



Able '20 **We Are Able to Work 2020**

Agreement Number – 2012 – 5523/030 – 001 YT7 PSIQ7

SPANISH REPORT ON THE REVIEW OF THE EUROPEAN 2020 STRATEGY.

PROJECT ABLE` 20



Able '20 **We Are Able to Work 2020**

Agreement Number – 2012 – 5523/030 – 001 YT7 PSIQ7

INTRODUCTION:

The chosen technique to extract the contributions from the people with disabilities to the European Strategy 2020 has been the Forum Theatre (tool peculiar to the Theatre of the Oppressed). The aim was to, through this technique, heighten the awareness of the participants of the Strategy, its general objectives and those specifically related to the participants, so as to enable them to contribute to it.

The choice of this tool stems from its potential when it comes to build citizen participation from groups who are socially oppressed (vulnerable) or directed towards situations of oppression. How?

The Theatre of the Oppressed (TO) works through a set of exercises, games and theatrical techniques which serve as an efficient instrument for the comprehension and search for alternatives to social and interpersonal problems. Its pedagogic, social, cultural, political and therapeutic aspects propose to transform the onlooker (passive being) into the protagonist of dramatic action (creative subject), stimulating the reflection upon the past, the transformation of the present reality and the invention of a future, according to its creator Augusto Boal. In other words "stimulate non-actors" (in this case, people with disabilities) to express their experiences of everyday situations through theatre choosing an oppression within the community (discrimination, forced evictions, etc.) for representation. The aim of the technique is to reflect upon power relations, exploring histories between the oppressor and the oppressed, in which the spectator-pupil assist and participate in the acts (guided by a facilitator-joker) creating alternative proposals alternatives which can serve as possible solutions towards eradicating the situation of oppression.

Using as a methodological base the referred technique, the project was carried out in the city of Vigo (Pontevedra) where the 15 participants meet during 10 sessions (from September to December 2013) to work on the Strategy through the TO lead by a social worker and a psychologist.

This project has been funded with support from the European Commission.

This communication reflects the views only of the author,

and the Commission cannot be held responsible for any use which may be made of the information contained therein.



Able '20 **We Are Able to Work 2020**

Agreement Number – 2012 – 5523/030 – 001 YT7 PSIQ7

The profile of the participants in the project was 15 youngster (8 male and 7 female), between 18 and 30 years of age, with disability, principally physical or mixed, and most (9/15) with a degree of affectation equal or superior to 65%. As for studies, the majority (11) had Secondary Education, three Primary and one Higher Studies, all being unemployed. During 10 sessions, the objectives of the Strategy relating to people with disabilities were gradually addressed, in the following manner:

- The 6 first sessions carried out in the Centro Vontade, were aimed at: a) on one hand, to facilitate the climate of participation and the necessary group cohesion (through the use of activities particular to the TO as: dynamics of knowledge, relaxation, movement, etc.) to later on be able to b) work directly on the analysis which the participants made of the set of priorities of the Strategy (from the fourth session). As for timing: two sessions were enacted each day (one in the morning and one the afternoon) with a duration of 2 hours each, the 20th of September (sessions 1 and 2), 27th of September (sessions 3 and 4) and fourth of October 2013 (sessions 5 and 6).
- The sessions 7, 8 and 9 were three sessions focused on rehearsing the TO piece chosen by the participants, which permitted to work in more depth with three specific objectives: Participation, Equality and Education. Place: Mos Local Development Centre. Days: 18/10/2013, 22/11/2013, 02/12/2013.
- The tenth session was dedicated to a representation of the work in a local high school as an awareness heightening action in conjunction with the International Disability Day (03/12/2013). The piece was represented for a public of 25 pupils (21 males and 4 females) of the first grade of Obligatory Secondary Education (ESO) in the charter high school CPR Mercantil (Vigo). In this piece acted two technicians (jokers) and six beneficiaries of the project (three male and three female) with various disabilities. The content of the piece was a school mobbing scene. The aim was to stir up debate between the pupils on inclusion of people with disabilities in common educational centres, as well as on the

This project has been funded with support from the European Commission.

This communication reflects the views only of the author,

and the Commission cannot be held responsible for any use which may be made of the information contained therein.



Able '20 **We Are Able to Work 2020**

Agreement Number – 2012 – 5523/030 – 001 YT7 PSIQ7
phenomenon of bullying. In the piece, through the TO technique, were directly addressed, the following priorities: Participation, Equality and Education and, indirectly, Accessibility. The facts that one of the participants was a wheelchair user resulted in the incorporation into the debate of this theme and the theme of obstacles in the surroundings.

The degree of participation and group cohesion that was reached by the youngsters during the project ought to be highlighted.

LEGAL FRAMEWORK AND relevant observations

When defining this framework in the current situation in Spain, we stumble on an enormous difficulty due to that since 2012 a radical restructuring of practically all of the existing legislation in this country prior 2012, is being carried out. A general regulatory change as well as a specific one (the laws exclusive to the field of disability) which are affecting, and will affect drastically, people with disabilities. Another factor which adds a certain complexity to the legal analysis is that the majority of the 17 Spanish Autonomous Communities (CCAA) have their own legislative powers in different areas, therefore each and every general state regulation is modified afterwards by specific regional regulations in which the details are established (such as: amount of fines, selection criteria, etc.)

It is important to take into account that the **UN 'Convention on the Rights of Persons with Disabilities'** and its Optional Protocol, have been signed and ratified by the Kingdom of Spain the 3rd of May 2008, why, since this date, this international body of regulations forms part of the Spanish legal order.

However the majority of the laws being passed presently in an express manner (Decree-Law) in this country and which have important consequences for the group of persons with disabilities, are being considered and applied without the completion of consultations mandatory in the 'Convention', provoking situations of public concern and alarm, vulnerability and legal and social uncertainty among this

This project has been funded with support from the European Commission.

This communication reflects the views only of the author,

and the Commission cannot be held responsible for any use which may be made of the information contained therein.

Able '20 We Are Able to Work 2020

Agreement Number – 2012 – 5523/030 – 001 YT7 PSIQ7

collective. The facts endorse this reality (with prognosis of deterioration) which show the critical situation which the Disability Sector is going through presently (the State budget for 2013 drastically reduced all allocations for social services).

In Spain, there are two principals laws directly related to the field of disability: the LGD and the LAPAD.

- **General Law of the Rights of Persons with Disability and their social Inclusion” (LGD)**, Royal Legislative Decree 1/2013, of 29th of November.

The LGD is the consolidated wording of three earlier laws: *the Law 13/1982, of 7th of April, on social integration of people with disabilities (LISMI); the Law 51/2003, of 2nd of December, of equal opportunities, non-discrimination and universal accessibility of people with disabilities (LIONDAU) and the Law 49/2007, of 26th of December, by which are laid out the rules on infringements and penalties in the field of equal opportunities, non-discrimination and universal accessibility of people with disabilities.*

The aim of the LGD is, globally, to guarantee the right of equal opportunities and the treatment of people with disabilities in equal conditions with other citizens, through promoting personal autonomy, universal accessibility, access to employment, inclusion into the community and independent life and the eradication of all forms of discrimination, according to the Spanish Constitution (art.: 9.2, 10, 14 y 49) and the ratified UN Convention, already mentioned, (in force since 3/05/2008).

The LDG is issued in accordance with the second final disposition of the Law 26/2011 of 1st of August. This work of consolidation aims to regularise, clarify and harmonise the three aforementioned laws. However, the LGD does not take advantage of the opportunity to introduce improvements, nor safeguard rights. Thus:

On “*Right to health protection*” (art.10), nothing new is contributed in the wording. However, the prevention, promotion and recuperation of health are curtailed since the sanitary reform (RD 16/2012) was passed in April of 2012, which stipulates co-payment of pharmaceutical, orthotics, prosthesis

This project has been funded with support from the European Commission.

This communication reflects the views only of the author,

and the Commission cannot be held responsible for any use which may be made of the information contained therein.



Able '20 **We Are Able to Work 2020**

Agreement Number – 2012 – 5523/030 – 001 YT7 PSIQ7 and dietetic products as well as medicaments from hospital pharmacies, non-urgent healthcare transport services, etc. Neither does it include comprehensive treatment in physical medicine, physiotherapy, speech therapy nor occupational therapy, which in chronic patients needs to be controlled and followed. Nor are deadlines given for the elimination of barriers in hospitals, hospital rooms, and in health centres; nor is any deadline given for the access to the health benefits with universal design materials (for example ergonomic stretchers in health centres, hospital consultations , gynaecology consultation where the right to equality of the disabled women is completely disregarded).

The opportunity to include training for treatment and care of people with disabilities is lost in the design of the degrees of healthcare personnel and in the development of the corresponding curricula.

Neither on “*Prevention of deficiencies*” (art.11) has it added anything and on “*Multi-professional teams for disability care*” (art.12) it refers basically to the disability evaluation teams and not to multidisciplinary teams for direct care.

When it comes to “*Comprehensive care*” (art.13), the opportunity has been lost to include the dwelling, which is the place where the person with disability spends most time and where the family has to give its utmost in time of attention and cares. Adapted homes and support products would facilitate independence and improve quality of life for the caregiver in his / her task of caring. When it comes to the empowerment or rehabilitation, medical and functional, programme, it is said that treatment, if necessary, will be continued as domiciliary treatment but at the expense of the caretaker. The programme for psychological attention, treatment and orientation does not exist as multidisciplinary treatment, not even in early primary care, which is what most resembles an integral treatment. The opportunity has also been lost to regulate and control it as an aid for the personal autonomy of the individual concerned and his near family.

This project has been funded with support from the European Commission.

This communication reflects the views only of the author,

and the Commission cannot be held responsible for any use which may be made of the information contained therein.



Able '20 **We Are Able to Work 2020**

Agreement Number – 2012 – 5523/030 – 001 YT7 PSIQ7

On the '*Right to education*', in spite of the fact that the LGD retains inclusive education, the recent Law of education LOMCE does not support it. The organisations representing the persons with disability (CERMI and ONCE) will appeal this law since: 1) it introduces the term of disability in a formal sense but does not protect the right to an inclusive education, 2) it is based, fundamentally, on academic results (promoting competition and not cooperation), opening the way to segregation and exclusion from the educational centres of pupils with special learning needs to whom dedicated tracks of attention are opened, 3) it takes away opportunities for persons with disability, 4) not pursuing inclusive education, it ignores the most important regulations of international scope on human rights, like the UN Convention on Disability. Furthermore, the budgetary cuts have affected the number of support teachers, auxiliary staff and the professionals in the counselling teams.

The chapter V on "*Right to an independent life*" is the transposition of the Law 51/2003, known as LIONDAU, which already gave as time limit 2017 for attaining universal accessibility in the access to and use of transports, public urban spaces and the information society. However, the LGD still talks about "comprehensive studies" with 2015 less than two years away, without specifying measures aimed at respecting the demand for accessibility in 2017. On "*Measures of positive action*" with the wording of Article 30 on "*Measures to facilitate the parking of vehicles*", the possibility to regulate in the entire national territory the European Card for Vehicle Parking is lost. On "*Subsidy for mobility and compensation for costs of transport*" (art.31), until now in education, the transport of pupils was compensated in obligatory education. The possibility to regulate this compensation in non-mandatory education, vocational training and university education has been lost.

On "*Housing reserve for persons with disability and accessibility conditions*" (art.32), the possibility to focus on and regulate mechanisms which would permit the swap of the ownership of a non-adapted dwelling for an adapted one, of public or private ownership, create bridge credits or subsidies on

This project has been funded with support from the European Commission.

This communication reflects the views only of the author,

and the Commission cannot be held responsible for any use which may be made of the information contained therein.



Able '20 **We Are Able to Work 2020**

Agreement Number – 2012 – 5523/030 – 001 YT7 PSIQ7

behalf of the state to make possibly the acquisition of an adapted dwelling while the non-adapted one is on sale in order to proceed with the repayment of the credit, has also been lost. On the “*Concept of rehabilitation of the dwelling*” (art 33), the opportunity was not exploited to regulate a higher and more realistic percentage than the existing one when it comes to subsidies and eliminate from the income tax declaration the consideration of the subsidy as a taxable income.

The chapter on “*The right to employment*”, in what concerns the “*quota of jobs reserved*”, it is a pity that there has been no elimination of the possibility of public or private enterprises to be exceptionally exempt from this obligation and that this exception is not considered indirect discrimination, since it eliminates the possibility of a normalised labour integration. Likewise, on the “*protected employment*” (art.43), the opportunity has been lost when it comes to augmenting the participation rates and employment, regulating the obligation to have a determined number of Special Employment Centres in the Autonomous Regions taking into account the number of persons with disability, the percentage of them unemployed and provincial rates.

In chapter VII on “*Right to social protection*”, none of these rights was safeguarded and the opportunity to do so has not been seized. Subject to the financial situation of the country, they may be curtailed, frozen or diminished.

On “*Right to participate in public affairs*”, the threshold for economic aid for associations working with disability, which the public administrations should support (as worded in the text), in the implementation of their activities is not assured. In chapter IX on “*Obligations of the public authorities*”, the obligation to offer benefits is not assured.

When it comes to Title II on “*Right to equal opportunities and non-discrimination*”, in its articles 63 to 66 on “*Violation of the right, guarantees and measures*”, the opportunity is lost as for regulating (in “*reasonable adjustment*” in the construction works for accessibility of the dwelling or for

This project has been funded with support from the European Commission.

This communication reflects the views only of the author,

and the Commission cannot be held responsible for any use which may be made of the information contained therein.



Able '20 **We Are Able to Work 2020**

Agreement Number – 2012 – 5523/030 – 001 YT7 PSIQ7 adaptation of the workplace), the compensation of the cost differential to guarantee in this manner the right to equality and non-discrimination. In “*Measures of positive action*” (art. 67,68), just as in the earlier chapter, no percentage of subsidies which could prevent the diminishment of rights or makes the closure of associations impossible nor the elimination of some of the services rendered when it comes to personal assistants is, by no means, safeguarded. The ‘Forum of independent Life’ (FVID) indicates that the LGD only superficially includes personal assistance, and not as a right in the pursuit of an independent life, since it does not promote an active personal autonomy, nor the fulfilment of the principles foreseen in the UN Convention on Disability.

Title III on “*Infringements and penalties in the field of equal opportunities, no discrimination and universal accessibility of persons with disability*” is the transposition of the Law 49/2007 of December 2.

It is worth highlighting that in the fourth additional disposition on “*Plans and programs for accessibility and for non-discrimination*”, the Government gives itself a term of 9 years, counted from 2013, to develop a “national accessibility plan”, term which will take us to 2022. Taking into account that the deadlines for the enforceability of the basic conditions of accessibility and non- discrimination are fixed between the years 2015 and 2017, we have to conclude that this law does not commit itself to respect the deadlines.

Likewise, the Law does not specify any measure which costs the State money nor does it set clear deadlines for universal accessibility. The only monetary amounts specified are those referring to government revenue (penalties).

Globally, this rewording of the laws has not been exploited to assure rights, services or benefits which at the whims of the economic situation already have diminished and which could even be eliminated.

Able '20 We Are Able to Work 2020

Agreement Number – 2012 – 5523/030 – 001 YT7 PSIQ7

- Modifications through decree-law of **Law 39/2006, of 14th of December, on Promotion of Personal Autonomy and Attention of persons in a position of dependency (LAPAD)**

The Law 39/2006 legislated to give attention and care, and to promote personal autonomy of dependent persons. A model of social protection which acknowledged the subjective rights of affected persons, the care given in the family environment and a series of infrastructures, benefits and services which facilitated the task of attending, caring for and promoting an independent life were launched.

Today, with the crisis as an excuse, the budgetary cuts implemented in the System have diminished or even eliminated part of these rights. Since December 2011 and until 2013, the successive modifications of 14 articles of the law and the cuts have created a series of restrictive measures : a) the incorporation of dependent persons with degree 1 (moderate) is suspended until July 2015; b) the monthly economic benefits which the caregiver in the family environment (non-professional caregiver) received are reduced by 15%; c) the payment of the Social Security contributions of these caregivers, earlier borne by the State, will cease (145.000 caregivers of dependent persons were discontinued in the Social Security in November 2012) and it is the non-professional caregiver who has to make himself responsible for these payments; d) furthermore the requisites for accessing the status of "family caregiver" in the family environment have been hardened, which means that it is more difficult to receive this benefit ; e) the evaluation of the degree of dependence is simplified. The three degrees remain, but without levels. With the elimination of the two levels included in every degree, the monetary contribution is reduced as well as the intensity of the benefits; f) from the moment when the application for evaluation was submitted the Autonomous Regions had a term of 6 months to carry it out. Once resolved, and until the applicant received the benefits the right to retroactive payment was generated. However, with the modification of the law, the term for evaluation has increased to 2 years, and there is no retroactive payment (there is a term which suspends it for two years). Furthermore, the persons with rights to a retroactive payment gained



Able '20 **We Are Able to Work 2020**

Agreement Number – 2012 – 5523/030 – 001 YT7 PSIQ7
earlier see their right nullified from the day of the decree. Economic rights gained before the decree can be paid by instalments by the administrations during the next 8 years; g) the user co-payment is increased. The new user contribution does not only take into account the income, as until now, but also the assets of the dependent persons.

When it comes to financing the system, according to the Association of Directors and Managers of Social Services, the amounts contributed by the Central Administration to the Autonomous Regions is reduced by more than 13%, thus worsening the budgetary cuts putting the sustainability of the system in clear danger. The cuts provoked by the Royal Decree, during 2013 amounts to (acknowledged by the Ministry itself) 850 million Euro, which cease to be injected into the system. This budget cut is already having an impact on the direct care of those affected. Examples of this are: the reduction of the intensity of the home help services (less hours); the personalised care and the attention of specific necessities is less since the compatibilities between services are eliminated; residence places, day centres, home help and remote assistance have been closed which has led to the dismissal of almost a thousand workers in the dependence care system (by the date 1/02/2013); in residences the places of deceased persons are left unoccupied and there are thousands of persons on waiting lists; 10 out of 17 Autonomous Regions do not maintain the replacement rate of the benefits claimed; at the beginning of 2013, there were close to 100.000 persons pending evaluation and 238.526 persons with the right to a benefit but who were not receiving it (halted benefits).

Other regulations indirectly related but with a direct impact are:

- Structural reform of the national health system - "Royal Law-Decree 16/2012, of 20th of April on urgent measures to guarantee the sustainability of the National Healthcare System and to improve the quality and security of its services". The earlier law provided all Spanish citizens with a costless, public and universal healthcare. This reform modifies the coverage of the system, by which the users are transformed from 'titleholders of a right' to having the condition, or not, of 'insurance holders'.

This project has been funded with support from the European Commission.

This communication reflects the views only of the author,

and the Commission cannot be held responsible for any use which may be made of the information contained therein.

Able '20 **We Are Able to Work 2020**

Agreement Number – 2012 – 5523/030 – 001 YT7 PSIQ7

Furthermore, the services are privatised, the co-payment of pharmaceutical products, non-urgent healthcare transport services, in-hospital pharmacies, orthotic and prosthetic services, etc. established, penalise even further those chronically ill (frequently, persons with disability).

- *Organic Law 8/2013, of 9th of December, for the improvement of educational quality (LOMCE):* Reform which modifies partially the Organic Law of Education (LOE) of 2006. This reform does not opt for inclusive education.
- *Royal Decree 3/2012, on urgent measures for the reform of the labour market:* renders dismissal more flexible and establishes labour conditions still to be specified.
- *Law 27/2013, of 27th of December, on rationalisation and sustainability of the Local Administration:* implies that the Social Services offered by the municipalities will disappear as of 2015.

CONTRIBUTIONS TO THE 2020 STRATEGY.

During the sessions, the eight priorities contemplated by the Europe 2020 Strategy related to people with disabilities were addressed. Of which, six were those which awoke a mayor interest in the participants or were those with which they identified themselves in their everyday life: Health, Participation, Equality, Employment, Accessibility, Education and Training. Thus, the contributions of the participants with regards to these were:

With respect to the principal challenges which the participants find during the transition from the world of education to that of labour they, principally, express the fear of how to cope with employment interviews and the difficulty and disorientation in the search for employment (failure of INEM, the National Employment Service, when it comes to carrying out this service). They also mention architectural barriers in the workplace. An important element facilitating this transition would be to systematise the access to consultations with experienced educational and labour counsellors.

This project has been funded with support from the European Commission.

*This communication reflects the views only of the author,
and the Commission cannot be held responsible for any use which may be made of the information contained therein.*



Able '20 **We Are Able to Work 2020**

Agreement Number – 2012 – 5523/030 – 001 YT7 PSIQ7

When it comes to the principal obstacles they have in obtaining and developing the set of knowledge, capacities and skills that they would need to be successful in the labour market, we find that the first obstacle is getting to school (lack of adapted school transport, etc.). The second is to be able to enter and participate in all subjects (architectural barriers, etc.). The third is lack of support (teachers, classroom assistants, adapted material, and support products). The 4th, and as a result of the above, loss of motivation and 5th, early school drop-out, occurs when, in the face of the facts presented, the capacity of the counselling team fails when it comes to motivating the student with special educational necessities. When this occurs, we have to interpret it as a failure of the educational community (all of its components need to be strengthened).

In connection with the principal limits and potentials of the National Social Security System, the majority reported the lack of attention and monitoring of the chronic ill, as well as the lack of treatment, not so much curative as palliative care (physiotherapy, speech therapy, psychological support, etc.). These limits already existed, although to a lesser extent, with the earlier law, but now, with the new decree-law (LGD) they become more acute. It would be of interest to strengthen the one that existed before the budgetary cuts and the healthcare reform. Another added limit with the new decree is the co-payments of pharmaceuticals, food, orthotics and prosthetics, in-hospital pharmacies and non-urgent healthcare transport service.

As for reducing their risk of poverty, the main challenge is a good inclusive education with the necessary support, which would lead to a good training and this on to a good employment, and this rendering leading a life in dignity eliminating the risk of poverty.

Concerning the additional costs that people with disabilities have to deal with in their day-to-day life they mention basically adapted transportation, special foodstuffs, certain medicaments and the orthotics and prosthetic services. Already a few years ago, a study by the Social Foundation of La Caixa, calculated the living costs of a person with disability in 18.000 €

This project has been funded with support from the European Commission.

This communication reflects the views only of the author,

and the Commission cannot be held responsible for any use which may be made of the information contained therein.



Able '20 **We Are Able to Work 2020**

Agreement Number – 2012 – 5523/030 – 001 YT7 PSIQ7
yearly higher than those of a person without disability and 30.000 € yearly when the person also was dependent. Given the budgetary cuts and co-payments in healthcare, education and social benefits, the wage and pension freeze, the earlier mentioned figures could multiply: private physiotherapy, speech therapy and psychological treatments, dwelling and vehicle adaptation, acquisition of technical aids, help of a person employed in the household, etc. These are not hidden costs, but they are indeed additional costs which the State does not consider.

When it comes to the challenges of elimination of barriers, the majority of the participants focus on characteristics of the geographic environment (steep slopes) as an added difficulty and still others speak about the will, and lack of it, of the administrations and architects. An interesting contribution would be if the staff of the municipalities worked in favour of the inclusion of the Occupational Therapist as a guarantor of accessibility.

In relation to the principal potentials and limits within the theme of Accessibility they mention particularly the architectural barriers which they find in their environment, and also, the misuse that many non-disabled citizens make of the reserved parking spaces (which demonstrates the lack of public awareness, the same being valid for the waste disposal service which inadequately places the containers on these parking spaces).

It would be recommendable: to systematise universal access to buildings (public or private), liberating funds for this improvement. When possible, facilitate the accessibility of dwellings. Give a 100% support to those specifically interested in a swap of housing or for finding other solutions. Deepen the concept of universal accessibility when constructing new buildings and facilitate to a 100% the interior adaptation of the dwelling according to necessities. Not permit any construction or reform of privately owned premises for use of the public without respecting the minimum norms of accessibility. Support awareness heightening campaigns in favour of universal accessibility and envisage the year 2017 as deadline for the attaining universal accessibility.

This project has been funded with support from the European Commission.

This communication reflects the views only of the author,

and the Commission cannot be held responsible for any use which may be made of the information contained therein.



Able '20 **We Are Able to Work 2020**

Agreement Number – 2012 – 5523/030 – 001 YT7 PSIQ7

With regards to the principal potentials and limits in Participation, they express the difficulties of access to leisure activities (crafts, sports, etc.) on grounds of discrimination. They criticise the fraudulent use of parking cards (expired, copied, etc.) why it would be recommendable to accelerate the implementation of the European Card model in the whole of the territory. A certain digital gap for economic reasons (difficulty to maintain extra expenditures like internet) is also detected. Taking into account that one of the objectives pursued to support intelligent growth is promoting a single digital market it would be important to secure real access of all citizens to internet (Wi-Fi spots, libraries...). Every person with disability has to act on his or her own initiatives to participate but the institutions, on their hand, have to encourage participation. It is the only road to citizenship if they truly want to integrate people. .

When it comes to the principal potentials and limits in Equality they cite basically the subject of discriminatory treatment between peers (bullying, etc.) and the unequal opportunities of access to the sites or events where they would like to assist. Equality is the result of the decision to ignore the disability and to accompany this decision with the adequate means of compensation; therefore, the latter limitation has an easy solution. It would also be important to strengthen, through economic, personnel or technical aids the education of females with disability. All figures show a great many examples of the great discrimination they suffer (fewer in schooling, fewer working and when they work it is with a lower salary).

With regards to Employment, as a first point they all stress that they are unemployed. Their greatest worries focus on discrimination in employment interviews (prejudices, underestimation, etc.) and on the unequal power relationship between the employer and his employees (possible labour frauds, etc.). Although presently the unemployment rate is high, employing is a matter of good organisation and will to redistribute. It ought to be considered indirect discrimination that a company with more than 50 employees can dodge employing their 2% quota of workers with disability by accepting other alternatives offered by the law (for example: contracting other related services or sign agreements with Special Employment

This project has been funded with support from the European Commission.

This communication reflects the views only of the author,

and the Commission cannot be held responsible for any use which may be made of the information contained therein.



Able '20 **We Are Able to Work 2020**

Agreement Number – 2012 – 5523/030 – 001 YT7 PSIQ7 Centres). In addition, integration in the ordinary labour market (covering the 2% quota in private enterprise or 7% in public enterprise) ought to be pursued to avoid ghettos in the workplace.

When it comes to Education, they focus specifically on the accessibility of their educational centre and the difficulties of interaction with their peers (Bullying). It is recommended that the dedicated counselling teams of the Provincial Educational Delegation, which evaluate the children with specific necessities, should incorporate educational therapists (to study and counsel on architectural barriers, personal technical aids, including follow-up and evolution of the pathology to insure a continued adaptation).

It is also considered to be important that in schools and high schools the physic -rehabilitation of the pupils is programmed as treatment during the physical education classes (with physiotherapists, like in home treatment), so as to avoid schedule overload and trips to hospital centres.

Referring to Social Protection, the participants basically point out the extra costs they have to deal with when acquiring orthotic and prosthetic services and or when preparing parts of their dwelling (like adapted bathrooms). The position of dependency has to be compensated to cope with it. The close environment, (family, friends and municipalities), are due to their proximity, the best situated to care for and develop the social protection, with the convenient global institutional support (Autonomous Regions, State). It would be essential to resume the enforcement of the Law on Dependence in its full scope. Further, the public administration should finance directly the acquisition of orthotic and prosthetic products, wheelchairs, etc. It is recommendable to promote adapted housing (social or not) but with the necessary economic support offering a realistic percentage of subsidies for dwelling adaptation, without considering this subsidy as a taxable income. Flexibility: in the case of having a dwelling and when the necessity to change to another arises from the occurrence of disability the necessary administrative mechanisms to facilitate the change for social housing, permit a swap, or for the state to give the necessary bridge loans that a

This project has been funded with support from the European Commission.

This communication reflects the views only of the author,

and the Commission cannot be held responsible for any use which may be made of the information contained therein.



Able '20 **We Are Able to Work 2020**

Agreement Number – 2012 – 5523/030 – 001 YT7 PSIQ7
person might need while he or she still has not sold or abandoned the original dwelling.

In relation to the principal potentials and limits within the theme Health, the participants focus, primordially on the pharmaceutical spending and on the emphatic treatment or the lack of it, established when seeing a physician. We have to take into consideration that disabling pathologies (being progressive and or chronic) call for palliative treatments without time limits this is why it would be important to develop in-home medical and functional rehabilitation treatments and to develop, regulate and establish a norm for a programme of psychological attention, treatment and orientation within multidisciplinary treatment, from early care, as a support for the personal autonomy of the individual concerned and his or her close family environment. To guarantee in equality the right to health of people with disabilities the Autonomous Regions ought to advance the payment of orthotics to the orthopaedic establishments. It is not admissible that those concerned who depend on these aids have to advance the money, ask for a loan or renounce these aids for lack of financial resources. It would also be recommendable that the number of orthotics financed by the Social Security increases. To program that every hospital ward has adapted bathrooms, and in the whole of the health network, public and private, all establishments have at least an ergonomic stretcher (especially in gynaecology and obstetrics). With regards to the sanitary co-payment, imposed by the new law, it should be eliminated since it penalises economically, yet even more, people with disabilities and their families.

Behind the objectives we have analysed we find that the full economic and social participation of persons with disability is essential to the EU Europe 2020 Strategy to achieve success in the creation of an intelligent, sustainable and inclusive growth. _

CONCLUSION:

From the approach of the International Convention on the rights of people with disabilities (the "Convention" ratified by Spain), there is a clear legal

This project has been funded with support from the European Commission.

This communication reflects the views only of the author,

and the Commission cannot be held responsible for any use which may be made of the information contained therein.



Able '20 We Are Able to Work 2020

Agreement Number – 2012 – 5523/030 – 001 YT7 PSIQ7

recognition of the fact that persons with disability are titleholders of rights, and the public authorities **are bound to guarantee** their unfettered exercise. Thus, the concept of assistance of past decades is overcome: the persons with disability have transformed from being the objects of treatment and social protection to free citizens, titleholders of rights. Nevertheless, presently in Spain and, in spite of having a protective regulation (the Convention, the LAPAD, etc.) when it comes to the rights of these 3,8 million persons with disability in the country, not only are these rights not guaranteed but new measures are taken which are reducing them, with dramatic consequences for the group, submerging them gradually in a spiral of exclusion, inequality and poverty (precisely the contrary of what is pursued by the Europe 2020 Strategy).

The economic crisis favours the enforcement of a series of fiscal austerity measures which are having a great negative impact on this group. Even the Commissioner for Human Rights at the Council of Europe includes in his report of October 2013 on Spain his worries caused by the extremely disadvantageous repercussions the budgetary cuts have had on the living conditions and social inclusion of these persons.

According to what he confirms, the financial restrictions have undermined the majority of the policies and programmes directed towards promoting the inclusion of persons with disability in equal conditions. This also affects the measures directed towards improving accessibility to general services, the training and education programmes and employment. The latter of special importance taking into account the elevated rate of unemployment existing among persons with disability (estimated at more than 30%). He also indicates that the budget cuts in education can have adverse effects on the inclusion of children with disability in the general education system, considering the present high dropout rate among these children Spain. It is also noted, among other elements, a lack of attention towards the needs of persons with psychosocial and intellectual disability, since, presently, 10.000 of them lack housing, and the budgetary cuts threaten the model of community mental health introduced in 1986. The facts exposed, summed to the recently approved regulations in diverse areas, indicate a rise in lack

This project has been funded with support from the European Commission.

This communication reflects the views only of the author,

and the Commission cannot be held responsible for any use which may be made of the information contained therein.



Able '20 **We Are Able to Work 2020**

Agreement Number – 2012 – 5523/030 – 001 YT7 PSIQ7
of protection in the social, sanitary and labour areas, as well as others, which clearly demonstrates the present diminishment of the rights of this group.

The CERMI (Comity of Entities Representing People with Disabilities), in the face of the troubling situation through which the persons with disability and their families are passing, aggravated by the crisis and political decisions, in all areas and levels, of deterioration of rights and weakening of the precarious level of social cohesion and protection reached by Spain, presented in December 2012 a strategy of active response called SOS Disability which will be maintained while the worst of this crisis lasts. With it the CERMI pursues to grant more presence in the political agenda to everything referred to inclusion of people with disabilities and counter, with awareness heightening measures and direct actions, the drift towards deterioration which they are facing (specially, with regards to the collapse of the systems and devices of promotion and protection of this community).

A situation of severe deterioration of the rights of people with disabilities, and their families, is being forced, and it will be difficult to reverse it in a short term should it follow this path. It is for this reason that we consider that, if the EU really intends to respect and promote the rights of the people with disabilities and to reduce their unemployment rate, their early school dropout and poverty, it would be essential to establish the shielding of these rights from the aggressive fiscal measures. The guaranteeing of these rights should be provided trying to avoid, lessen and/or counter the adjustment measures and the budgetary cuts which are being applied by the different Spanish Public Authorities during the last years and months, which are dismantling the welfare structures of the people with disabilities and their families conditioning their future to a scenario which is, at least, worrying.

The persons with disability could grievously reach the level of personal and social development desired within a modern society, such as the EU, and contribute equally to its growth if their safeguards are eliminated and only impositions are established, since this would augment their level of

This project has been funded with support from the European Commission.

This communication reflects the views only of the author,

and the Commission cannot be held responsible for any use which may be made of the information contained therein.



Able '20 **We Are Able to Work 2020**

Agreement Number – 2012 – 5523/030 – 001 YT7 PSIQ7

dependence on the system and their exclusion. Thus, if their promotion within the educational system is not facilitated, and without a reasonable probability of access to a worthy labour market, and without adequate social protection, without the economic benefits to support their additional costs of living (estimated at an extra 18.000€ annually), without the necessary technical aids, without a sanitary coverage which guarantees their maximum possible health and well-being, etc., and incrementing, on the other hand, the economic burdens (co-payment in dependency care, healthcare co-payment, increased taxes, etc.) while wages and pensions are frozen, it seems obvious to anticipate that the immediate future which persons with disability are facing is not precisely one of inclusion in society. Thus, this does not seem to be the formula to reach the objective of inclusive growth in Spain. As a consequence, there is no advancement of a sustainable growth since there is no promotion of the dynamic participation and contribution in society of the disabled and their dependence on the system is increased. Not facilitating these persons the obtainment of their independence is to make them more dependent than they already are, bringing about, on one hand, a detriment of their rights and an increase of their vulnerability, on the other, an unnecessary added cost for the system given that it is auto-induced by the State (promoting arbitrarily the unsustainability). The aggravating factor is that if it does have resources, it will guarantee at least a minimally dignified life but going back, again, to a nursing approach when it comes to disability. However, if the State lacks these resources (path marked by the current momentum), they are bound for social exclusion, invisibility and absolute poverty (contrary to the 2020 Objectives).

Facing such a reality, it would also be important to take into account the level of anguish, stress and insecurity which is created among the people in this group when addressing, in a long-term perspective, the attainment of a dignified life.

Considering that, 23 December 2013, the UN General Assembly, for the first time, summoned a High-level meeting on 'disability and

This project has been funded with support from the European Commission.

This communication reflects the views only of the author,

and the Commission cannot be held responsible for any use which may be made of the information contained therein.



Able '20 **We Are Able to Work 2020**

Agreement Number – 2012 – 5523/030 – 001 YT7 PSIQ7

development' through which it adopted a transcendental document oriented towards promoting a development which takes into account disability, thus guiding the efforts towards the creation of a completely inclusive economy towards 2015 and, after this date, it seems evident, given the decisions taken lately, that Spain is not precisely on the road towards this noble purpose (rather the contrary). It is fundamental to draw the attention, mobilize support and to modify the chosen subject who carries the burden of these measures of economic adjustment, in relation to the key aspects concerning inclusion of persons with disability in society and in development. Facing the prevailing reality of continued and aggressive measures of fiscal adjustment imposed, the goals of the EU 2020 Strategy related to this group can only be reached if it is decided unilaterally to safeguard and guarantee the rights of this, already vulnerable, group.

Without implication and real action from the public authorities and without their collaboration with the social partners ("nothing for us without us"), it will be difficult to reach rights which facilitate the achievement of a sustainable and just development. It is praiseworthy to assume regulations which promote rights but without iron will and the necessary means, material and personnel, it will be very complicated to execute them.

If we want and pursue an intelligent European growth, it would be primordial that the States, and the superior norms imposed, truly back collective intelligence. On the contrary, when the citizens are not listened to, when exclusion from decisions which affect them is boosted and those who demonstrate against this law are repressed (Law of Citizen Security), when services and rights are cut, the exclusion of certain groups is intensified, when social inequality and the unsustainability of a system is promoted (hampering the guaranteeing of dignified living conditions: employment, access to the healthcare system,...), then, on top of not respecting human rights, the wrong path towards promoting and achieving intelligent, sustainable and inclusive growth is being chosen (losing,

This project has been funded with support from the European Commission.

This communication reflects the views only of the author,

and the Commission cannot be held responsible for any use which may be made of the information contained therein.



Able '20 **We Are Able to Work 2020**

Agreement Number – 2012 – 5523/030 – 001 YT7 PSIQ7

consequently, a large part of the enormous potential of societal growth offered by the collective intelligence). In Spain, presently, this potential (aspired to in the 2020 Objectives) is being lost, without doubt, and at a swindling pace, when it comes to the group object of this report, persons with disability. We hope that their contributions to the Europe 2020 Strategy recorded in this project can contribute to enhance their expectations for a dignified life which will permit them, in a near future, to be able to contribute in equality to the development and growth of our society, favouring the attainment of an intelligent, sustainable and inclusive European growth.

.....

Reference list of studies in English on disability in Spain:

-REPORT by Nils Muižnieks, Commissioner for Human Rights of the Council of Europe, following his visit to Spain from 3 to 7 June 2013. Strasbourg, Council of Europe, 2013. Centres on two groups (children and people with disabilities) for whose situation he expresses his particular concern pointing them out as population groups most affected by the economic crisis and the measures of fiscal austerity.

- [Report by Nils Muižnieks, Council of Europe Commissioner for Human Rights, following his visit to Spain, from 3 to 7 June 2013](#)

-ANUAL REPORT on 'HUMAN RIGHTS AND DISABILITY' prepared by the CERMI Delegation for the UN Convention:

- ["Human Rights and Disability. Spain Report 2012"](#)