


## Age

As already observed in 2022, **the groups most affected by cases of rights violations include the 35-49 and 50-64 age groups, with 32 % and 24 %, respectively.**

### Graphic 2

Violation of rights **by age**



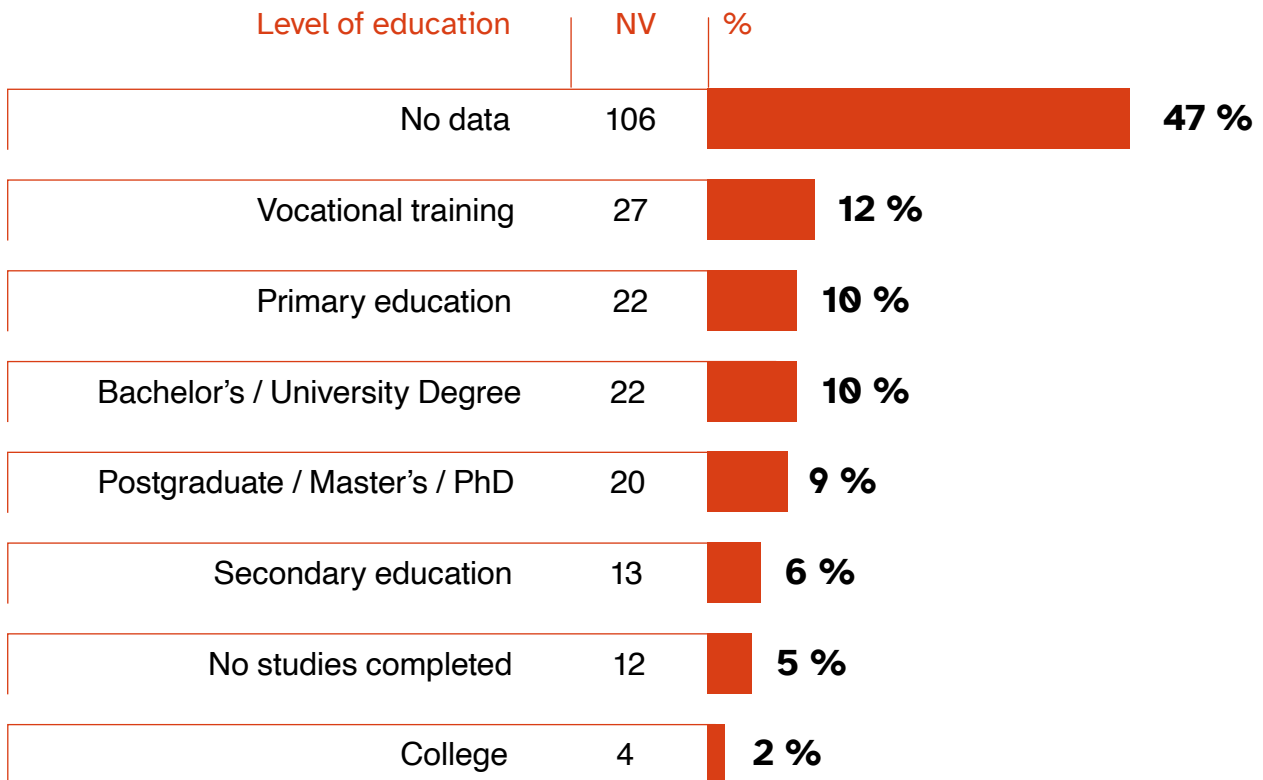


## Level of education

It is observed that educated people experienced more violations than others; we understand that they may have had more tools and knowledge to be able to identify such violations and assert their rights.

### Graphic 3

Violations of rights by level of education completed

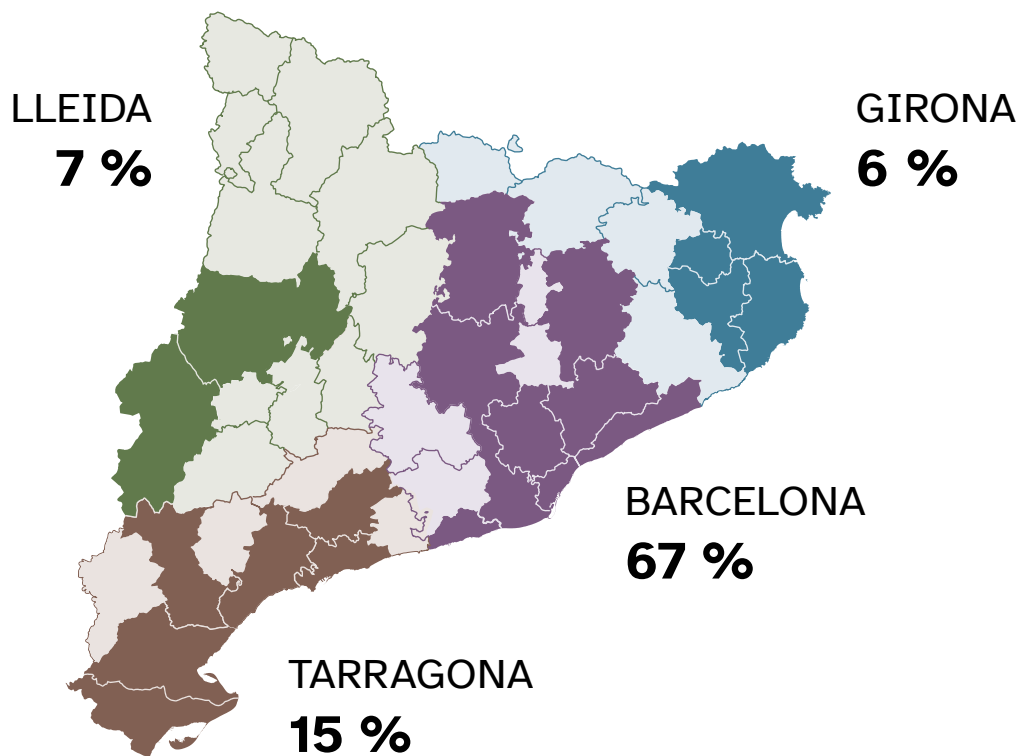


## Region

**Barcelona was the province where most violations were reported, with 67 %.** This is the same percentage as in 2022.

### Map 1

Violations of rights **by provinces of Catalonia**



\*We do not have data on the remaining 6 % NS/NC.














\*This difference in geographical distribution could be due to ECOM's areas of operation, which are mainly located in the province of Barcelona. Likewise, Lleida and Girona also have leading organisations working to defend the rights of persons with physical and/or organic disabilities. Therefore, we understand that the people belonging to these provinces have most likely made enquiries and reported cases of violations to their local organisations.

## Who commits rights violations and where?

In 2023, 66 % of the violations detected were committed by the public authorities, que which was 7 points higher than in 2022. In second place, we find companies and private entities ('company' being understood as a space where professional activity and the provision of goods and services is carried out, such as a market, shop or restaurant) with 25 %, followed by private individuals with 9 %.

**Table 1**

### Main agents violating rights



















<b>Public authorities</b>	<b>150</b>	<b>66 %</b>	
Regional government	73	32 %	
Local government	56	25 %	
State government	12	5 %	
Health centre staff (public)	4	2 %	
Educational centre staff (public or subsidised)	3	1 %	
Transport staff (public)	2	1 %	
<b>Private companies and organisations</b>	<b>56</b>	<b>25 %</b>	
Private company staff	54	24 %	
Entities/ associations/ NGOs	2	1 %	
<b>Private Individuals</b>	<b>20</b>	<b>9 %</b>	
Residents' associations	13	6 %	
Individuals	7	3 %	



**The main places where rights violations occurred were public spaces and facilities, which account for more than 80 % of cases:** an increase of more than 20 % compared to 2022. By these spaces, we mean buildings accessed in person, as well as different existing websites and online platforms. On the other hand, we identified private spaces as those with the fewest violations.

**Table 2**

**Main places** where the violation took place

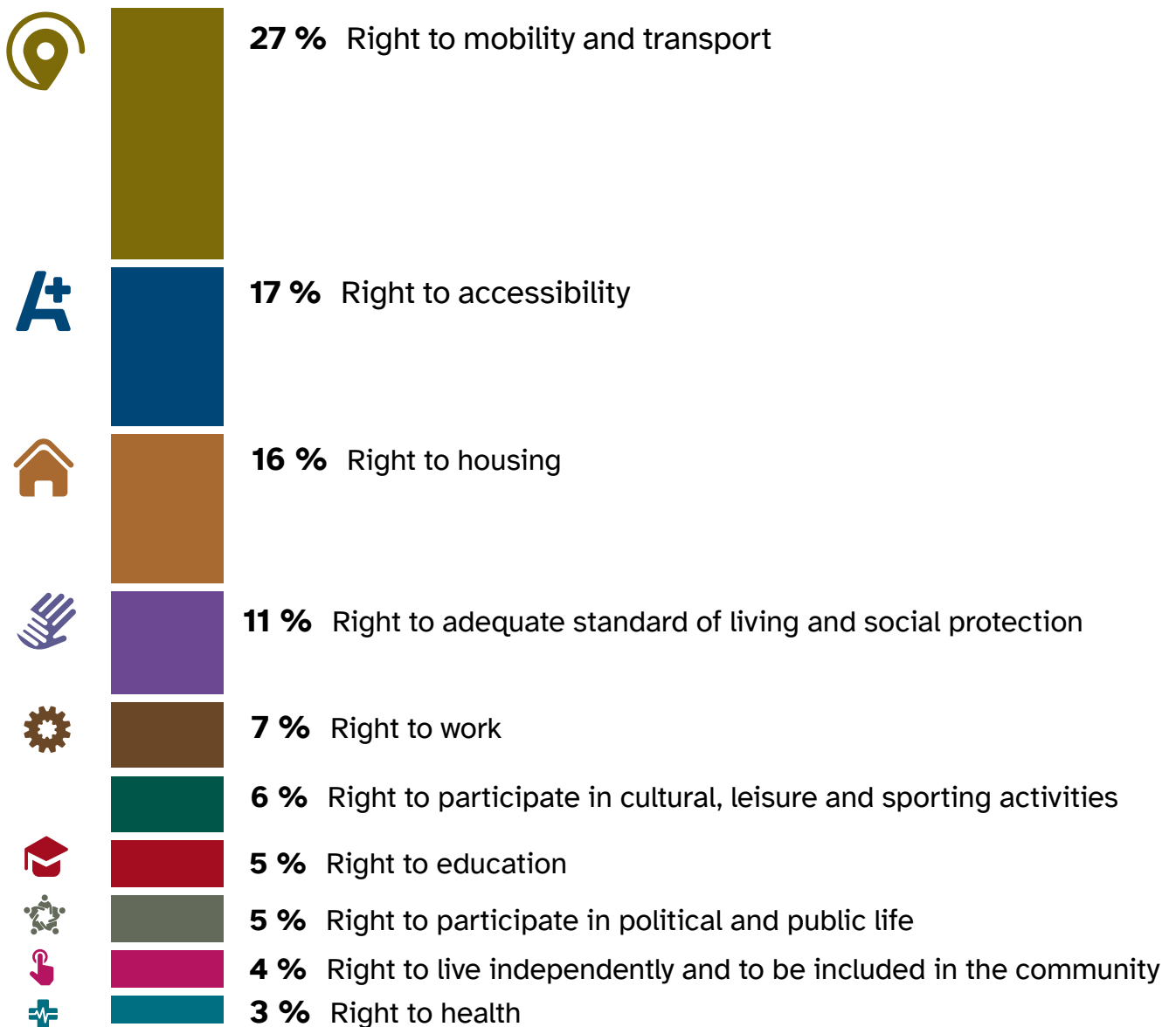
<b>PUBLIC SPACES</b>		<b>81 %</b>	
<b>Public facilities</b>	<b>152</b>	<b>68 %</b>	
Public offices and services	76	34 %	
Public stations or means of transport	48	21 %	
Public or subsidised educational centres	15	7 %	
Public health centres	8	4 %	
Public leisure, cultural and sports centres	5	2 %	
<b>Public spaces (streets, squares, beaches, etc.)</b>		<b>13 %</b>	
<b>PRIVATE SPACES</b>		<b>20 %</b>	
<b>Private facilities with restricted access</b>	<b>29</b>	<b>13 %</b>	
Housing, residential areas	16	7 %	
Workplace	13	6 %	
<b>Private facilities</b>	<b>16</b>	<b>7 %</b>	
Private leisure, cultural and sports centres	6	3 %	
Restaurants	4	2 %	
Markets and shops	3	1 %	
Public service offices and private services	2	1 %	
Stations or private means of transport	1	0 %	

## The three most violated rights

The 226 identified violations correspond to the following rights, ordered by percentage of violations. The most violated right in 2023 was the right to mobility and transport with 27 %, followed by the right to accessibility (17 %) and the right to housing (16 %).

### Graphic 4

Violations of rights identified during 2023



In view of the 226 violations identified and recorded by ECOM in 2023, and being aware that there are many others that are not accounted for or visible, it is necessary to focus on **cross-cutting challenges**:

- Given that 66 % of the violations identified were committed by public authorities and occurred in the public sphere (public spaces and facilities), **we continue to demand that public policies be devised from the perspective of diversity and intersectionality, incorporating disability in a cross-cutting manner** across all areas to prevent rights violations.
- **Compliance with existing legislation in different areas related to the rights of persons with disabilities must be ensured in order to achieve equal treatment and non-discrimination.** This is also to provide for effective sanctioning mechanisms in cases in which the law is not complied with, as well as the implementation of other restorative and remedial measures.
- **It is necessary to substantially increase the budget allocated to social policies** in the coming years in order to respond to the needs of people in vulnerable situations, including persons with physical disabilities and/or chronic illnesses, and to leave no one behind.
- **Progress must be made on the National Pact on the Rights of Persons with Disabilities** so that it can be approved, implemented and understood as a tool to improve the response of public policies to the needs of persons with disabilities and organisations in the sector.
- It is important to **promote cross-cutting gender policies and take into account the needs, demands and characteristics of women and girls with disabilities** - including indicators on women and disability in data collection - in order to be able to assess the impact of actions on this group and their rights.
- **The participation of persons with physical disabilities and/or chronic illnesses**, as well as the organisations that represent them, must be **guaranteed** in the creation and implementation of public policies and strategies to ensure that they take into account the needs of persons with disabilities.



## 2.2 Violation of the **right to mobility and transport**



**60**

Vulnerabilities detected

**24**

Cases handled

**36**

Responses to the survey

- As was the case in 2022, **problems accessing the transport network is once again the category with the highest percentage of violations in 2023, at 42 %**. There are constant barriers to accessing stations and means of transport, especially buses and trains. These barriers are even greater in rural and provincial areas, where there is less transport available.
- The lack of lifts and platform lift maintenance has also been identified again.
- **Reserved parking and discriminatory attitudes** rank as the second most violated categories, each accounting for 18 %.
- On the one hand, people without any type of disability still use reserved parking spaces. In addition, we identified a lack of recognition of foreign parking permits, especially from outside Europe.
- On the other hand, in terms of the discriminatory attitude experienced by persons with disabilities, the most reported cases were mistreatment received from bus drivers and staff at Barcelona's metro stations. Discriminatory behaviour on the part of some public transport passengers was also identified. In this category, which pertains to discriminatory attitudes, there has been a 7-point increase compared to 2022.



## Right to mobility and transport

**27 %**

of identified cases



Category with the most violations:

**Problems accessing the transport network**

42 %



Main violating agent:

**Private company staff**

43 %



Main places where the violation occurred:

**Public stations or means of transport.**

This includes private operators (including interurban transport and taxis) that provide a public service.

43 of the 60

detected vulnerabilities



Who has suffered the most violations:

**Women** with physical and/or organic disabilities

More than 60 %



Province of Catalonia with the most violations:

**Barcelona**

More than 60 %



## First-hand experiences



"I've had it happen to me when I couldn't get on a bus because the ramp wasn't working. I wait for the next one, and that one doesn't either. How is this possible? Is there no maintenance?"



"I often see that reserved spaces are occupied by vehicles that don't have a parking permit."



"Some towns don't have adapted cabs and have to order them from other towns 5 or 6 hours in advance: you can't be spontaneous. Also, there is very little service on weekends."



## Challenges



- ✓ **A clear commitment is needed for an accessible, affordable and safe transport system throughout the region.**
- ✓ To ensure the transport system accessibility chain (information, services, stations, vehicles, validation systems...) **and its maintenance.**
- ✓ **To continue raising awareness and providing diversity** training to all the agents involved and to society in general.
- ✓ **To promote an integrated social fare system** for public transport in the four provinces of Catalonia **and a unified protocol for intercity buses and on-demand transport.**



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



**38**

Vulnerabilities  
detected

**18**

Cases  
handled

**20**

Responses  
to the survey

- After a lengthy process involving extensive revisions and efforts to bring it to fruition, we at **ECOM** celebrate the announcement that **Decree 209/2023, dated 28 November 2023, approving the Accessibility Code of Catalonia**, was published on 30 November 2023. Even with this advancement - whose impact we will need to assess once it is implemented - ECOM continues to highlight the numerous accessibility challenges faced by persons with physical disabilities and/or chronic illnesses in their daily lives.
- **Following the trend of the last two years, the categories with the highest percentages are urban planning and public spaces (34%) and general building (21 %).** Architectural barriers persist, both in the infrastructure of public spaces (such as streets and beaches) and in the lack of necessary tools to properly adapt the infrastructure of public and private buildings. Specifically, in 2023, multiple issues were identified concerning the insufficient availability of accessible public toilets in the catering sector. Additionally, many buildings owned by public authorities still fail to comply with accessibility regulations. Similarly, different situations were recorded in which, when road works were being carried out, there was no alternative pedestrian crossing that was accessible to everyone, leaving people with physical disabilities and/or chronic illnesses unable to access the pavement. On the other hand, we have noted the lack of pictograms in the commercial sector, which could be very useful for persons with disabilities.
- Difficulties were also encountered in the **leisure sector (16 %)**, where issues included **non-accessible playgrounds** (such as those with uncompacted sand or inaccessible zip-lines), private venues that are not wheelchair accessible, and challenges in accessing the Palau Sant Jordi in Barcelona.





## Right to accessibility

**17 %**

of identified cases



Category with the most violations:

**Urban planning and public spaces**

34 %



Main violating agent:

**Local government**

53 %



Main places where the violation occurred:

**Public spaces**

More than 50 %



Who has suffered the most violations:

**Women** with physical and/or organic disabilities

53 %



Province of Catalonia with the most violations:

**Barcelona**

74 %



## First-hand experiences



"I have experienced difficult situations. I went to collect some money I won at a lottery office, and it had a very high step. The girl told me to wait as she was serving someone else. Then, two more people arrived and she served them before me. I ended up leaving, and I still haven't collected the lottery money."



"They say that public offices are accessible, but then you find out that the emergency exit hasn't been adapted, your wheelchair doesn't fit in the lift, etc."



"There is only one park I can go to with my nephew. I'm a wheelchair user."



## Challenges



- ✓ **To ensure the proper implementation of Decree 209/2023, which approves the Accessibility Code of Catalonia** to ensure the autonomy, equal opportunities and non-discrimination of persons with disabilities in all areas.
- ✓ **To ensure the incorporation of universal accessibility criteria** - at least the legally established parameters - **in coordination with all sectoral plans** (accessibility, mobility, housing, leisure, culture, etc.).
- ✓ **To work jointly with all agents involved (both public and private)** to ensure awareness of disability and support from the perspective of diversity and intersectionality.



## 2.4 Violation of the right to housing



36

Vulnerabilities  
detected

27

Cases  
handled

9

Responses  
to the survey

- **Access to housing** is the category with the highest number of violations, with 47 %, followed by problems with residents' associations, with 36 %.

- On the one hand, there has been no improvement in the lack of accessible, affordable and assisted housing, which is particularly difficult in rural areas. In addition, refusal to accept housing benefits and denial to access social housing were identified. In this regard, we often find that these homes are not adapted to the family needs of persons with physical disabilities and/or chronic illnesses.

- On the other hand, the events that have generated the most problems are the actions and reforms aimed at improving accessibility in common spaces within neighbourhood communities (including community swimming pools). Once again, the unwillingness of residents' associations to cover the cost of removing architectural barriers was noted. In addition, some people stated that they were treated differently to the rest of the residents in the building due to the fact that they have a disability.



## Right to housing

**16 %**

of identified cases



Category with the most violations:

**Access to housing**

47 %



Main violating agent:

**Autonomous Government**

56 %



Main places where the violation occurred:

**Public customer service offices and public services**

58 %



Who has suffered the most violations:

**Men and women with physical and/or organic disabilities**

44%



Province of Catalonia with the most violations:

**Barcelona**

69 %



## First-hand experiences



"It's very difficult to find adapted flats. I have a social housing flat. They said that there were two adapted flats in the development, but that wasn't the case. There weren't any. They had to adapt it for me and, in fact, to this day I still can't say that it is adapted, as the bathroom doesn't comply with the regulations. And we're talking about a government-sponsored building; I don't even want to think about what happens in a private building."



"Not enough information exists on whether or not the flat is adapted... On some real estate search websites they say that there is a lift, but what they don't say is that there are steps to get to it. So, it's listed as adapted but it is not."



## Challenges



- ✓ **Final approval of the Regional Housing Sector Plan**, taking into account the needs and difficulties of persons with disabilities.
- ✓ **To develop and approve a National Housing Plan in Catalonia** in collaboration with various social agents.
- ✓ **To continue to promote the social housing market in public-community collaboration with non-profit third sector entities** for the construction, management and/or monitoring of housing supply.
- ✓ **To raise awareness of the legislation on accessibility that residents' associations have to comply with**, and urge them to carry out the necessary works to guarantee accessibility for the whole community in common spaces.



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



**25**

Cases handled

**7**

Consultas atendidas

**18**

Responses to the survey

- **56 %** of the violations identified are related to the **reduction, rejection and/or loss of benefits**. Mainly, we identified the failure to recognise disability and incorrect assessments that make it impossible to obtain benefits in this context, as well as the failure to receive Individualised Support Programme (PUA) benefits.

- The second category with the highest percentage is related to **bureaucratic difficulties and time taken to access benefits, with 28 %**. PUA delays, difficulties obtaining documentation quickly from most public authorities to be able to manage the corresponding benefits, as well as the lack of simple and accessible procedures often mean that persons with physical disabilities and/or chronic illnesses do not end up receiving the benefits they need. These facts highlight once again how the authorities, who should be responsible for ensuring that people in vulnerable situations receive social protection, are often perceived as inflexible and purely supervisory, far removed from citizens' needs.





## Right to an adequate standard of living and social protection

**11 %**

of identified cases



Category with the most violations:

**Reduction, rejection and/or loss of benefits**

**56 %**



Main violating agent:

**Autonomous Government**

**88 %**



Main places where the violation occurred:

**Public service offices and public services**

**100 %**



Who has suffered the most violations:

**Men with physical and/or organic disabilities**

**56 %**



Province of Catalonia with the most violations:

**Barcelona**

**72 %**



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

**2.5** Violation of the **right to an adequate standard of living and social protection**



## First-hand experiences



"Everything has to be done online. Why don't you provide face-to-face services? I'm sure that there are many other people who aren't trained in new technologies, find it very difficult to access procedures, and risk losing these benefits."



"Sometimes they call me about my case, and when I answer they ask to speak to my mother or someone else to give me an answer to a question that I asked. I tell them "You can tell me." It happens to me often."



"My social worker told me to ask for telecare, but I can't use it because I don't have the mobility to be able to push the button. Some adaptations were proposed to me: using Velcro, a headband, etc., but it was a waste of time. As technology advances, isn't it possible to adapt telecare? I've even been told to have my partner push the button if I can't do it."



## Challenges



- ✓ **To review the model of care for persons with disabilities in order to promote a person-centred model**, carrying out a general redefinition of the Portfolio of Social Services, as well as the implementation of the ‘case manager’ figure.
- ✓ To rethink the Non-Contributory Pension system, since it is not aligned with the provisions of the UN Convention on the Rights of Persons with Disabilities.
- ✓ **To rethink the organisation of the authorities so that they can ensure social protection and become open, accessible and responsive to people’s needs.**
- ✓ **To take into account the comparative economic disadvantage in the cost of living for persons with disabilities** when providing benefits and assistance to individuals with physical disabilities and/or chronic illnesses.
- ✓ **To reduce waiting lists** both for applications for recognition and/or to review the degree of disability, and for assessments for recognition of dependency status.



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



**16**

Vulnerabilities  
detected

**6**

Cases  
handled

**10**

Responses  
to the survey

- **Employment discrimination** accounts for **63 %** of rights violations. In particular, pressure to carry out work without taking into account adaptations to the needs of persons with physical disabilities and/or chronic illnesses was identified, including the signing of agreements with discriminatory conditions under threat and coercion. Differences in treatment with respect to other staff members who do not have a disability were also recorded, expressed both verbally and by scheduling meetings in places inaccessible to wheelchair users.

- In addition to these identified forms of discrimination, there are also those identified in **selection processes**, which is the category with **the second-highest percentage: 19 % of violations**.



## Right to work

**7 %**

of identified cases



Category with the most violations:

**Employment discrimination**

63 %



Main violating agent::

**Private company staff**

81 %



Main places where the violation occurred:

**Workplace**

81 %



Who has suffered the most violations:

**Women** with physical and/or organic disabilities

50 %



Province of Catalonia with the most violations:

**Tarragona**

50 %



## First-hand experiences.



"I've been unemployed for six and a half years, with interviews every 15 days. It's very frustrating."



"I've experienced a lot of discrimination because they haven't adapted roles to my circumstances and have questioned whether I can work. I've worked in various courts, I'm in the Judicial Employment Database just like the rest of my colleagues. I'm fine now, but I've experienced discriminatory situations."



"Some colleagues in my organisation don't see me as a coworker, but as a user of the services provided by the organisation where I work. I may work fewer hours, but I am a worker just the same. I've been working for 16 years and I still have a hard time being seen as an equal."

## Challenges



- ✓ To **create quality jobs** with the support that each person needs.
- ✓ To **expand regional subsidy schemes for companies linked to the hiring of persons with physical disabilities and/or chronic illnesses** (for example, accepting part-time work, including social and solidarity enterprise as beneficiaries of these subsidies, etc.).
- ✓ To **implement measures so that all companies are obliged to comply with the legal quota of 2 % reserved for persons with disabilities.**
- ✓ To **review the current system of social benefits and social security to facilitate the transition to and compatibility with paid employment.**
- ✓ To **raise awareness and provide diversity training** to private companies and society in general in order to eradicate discriminatory actions carried out by management staff and co-workers against persons with physical disabilities and/or chronic illnesses.



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



- **Non-inclusive activities** is the category with the most violations, with **62 %**. It is confirmed that there is a lack of knowledge and awareness of physical disability and/or chronic illness, which leads to situations where facilities are not adapted and the person requiring the adaptation of activities is not accommodated (often there are no specialised facilitators available). In addition, as was reported last year, the Mercè Festival in Barcelona once again involved reserved places with poor visibility and non-adapted public toilets. Furthermore, a delay in the assisted bathing service on Barcelona’s beaches was identified.

- The second category with the most violations is **exclusion due to disability**, with **23 %**. We warn that this has increased by more than 10 % compared to 2022. Denied access to bars and restaurants was reported, as well as discriminatory attitudes on the part of other individuals participating in leisure activities.





## Right to participate in cultural, leisure and sports activities

**6 %**

of identified cases



Category with the most violations:

**Non-inclusive activities**

**62 %**



Main violating agent:

**Local governments**

**Private company staff**

**46 %**



Main places where the violation occurred:

**Public spaces**

**Public leisure, cultural and sports centre**

**More than 50 %**



Who has suffered the most violations:

**Men with physical and/or organic disabilities**

**54 %**



Province of Catalonia with the most violations:

**Barcelona**

**77 %**



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

**2.7** Violation of the **right to participate in cultural, leisure and sports activities**



## First-hand experiences



"I was kicked out of the pool because children were coming with their parents. I was told that the parents might not want to see me as I am missing a leg."



"At parties, not everyone is included. Sometimes you can participate in some activities, but not all of them. Everyone should be able to participate, it's a right."



## Challenges



- ✓ **To ensure compliance with legislation on accessibility and equal opportunities** for persons with disabilities at cultural, sports and tourism facilities.
- ✓ To promote adapted physical activity and **offer sports, leisure and free time activities that ensure the participation of persons with disabilities on an equal footing with the rest of the community**, providing the necessary staff and support equipment.
- ✓ **To train all the agents involved** in the planning and implementation of cultural, sports, leisure, tourist and other direct service activities in relation to diversity.



## 2.8 Violation of the **right to education**



- **Following the trend of the last two years, student support resources is the category with the highest percentage of violations in 2023: 55 %.** Mainly, the following issues were identified: the denial or insufficient provision of hours for school monitors and those overseeing extracurricular activities (such as holiday camps, outings, and end-of-year trips). This problem often arises either because the Department of Education has not supplied such workers or due to budget constraints within the school itself, which has prevented the hiring of support staff for such activities. One of the most serious cases reported in 2023 involved the expulsion of a minor from a mainstream state school by decision of the EAP (psychopedagogical counselling and guidance team) because they lacked the resources to provide adequate care for the student. This incident highlights a significant lack of genuine inclusive education practices within the current education system.

- In the second category with the most violations we find instances of **discriminatory attitudes (36%)**, which involve differential treatment compared to students without disabilities.



## Right to education

**5 %**

of identified cases



Category with the most violations:

**Student support resources**

55 %



Main violating agent:

**Autonomous Government**

64 %



Main places where the violation occurred:

**Public or subsidised educational centres**

100 %



Who has suffered the most violations:

**Boys and men as well as girls and women  
experienced the same number of violations**

45 %



Province of Catalonia with the most violations:

**Barcelona**

55 %



## First-hand experiences



"Teachers don't always have the tools to be able to provide proper support in the classroom. There is a lack of training."



"The supply of post-compulsory education is very limited and also depends on the region. It's not distributed equally throughout Catalonia."



"Not all schools are accessible. Some children have to choose their school based on whether or not it has architectural barriers. These schools become a sort of ghetto."



## Challenges



- ✓ **To approve an urgent plan to advance inclusive schooling, ensuring the full implementation and development of Decree 150/2017**, dated 17 October, on educational support for students within an inclusive educational system. Additionally, to increase the budget allocated for its implementation.
- ✓ **To ensure access to care staff services.**
- ✓ **To implement a conversion plan for CEEPSIRS special education centres** (centres providing services and resources).
- ✓ To develop a **training and support plan for teachers and direct care staff** in methodologies related to diversity.
- ✓ **To establish indicators to evaluate the educational system and how resources are managed**, in order to ensure **universal accessibility in all educational centres in Catalonia.**



## 2.9 Violation of the **right to participate in political and public life**



12

Vulnerabilities  
detected

12

Cases  
handled

- **42 %** of violations refer to a **lack of adapted access to polling stations**. Problems such as long, uneven dirt roads with potholes, steps, or slopes unsuitable for wheelchair users were identified. All of this coupled with the fact that there is often no one to facilitate access has led to serious violations of the right to participate in political life. The Deltebre case is the most widely publicised. It happened during the 28 May municipal elections, at a polling station located in the Escola l'Assumpció in Deltebre (Tarragona). Specifically, the violation occurred when a wheelchair user arrived to vote and discovered that the access ramp at the polling station was closed. There was no alternative way to enter, as the main entrance had stairs, and accessing the site required navigating over sandy and stony ground. In order to exercise their right to vote, they asked for the ramped access to be opened but were told that it could not be, without being given any other reason. Unable to access the building in any way to exercise their right to vote, the president of the polling station decided to go outside the polling station with an envelope with a ballot. The voter was not allowed to personally insert the ballot into the ballot box, nor were they allowed to see or ensure that it would be placed in the ballot box unaltered.
- This category is followed by violations related to **mobility within the polling station (33 %)**. While there are polling stations that are accessible, the difficulties are inside: steps to reach the polling booths, booths with insufficient space for wheelchairs, tables that are too high, etc.





## Right to participate in political and public life

**5 %**

of identified cases



Category with the most violations:

**Lack of adapted access to polling stations**

42 %



Main violating agent:

**Local government**

75 %



Main places where the violation occurred:

**Public offices providing public services**

75 %



Who has suffered the most violations:

**Men and women with physical and/or organic disabilities**

50 %



Province of Catalonia with the most violations:

**Barcelona**

83 %



## First-hand experiences



"I got the letter saying that I had to be at the polling station. I wanted my personal assistant to accompany me and I asked the election board if she could come with me. At first they said no, but finally they agreed. During the final count, my PA had to sign everything I signed. It didn't feel right because it's like they didn't trust me. I asked and was told it was in the regulations. They told her they would pay her the same as me for the day, but as of today, she still hasn't been paid."



## Challenges



- ✓ **To ensure accessibility and mobility in polling stations**, both in terms of access to the building itself (entrances without steps, etc.) and in the interior elements (tables at the correct height for wheelchair users, adapted bathrooms, booths with enough space for wheelchairs, etc.).
- ✓ **To train all agents involved** in the planning and execution of election days in diversity.
- ✓ **To standardise criteria and protocols** for the participation of persons with physical disabilities and/or chronic illnesses at polling stations.



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



- In contrast to previous years where a wider range of categories was identified, in 2023 **the category of resources for independent living accounted for 100 % of violations.** The main cause is that, despite the fact that some people have a personal assistant, the hours provided are not enough to be able to live independently. In the absence of coordinated provision, persons with physical disabilities and/or organic illnesses often end up using private staff with no specialised training. As a result, they do not receive the most appropriate care for their needs. Therefore, they are not exercising their right to choose how to live.



## Right to live independently and to be included in the community

**4 %**

of identified cases



Category with the most violations:

**Resources for independent living**

**100 %**



Main violating agent:

**Autonomous Government**

**75 %**



Main places where the violation occurred:

**Public citizen service offices and public services**

**100 %**



Who has suffered the most violations:

**Women with physical and/or organic disabilities**

**75 %**



Province of Catalonia with the most violations:

**Barcelona and Tarragona**

**38 %**



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

2.10 Violation of the **right to live independently and to be included in the community**



## First-hand experiences



"I went to a bar with my PA. He left for a moment and I ordered a beer. The waiter wouldn't serve it to me until my personal assistant came. When he came back, I told him, "Let's get out of here, I don't want to stay!" I was very unhappy with the way I was treated."



"People with disabilities need to be able to decide where and with whom we want to live."



## Challenges



- ✓ **A person-centred model of community care** that can provide sufficient and effective support to enable persons with physical disabilities and/or organic illnesses to exercise their right to choose how and where they want to live.
- ✓ **To draw up the Law of Personal Autonomy of Catalonia** in conjunction with all the agents involved and with a budget and the resources needed to apply it.
- ✓ **To approve the decree that should regulate personal assistance in Catalonia**, so that the right to independent living of persons with physical disabilities and/or chronic illnesses in Catalonia can be guaranteed.
- ✓ **To expand the role of the personal assistant at the national level, in accordance with the provisions of the convention (the number of hours required to support their ability to live independently, provided without any co-payment).**
- ✓ **To regulate the training requirements for personal assistants** through the 50-hour training model established by the Spanish Committee of Representatives of Persons with Disabilities (CERMI), and to legitimise the experience of the person with a disability as the main educator of the assistance staff.



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



7

Vulnerabilities  
detected

2

Cases  
handled

5

Responses  
to the survey

- **Following the trend of previous years, the category with the highest percentage (57 %) is lack of empathy and diversity training.** Violations in patient care due to a lack of information and knowledge or disability awareness hinder the existence of a universal, accessible and egalitarian healthcare system. Some individuals reported feeling scrutinised by the healthcare team and being treated differently from other service users. This disparity highlights a lack of specific knowledge regarding their disability and health needs.

- The second-largest category of violations was related to **long waiting times (29 %)**. This refers to the duration between scheduling a medical appointment and actually receiving care at the health centre. This can put a person's life at risk, since sometimes they end up resorting to self-medication to endure the pain





## Right to health

**3 %**

of identified cases



Category with the most violations:

**Lack of empathy and diversity training**

57 %



Main violating agent:

**Public health-centre staff**

57 %



Main places where the violation occurred:

**Public or subsidised health centres**

100 %



Who has suffered the most violations:

**Women** with physical and/or organic disabilities

57 %



Province of Catalonia with the most violations:

**Barcelona**

71 %



## First-hand experiences



"I went for an X-ray. They let me know that I could go in and they put me on top of the wooden table, which was very hard. Normally, there are two medical technicians: one stays with me so that I don't move, as I can't be left alone because I have dystonia, and if they don't hold me, I move and fall. This time there was only one technician. He told me that he couldn't get anyone else and that he would put me on, and then go start the equipment. He put a pillow on my legs and left me alone while he took the "shot". If at that moment my dystonia had flared up, I would have fallen. If I say I have dystonia and I'm at risk of falling, why did you leave me alone on the table? I could have fallen. I felt very unsafe."



"The doctor violated my privacy. When I had the accident, the whole hospital and part of the county knew about it... He showed people pictures of parts of my body. When I was admitted, they would wash me with the door open, people would walk by and I had no privacy whatsoever."



## Challenges



- ✓ **To develop training plans and to support all agents involved** in planning and direct care services in relation to diversity.
- ✓ To develop an accessibility plan and enforce it **to ensure that all healthcare facilities are accessible**: the entrances, interiors and equipment (lifts, beds, scales, examination and diagnostic testing devices, etc.).
- ✓ **To approve the Bill of the Integrated Social and Health Care Agency of Catalonia**, guaranteeing a bio-psycho-social health model.
- ✓ **To approve the National Health Pact**, with the participation of all healthcare community agents and organisations representing persons with disabilities.
- ✓ **To raise chronic illness to the same level as other disabilities** in the protocols and action plans of public authorities.
- ✓ **To ensure that non-face-to-face healthcare is provided with the same effectiveness as face-to-face care**, without harming users.



## Underreporting and its causes

**Underreporting** continues to be a problem that makes the violations suffered by persons with physical disabilities and/or chronic illnesses invisible.



**226 violations detected, only 75 were reported.**

The failure to report situations of discrimination and rights violations hinders the identification of the total number of persons with disabilities whose rights are not recognised, as well as the identification of the places where these violations occur and the main violating agents.



## Have the 226 violations received been reported?

Of the total 226 violations identified in 2023 **75 violations were reported, 72 not reported**. We do not have this data for the remaining 79 violations.

Therefore, considering only the individuals for whom we know whether or not a complaint was filed, we can state that **49 % of violations were not reported**.

### Graphic 5

Reported violations

**Reported**  
75 violations

**51 %**

**Not reported**  
72 violations

**49 %**





We note a 7 % increase in reported violations compared to 2022 despite the fact that many of these violations remain unaddressed, with no actions taken to mitigate or prevent their recurrence.

We also noted that some survey participants, when asked if they had experienced any violations of their rights, answered no. However, in the open-ended section at the end of the survey, where they were invited to share additional comments, they reported situations where their rights were indeed violated, particularly concerning accessibility, adequate living standards, and social protection. This shows that there are still people who do not have the necessary tools to identify whether a right was violated and, consequently, they are unable to take action.

## Underreporting



Reported violations

**Reported: 75** violations

**Not reported: 72** violations



Who did report?



Gender:

**Women** with physical and/or organic disabilities

**52 %**



Age group:

**Between 35 and 49 years of age**

**39 %**



Province of Catalonia:

**Barcelona**

**64 %**



Reason for underreporting:

**Believe that it serves no purpose**

**More than 30 %**



## First-hand experiences



"You don't really know where to file a complaint; it's a mystery because there is no specific place to go."



"Sometimes I haven't complained because they won't listen... It's pointless; in fact, it would just alienate me further from society."



"Making a complaint is seen to be daunting, and you don't feel capable of doing it. The day-to-day is already hard and emotionally draining, and sometimes you don't feel ready to go through the process. Support in defending your rights is very important."



"Complaints in rural areas are complicated, as everyone knows each other and people fear retaliation."



"We don't report because we are tired. I would spend 24 hours reporting things; I wouldn't do anything else, and I'm more than a disability."





## Challenges



- ✓ To raise awareness of the **importance of reporting** and the channels to do so.
- ✓ To check that the reporting **tools and channels** provide an effective response.
- ✓ To ensure that **reporting processes are flexible and accessible**.





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