



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

Report 2021 *2nd edition*





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organic disability**

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**Edited by:**



Gran Via de les Corts Catalanes, 562, pral. 2a.  
08011 Barcelona  
Tel.: 93 451 55 50  
ecom@ecom.cat  
**www.ecom.cat**

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**Editorial coordinator:** Inma Gómez

**Writing team:** Enoc Cifuentes and Inma Gómez

**Design and layout:** Maria Baldrich *mail@trajectes.cat*

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# SUMMARY



Violations of rights  
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Report 2021 *2nd edition*

**C** Presentation / 4

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

**1.1** **ECOM Erasing barriers *Creating opportunities*** / 5

**1.2** The conception of disability from a law model / 6

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

**2** The violation of rights of people with physical and/or organic disabilities

**2.1**  The need to make rights violations visible / 8

**2.2**  Violation of the **right to accessibility** / 13

**2.3**  Violation of the **right to life** / 15

**2.4**  Violation of the **right to live independently and to be included in the community** / 16

**2.5**  Violation of the **right to mobility and transportation** / 18

**2.6**  Violation of the **right to housing** / 20

**2.7**  Violation of the **right to education** / 23

**2.8**  Violation of the **right to health** / 25

**2.9**  Violation of the **right to work** / 27

**2.10**  Violation of the **right to an adequate standard of living and social protection** / 29

**2.11**  Violation of the **right to participate in cultural, leisure, and sports activities** / 32

**2.12**  Violation of the **right to participate in political and public life** / 34

**3** Under-reporting and its causes / 36



## PRESENTATION

**Albert Carbonell**

Ecom's president

acarbonell@ecom.cat

The exit from the Covid-19 pandemic seemed to be the beginning of a new era, where people would become central. Amid this health emergency, many rights of people with disabilities were violated. For this reason, we had the hope that gradually overcoming this pandemic, the society in which we live could be rethought. Little by little, **we went back to normality and with this normality, some of the usual rights violations suffered by people with disabilities returned.**

The year 2021 was a very special year for ECOM because, apart from celebrating our 50th anniversary, we prepared **RADAR ECOM 2020**, the first **Report of Rights Violations and Physical and/or Organic Disability**. This initiative aims to give visibility to rights violations detected by our organization throughout the year suffered by people with physical and/or organic disabilities.

In this report, you will be able to verify that the social and economic situation has revealed **the fragility of the administration's structures and its social protection system and that rights violations are a constant and not an exception**. The saturation of the public system and social structures have shown their limitations in stressful situations, putting at risk the fundamental rights of people with a higher degree of vulnerability, such as people with physical and/or organic disabilities.

At ECOM we will continue to carry out this report annually, **to prevent future situations of rights violations suffered by people with physical and/or organic disabilities.**



## 1.1 ecom Erasing barriers *Creating Opportunities*

### About us

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

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

Currently, the ECOM Federation is made up of **116 entities** of people with physical and/or organic disabilities throughout the state.



### Purpose

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

### Mission

ECOM has a twofold mission:

- 1) Defend** the free exercise of the rights of people with physical and/or organic disabilities to achieve full social inclusion and improve their quality of life, with people's empowerment as the cornerstone.
- 2) Strengthen** the physical disability's associative sector through participation, representation, and empowerment.

### Vision

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

### Values

ECOM's mission is rooted in empowerment, inclusion, activism, participation, commitment, and innovation values.

## 1.2 The conception of disability from a law model

- **Disability is a person's characteristic, not a defining trait.**  
It is understood, therefore, as an inherent component of society and human diversity, enriching, positive, and evolving, as indicated by the International Convention on the Rights of Persons with Disabilities.
- For some time now, **the concept of disability has been changing and there is talk of a model in which the person with a disability is conceived as a full member, with obligations, but also with the same rights as the rest of the population;** and where non-discrimination and equal opportunities must be guaranteed, through the development of policies that adapt to the person and not the other way around.
- People with disabilities need to be actively involved in the community. The most important aspect is to lay claim to our freedom to choose and this claim is the one that must be strengthened, **providing us with the tools we need to have a life of equal opportunities, like everyone else.**
- **With this paradigm shift, we have therefore gone from being recipients of services to being responsible for our lives.**  
We have the right to make our own decisions, to make mistakes, and not be conceived solely as patients or beneficiaries of decisions made by other people or services.

**In Catalonia, 340,357 people have a recognized physical and/or organic disability**

<sup>1</sup> Statistics on the number of people with disabilities in Catalonia. Department of Social Rights. 2021.

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

### Article 7 of the Universal Declaration of Human Rights

(adopted and affirmed by the United Nations General Assembly on December 10, 1948), recognizes that everyone is equal before the law and has the right to the same protection against any discrimination that violates this declaration.

### According to the International Convention on the Rights of Persons with Disabilities, discrimination means:

“any distinction, exclusion or restriction on the grounds of disability that has the purpose or effect of hindering or invalidating the recognition, enjoyment or exercise, on an equal basis with others, of all human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field”.

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

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



## The violation of rights of people with physical and/or organic disabilities

### 2.1 The need to make rights violations visible

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

**Rights are rights only if they are effective, that is, if they can be exercised.** A violation of rights takes place when a law or regulation recognizing a right is broken.

Although in our legal system some laws and regulations promote, protect, and defend the full enjoyment -and in equal terms- of all human rights and freedoms of people with disabilities, experience shows us that these laws are often not enforced. Therefore, it's as if they don't exist. The rights of people with disabilities, as a result, are constantly violated.

#### Purposes of the Report

- **VISIBILITY**
- **AWARENESS**
- **PREVENTION**

#### Report Methodology

**The analyzed time period:** from January 2021 to December 2021

**The analyzed territorial area:** Catalonia

**Reference framework:** UN Convention on the Rights of Persons with Disabilities

#### The report has analyzed the **violations produced in relation to the following rights:**

- Right to **accessibility**
- Right to **life**
- Right to **live independently and to be included in the community**
- Right to **mobility and transportation**
- Right to **housing**
- Right to **education**
- Right to **health**
- Right to **work**
- Right to **an adequate standard of living and social protection**
- Right to **participate in cultural, leisure, and sports activities**
- Right to **participate in political and public life**



## Figures of detected violations situations

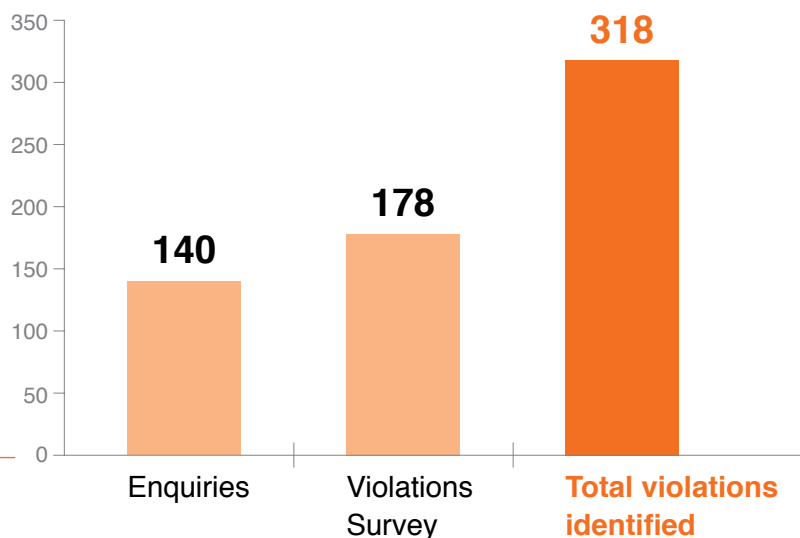
We received and attended a total of **884 inquiries** during 2021, of these, **140 referred to rights violations**.

On the other hand, we carried out a survey to detect the rights violations that had impacted the population with physical and/or organic disabilities in Catalonia during the year. We received a total of **166 responses**, of which **59.6% pointed out having suffered one or more rights violations**.

The number of violations identified in the survey was 178 violations. Therefore, in total, **between the inquiries attended by ECOM and the survey responses, we have detected a total of 318 rights violations during 2021**.

### Graph 1

Total violations identified through enquiries and the violations survey

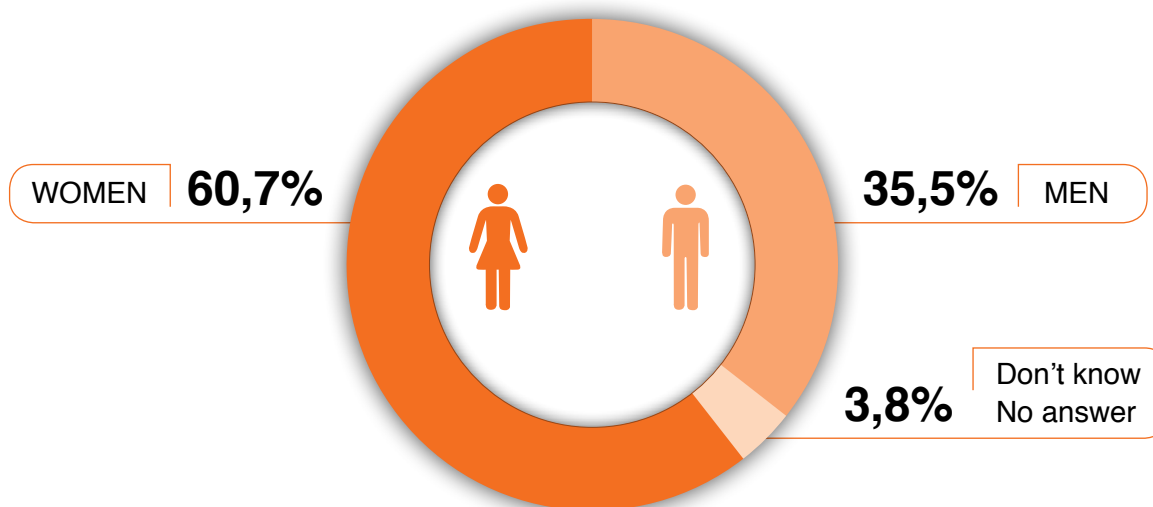


## Profile of people who have suffered a violation

**60.7% of the people who suffered a violation were women.**  
Likewise, **64.4% of the total violations have been suffered by people belonging to the age ranges between 35 and 64 years.**

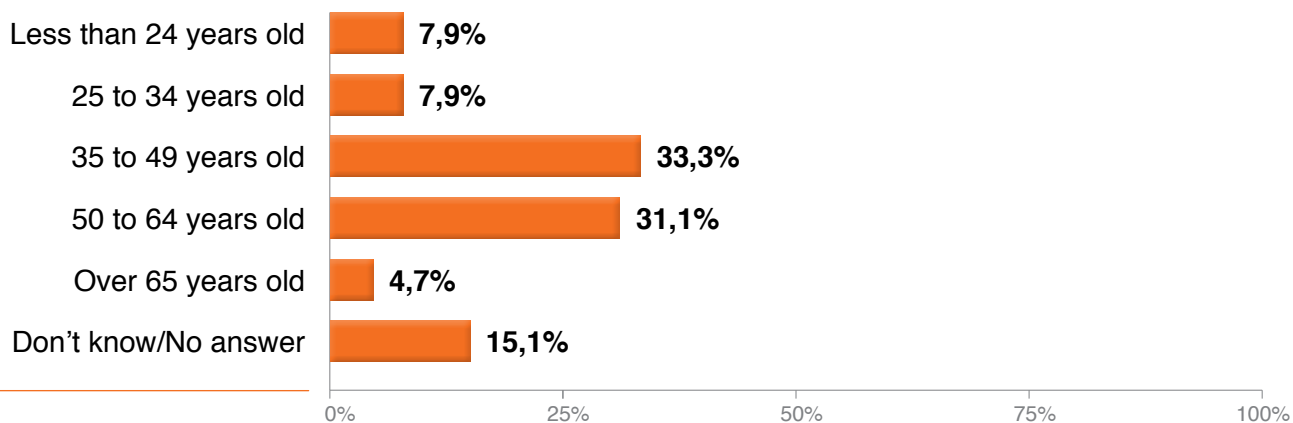
### Graph 2

Rights violations by gender



### Graph 3

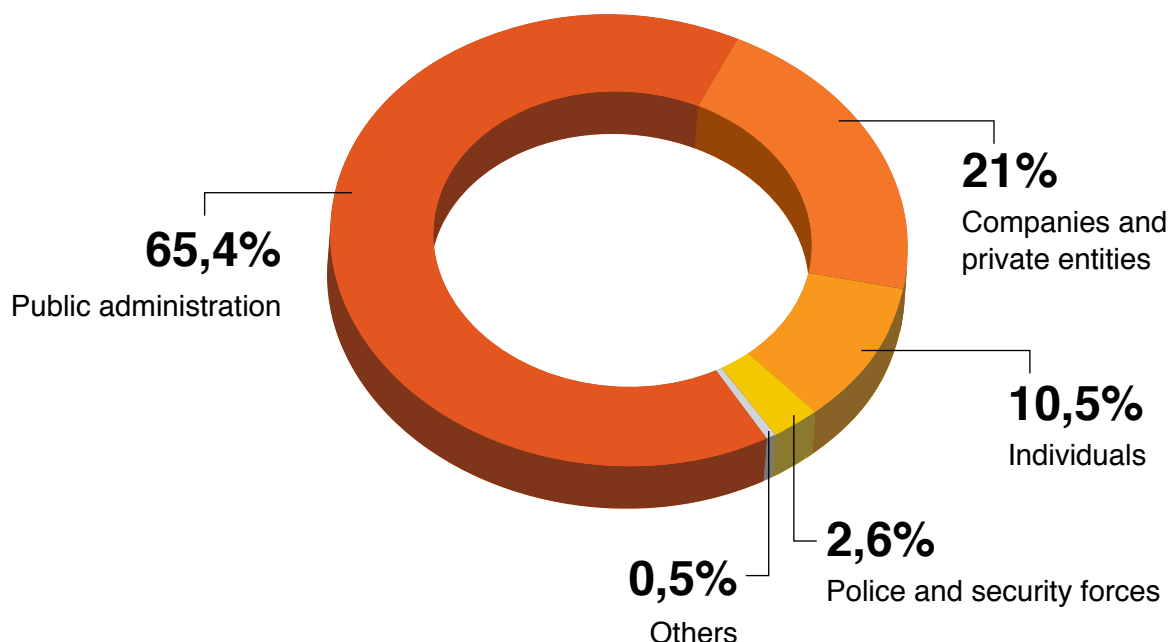
Violation of rights by age group



## ● Main infringing agents

**65.4%** of violations detected during 2021 **had the public administration as the main offender**. Companies and private entities share the second place, with 21% of violations, followed by individuals and neighbor associations, with 10.5%. Lastly, the police and security forces have acted as violating agents in only 2.6% of the cases.

▶ **Graph 4**  
Main rights **infringing agents**



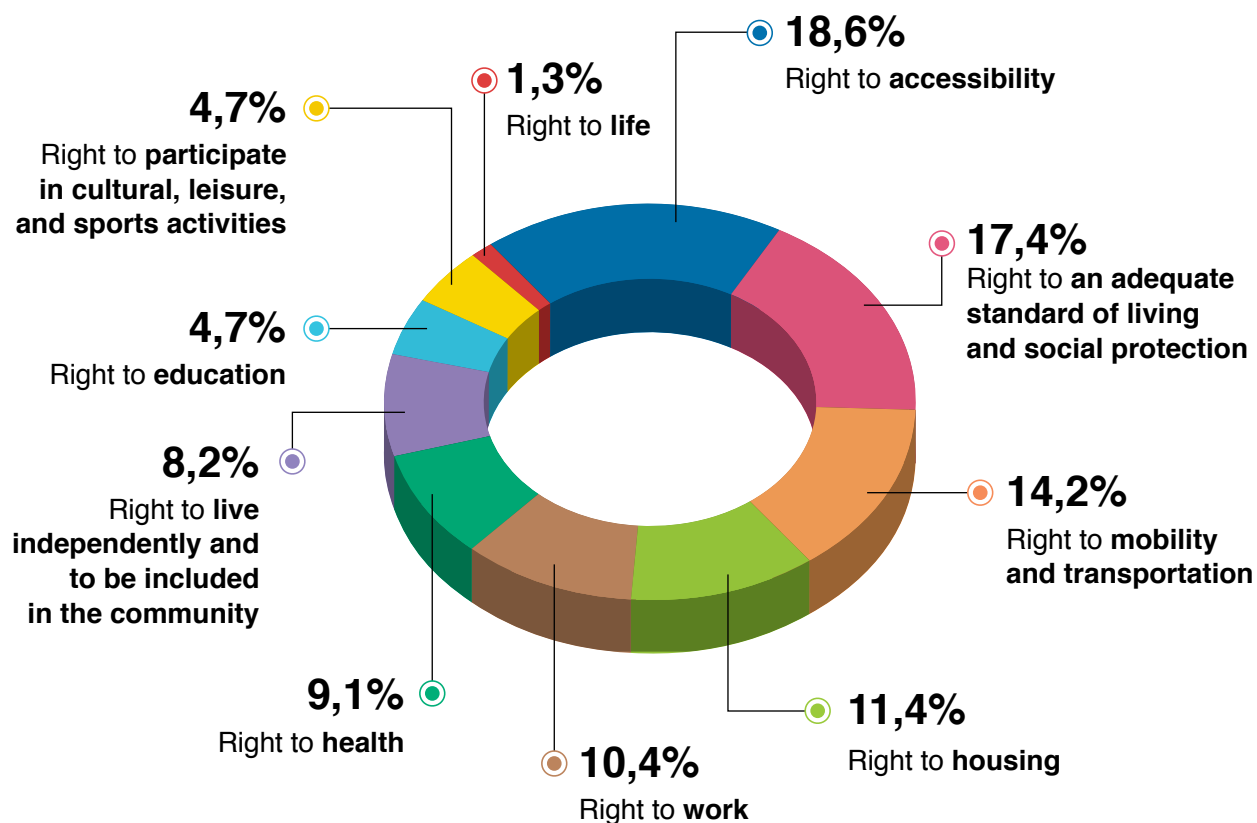
## ● Places where most violations took place

This year's right violations occurred mainly in **public spaces and public facilities, concentrating more than half of the cases (specifically, 55.9% of the total)**. Private spaces brought together 36.8% of the cases and educational centers (public, concerted, or private), 6.1%. Most violations have occurred in public service offices (with 15.9%), public spaces -streets, squares, beaches- (with 12.6%), public health centers (with 13%), stations, and means of public transportation (with 10.8%).

## ○ Rights violations identified during 2021

The most violated right in 2021, with 18.6% of all registered cases, was the **right to accessibility and personal mobility**. Next, we find, with little difference, (17.4%) the violation of the **right to an adequate living standard and social protection**. The **right to mobility and transportation** is the third most violated right, with 14.2%. The three add up to 50% of rights violations cases detected in 2021.

▶ **Graph 5**  
**Violations of rights identified during 2021**





## 2.2 Violation of the right to accessibility

**18,6%**

of identified cases

### “ Personal experience ”

I am a mother of a disabled child and we live in Barcelona. There are 900 parks in the city, of those, only 26 are accessible and only 10 are adapted. Currently, children with disabilities are excluded from the majority of parks, and playing at accessible parks exiles them from their neighborhood, since we have to travel many miles to find one. This is a violation of these children's rights.

**A+**

## Detected vulnerabilities

The main areas of accessibility rights violations in 2021 have been linked mainly to building, urban planning and public spaces, housing and mobility, and transportation. In this sense, housing has been the category with the most detected violations. **This situation of accessibility to public and private buildings -both in exterior and interior spaces- and the lack of support products, has hindered the free mobility of people with disabilities.** In this area, customer service offices and services (mainly public), educational and health care centers, and shops have been the main spaces where the right to accessibility has been violated.

Concerning urban planning and public spaces, the main problems have been detected in the public roads, **identifying sidewalks, steps, ramps in poor condition, and street work zones that have hindered mobility in these public spaces.** Regarding accessibility violations to housing, these have been linked mainly to access to housing from the street and mobility through the common areas of the building. Many of these situations have had the neighbors associations as the main offending agent, for refusing to carry out the necessary accessibility works.

## Future challenges

To guarantee the right to accessibility (the most violated right during 2021), it is urgent **to approve the Accessibility Decree in Catalonia -which the 2014 Accessibility Law will need to implement-, and provide it with a sufficient and necessary budget** to guarantee the right to accessibility for people with physical and/or organic disabilities and provide for the creation of a stable and structural economic fund for universal accessibility policies.

It is necessary to implement **the application of the sanctioning procedure -which contemplates Law 13/2014, of October 30 on accessibility- to respond to infractions and sanctions in terms of accessibility.**

Concerning violations of accessibility to housing, these have mainly been linked to access to housing from the street and mobility through the common areas of the building, **so the homeowners' associations must know the legislation that they need to comply with. in terms of accessibility and carry out the necessary works to guarantee the mobility of all neighbors under equal conditions.** In this sense, **we see the need for collaboration with professional associations -such as the Property Administrator-, as well as with the public administration, to provide technical support to the homeowner's associations and develop services such as mediation.**



## 2.3 Violation of the right to life

**1,3%**

of identified cases

Organic Law 3/2021, of March 24, regulating euthanasia, was approved in 2021. The purpose of this Law is **to regulate every person who meets the required conditions' right to request and receive the necessary help for his death, as well as to receive the necessary help for the procedure, with all the guarantees that regulate this right.**

From ECOM we made allegations to the Organic Law Proposal **to guarantee that an imperative framework on human rights, such as the Convention on the Rights of Persons with Disabilities, would be taken into account so that the Law would be fully respectful of people with disability rights.**





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

8,2%

of identified cases

### “ Personal experience ”

I can't sign physically.

My partner, who is not my caregiver, went to deliver some forms to the Catalanian Social Services Department to request a benefit. Her surprise was when the public attendant told her that my fingerprint was useless (as I can't sign, I use my fingerprint instead of the traditional signature).

Then she gave her some official forms to fill out and told her to sign for me as my guardian or legal representative. She told her if she didn't, they would accept the application but because the fingerprint was invalid the requested aid would be denied.







## Detected vulnerabilities

There is a **lack of sufficient and effective public resources for independent living which conditions the person to access private services to guarantee an autonomous and independent life. Consequently, people with physical and or organic disabilities have to privately fund services such as personal assistance and many are excluded from such services due to their lack of economic resources.**

We can see how there is a close relationship between the need to be able to access universal personal assistance -without hour limitations- and the person being able to lead an independent life in the community, choosing how and where they want to live and developing a freely chosen personal life project. Therefore, **not having this professional figure can lead to the access of institutionalization systems.**

## Future challenges

It is necessary to review the models of care for people with physical and/or organic disabilities to **promote a true community care model centered on the person, with sufficient and effective support - which guarantees the development of their life project in equal conditions to the rest of the citizenry- and that allows them to choose how and where they want to live, as promoted by the International Convention on the Rights of Persons with Disabilities.**

It is urgent to accelerate **the approval of the Decree that has to regulate personal assistance in Catalonia, so that it can guarantee the right to independent living for people with physical and/or organic disabilities** (following the mandates established by general observation 5, of Article 19, of the aforementioned Convention), as well as promoting individualized budgets using the concept of reasonable adjustments.

**To establish the figure of the personal assistant at the state level** (also following the mandates recognized in General Comment 5 of Article 19 of the Convention).



## 2.5 Violation of the right to mobility and transportation

14,2%

of identified cases

### “ Personal experience ”

I have limited mobility and I entered the accessible wagon, ready to sit in the designated seat, but it was taken by a young girl. I asked her politely if I could sit in this place and she told me no because she had her bike next to her and that I should sit on the floor, which is the reserved place for the wheelchair.

To the shortcomings that the transport system itself has -on many occasions due to lack of accessibility in vehicles, but also in stations, in customer service offices, etc.- many times we must add uncivil attitudes from other passengers.





## Detected vulnerabilities

Regarding the third right in which we have detected the most violations, the right to mobility and transport, 55.8% of the cases identified have been related to **problems accessing transport due to lack of adequate equipment, malfunctions, or lack of adapted transport on the different lines of buses, trains, and taxis in the territory** -at urban, interurban and rural levels-, making impossible the use of accessible transport or the search for other transport alternatives, not necessarily adapted, which has affected the person's mobility.

The main identified right violations to mobility and transport have been: the malfunction and maintenance of vehicle access ramps, the staff's lack of knowledge of the ramps' use or support infrastructure, the lack of taxis, accessible trains and buses, and in some cases, non-compliance with the schedules of an adapted means of transport. This creates the perception of a lack of control and real **supervision on the part of the administration of operators and public transport services on issues that directly affect sustainable, accessible, and equitable mobility.**

## Future challenges

To guarantee the right to mobility and transport (the third most violated right in 2021), **a clear commitment to an accessible and affordable transport system is necessary, allowing people with disabilities to enjoy sustainable, accessible, and equitable mobility, eradicating territorial inequalities.**

**The transport system accessibility chain (stations, vehicles, validation systems...) and its maintenance must be ensured, not being subject to resource limitations.** Likewise, coordination between the agents involved in this accessibility chain must be guaranteed.



## 2.6 Violation of the right to housing

11,4%

of identified cases

### “ Personal experience ”

I had to close my business as a result of the pandemic, due to the impossibility of paying rent and dealing with taxes. I lived in rented accommodation and at the end of 2021, I received a court order for eviction. I was to leave my flat imminently. I contacted my town hall, but since I was embargoed (due to the impossibility of paying my business taxes) they told me they couldn't help me... I applied for a Non-Contributory Pension and the Minimum Vital Income, but these were denied; therefore, I had neither a place to live nor any financial assets. In addition, the city council told me that it did not have any free adapted flat where I could stay with my daughters.





## Detected vulnerabilities

2021 has been an extension of 2020 in terms of housing rights violations. **There continues to be no real implementation of accessible, affordable and supported housing policies, in all types of tenure** (rent, purchase, transfer of use, cohousing...). Therefore the right to housing can't be fully exercised as a key element for an active life in the community with equal opportunities.

Among those experiencing difficulties with housing access, the rights violations detected are **lack of clear and accessible information on all types of housing supply tenure; lack of social rental housing and very long waiting lists; lack of access to privately owned housing alternatives that are accessible and affordable and difficulties in home purchase financing access.**

The difficulty or impossibility of financially maintaining an owned or rented home was mainly the problem people at risk of residential exclusion reported. Among the main problems identified, we have found the lack of personal and/or family resources to deal with the mortgage or rent, as well as being able to pay the bills for supplies such as water, electricity, or gas. **Residential exclusion risk cases in 2021 accounted for 34.8% of the housing rights violation cases. In contrast, they accounted for 29% in 2020. Therefore, this year's detected residential exclusion risk cases have increased by 5.8% compared to 2020.**



## Future challenges

Given that residential exclusion risk cases and or people at imminent risk of losing their home without housing alternatives have increased compared to last year, it is urgent to **guarantee the right to housing with the approval and development of legislation, procedures, and specific programs -both at a state and regional level-, with the agreement of the different social agents involved**. The objective is to avoid eviction and/or when in the event of an eviction, being able to offer decent alternatives, as well as backing and continued support throughout the process.

It is necessary to **increase the specific programs and the economic aid endowment and subsidies for the removal of architectural barriers in housing and for access to support products and home automation**, as fundamental tools to promote personal autonomy.

People in search of housing must have **access, through the accessible and necessary systems, to up-to-date accessible housing supply information in all forms of ownership** (rental, purchase, transfer of use, co-housing...).



## 2.7 Violation of the right to education

4,7%

of identified cases

### “ Personal experience ”

I am a mother with several children and one of them has special needs. We have continually been in dialogue with all parties represented in the Parliament since 2001. We have repeatedly communicated the need to have an inclusive educational system, but we continue to be in the same place, disappointed and seeing how the educational system excludes our sons and daughters before entering, excludes them halfway, or does not give them the necessary personalized attention in an inclusive center.





## Detected vulnerabilities

Among the detected education rights violations, a very important part has been the access to a school personal care assistance service. Among the identified situations, we observe **problems related to both the difficulty in accessing a school personal care assistant service, as well as a progressive decrease in hours that has affected the attention, support, and accompaniment of students with special educational needs**, in the different educational centers and educational levels. The difficulty in maintaining the school personal care assistant during educational leisure hours (not after school) or in the dining room service has also been revealed, leaving the student without the necessary support during these school hours.

There have also been cases of education rights violations in the **refusal to adapt educational curricula** favoring the inclusion of students with disabilities in an all-inclusive school, as well as other situations that have made it impossible to participate in all school activities. due to the **lack of employees trained in attention to diversity and the lack of accessible resources (such as transport)**, which has made it difficult to include students with special educational needs throughout the school day (classes, cafeteria, day trips, overnight field trips...) on equal terms with the rest of the students.

## Future challenges

**Make effective the implementation and the complete development of Decree 150/2017, of October 17, on educational care for students within an inclusive education system framework**, increasing the budget for its development and getting involved all educational community agents as well as people with disabilities organizations, to guarantee the right to education with equal opportunities for all students.

**Guarantee access to the school personal care assistant because many of the detected violations are related to the difficulty in accessing this service** (both during teaching hours, educational leisure, or in the dining room service). This service must guarantee the necessary support -unlimited hours- to respond to students with special educational needs.

**The evaluation of resource management to ensure that they allow maximum inclusion of students with special educational needs** in classrooms and among peer groups.





## 2.8 Violation of the right to health

9,1%

of identified cases

### “ Personal experience ”

I was hospitalized for a week. I had a negative experience due to health workers' lack of training in moving disabled patients. It was my mother who had to do it for me and who taught them how to do it since they did not have enough knowledge. This made me feel I wasn't well cared for during admission and the fact that health workers did not have more knowledge about disability care caused me anguish and insecurity.





## Detected vulnerabilities

In 2021, the right to health has still been highly conditioned by the Covid-19 health crisis and by all the health protocols and recommendations derived from this pandemic. A large part of violations detected during the year referred to the quality and provision of health services concerning the population with physical and/or organic disabilities. A relevant part of the violations detected had as a starting point **the lack of knowledge of disability and disability health-derived problems, as well as the lack of coordination between the different health areas that could facilitate the diagnosis and intervention of users.**

In the case of the pandemic prevention protocols, part of the violations referred to the fact that these protocols had been specially designed for a majority profile, leaving a large part of the population excluded, especially those with a high degree of dependency or those who needed **the care and continued support of a family member or a personal assistant when this wasn't allowed for security reasons within health facilities.** Likewise, some people indicated their discomfort because they were not sure if **they were considered a part of the priority group to receive the Covid-19 vaccine or if, due to their associated health problems, they could have some contraindications that were harmful to their health.**

## Future challenges

**Advance in the construction of an integrated social and health care model in Catalonia,** so that the work done on this matter in recent years is carried out and a social and health care model is definitively implanted, based on the definition of health from a biopsychosocial model carried out by the World Health Organization (WHO).

Ensure that health **protocols and recommendations generated by the different administrations -to continue dealing with the Covid-19 pandemic- take into account the reality and needs of people with physical and/or organic disabilities** and that all health workers are aware of these contents.

**Implement an accessibility plan in all healthcare establishments to guarantee access under equal conditions to the rest of the citizens.**



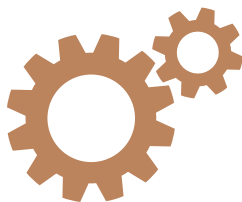
## 2.9 Violation of the right to work

**10,4%**

of identified cases

### “ Personal experience ”

I have studied for a university degree in audiovisual communication. At the time of carrying out the career internship, I was very interested in doing it in a specific audiovisual production company. They called me for an interview and were very interested in my profile. The problem arose when I went to the offices and there were no adapted infrastructures. There was an elevator, but it hadn't worked for two or three years and they had no intention of fixing it since none of the company's staff had any disabilities or reduced mobility.





## Detected vulnerabilities

We have continued to warn about **the lack of active employment policies and requiring the protections of jobs of people with physical and/or organic disabilities**, in the face of the serious economic crisis caused by Covid-19 and the lack of more effective measures for labor inclusion of the group. Regarding the violations identified, 44.1% referred **to infringement of labor rights of workers with disabilities, identifying problems such as the lack of workspace adaptation, as well as companies' use of the collective vulnerable situation for imposing precarious working conditions or the non-compliance of labor agreements.**

26.5% of the detected cases **indicated they had been victims of discrimination and rejection situations in the job selection process.** Discriminations have occurred for reasons of disability and age (at older ages we find that there is more discrimination in the selection processes). In particular, the difficulty in finding work among the group is highlighted, both because of the preconception that is held by the public about the inability to carry out a certain task, as well as because of the supposed costs that the company will have to maintain the job of a person with a disability compared to a worker who does not have any type of disability.

## Future challenges

To guarantee the right to work of people with physical and/or organic disabilities, **a clear commitment to promoting the creation of quality jobs (public and private) with the necessary support that each person requires.**

Likewise, it is essential **to improve training programs and support for the employment of people with disabilities** and ensure their maintenance with adequate funding.

Concerning the violations of the right to work where the company has been a transgressing agent (for infringing labor rights, for not adapting the job, for publishing personnel selection processes with discriminatory content) it is necessary **to ensure that the corresponding sanctioning regime is applied, as well as to accompany and advise the worker so that they can file a complaint with the Department of Labor.**

Companies need **to know the legislation that they must comply with concerning the employment of people with disabilities and, therefore, create awareness, as well as specific support and advice** to companies to guarantee the right to work under equal conditions.



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

17,4%

of identified cases

### “ Personal experience ”

I recently processed the degree of disability assessment. After many months of waiting, finally, I had recognized a 35% disability. They didn't look at me at all and they hardly even read the report I brought from my rheumatologist. I guess they give you the minimum and that's it...





## Detected vulnerabilities

In 2021 we have continued to be immersed in the serious health, social, and economic crisis caused by the Covid-19 pandemic. To this, we must add the fact that a disabled person suffers an unfair economic disadvantage to acquire similar living standards to the rest of the population without disabilities. Thus, disabled people have a comparative economic loss of between 17,700 and 41,200 euros per year on average, due to the additional costs that living with a disability entails.

Also, in 2020, 24.4% of people with disabilities were at risk of poverty (more than six percentage points higher than that of people without disabilities). These two factors **show a greater vulnerability of the people with disabilities and, in addition, entail a greater risk of social exclusion and increased inequality compared to the rest of the population.**

Another of the problems that we have continued to detect during the year has been the **serious collapse that is still affecting both the request for recognition and/or review of the degree of disability, as well as the dependency situation assessments.** This is a serious deficiency that directly affects the right to an adequate standard of living and social protection since these are two essential administrative procedures to access services, equipment, and resources for people with disabilities and/or for people with a disability dependency assessment.

On the other hand, 75.4% of the cases that we have registered concerning the violation of the right to an adequate standard of living were related to **the reduction, rejection, and/or loss of benefits, bureaucratic barriers and the time to access social benefits.** These violations were related to the difficulty that many people have to access social benefits: because they were not clear about the access requirements, because the administration had denied them the benefits and they did not agree, because they did not know how to process the requirements that they were asked for or, in some cases, for benefits that had their amount reduced.



## Future challenges

To prevent violations of the right to an adequate standard of living and social protection (the second most violated right in 2021) is essential to substantially **increase the social policies budget for the coming years -taking into account the complex socioeconomic context in which we live- to respond to the needs of people in situations of vulnerability, including people with disabilities.**

To take into account the unfair economic disadvantage of the cost of living of people with disabilities -evidenced and quantified in the study carried out by the Barcelona City Council- in the provision of benefits and aid aimed at people with physical and/or organic disabilities (it established that the average unfair economic disadvantage is between 17,700 and 41,200 euros per year).

**Urgently reduce the waiting lists that are affecting both the request for recognition and/or review of the degree of disability and the assessments of recognition of the situation of dependency. We were already suffering these setbacks before the pandemic but it's worse now**, since it limits people's access to services, facilities, and resources for people with disabilities and/or for people with a dependency assessment.



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

4,7%

of identified cases

### “ Personal experience ”

I greatly enjoy visiting museums. However, I have found that on many occasions these spaces' accessibility is not guaranteed, nor is the maintenance of lifts, elevators, or other support devices. Indeed, recently I went with a friend to a museum (we both have reduced mobility which makes walking difficult for us). We bought the tickets right there and once we were going to access, the customer service employee told us that neither the elevator nor the escalators worked.







## Detected vulnerabilities

Regarding the violations of the right to participate in cultural, leisure, and sports activities, during 2021 we have detected that many of these facilities still do not guarantee compliance with the legislation on accessibility so that people with physical disabilities and/or organic disabilities can participate in these activities on equal terms with the rest of the population. In some cases, although they claim to respect current legislation, **the spaces finally reserved are in inadequate areas, difficult to access, and with little or no visibility, which causes the person to feel discriminated against for reasons of disability when it comes to enjoying shows and cultural, sports or leisure activities.**

We also observe how -as a result of the pandemic- the fact that for many activities it is still necessary to book tickets online can become inconvenient, due in part to the digital divide, but also because **it is difficult to distinguish the degree of accessibility of the space and explain the specific needs to enjoy the activity under equal conditions.**

## Future challenges

Since in some violations the direct care staff has been the one who has acted as the violating agent -on many occasions due to lack of knowledge about the rights of people with physical and/or organic disabilities- and to avoid discrimination due to disability, it is necessary to put more **attention to diversity by training all agents involved in the planning and implementation of cultural, sports, leisure, tourist, and other direct care activities to prevent discrimination on disability grounds and put more attention to diversity by training all agents involved in the planning and implementation of cultural, sports, leisure, tourist, and other direct care activities.**



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

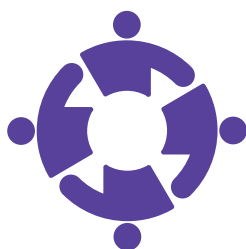
We have used a different methodology to study these rights violations. The violations detected in the right to participate in political life are linked to incidents that occurred in the exercise of the right to vote -of people with physical and/or organic disabilities-, in the past February 14, 2021 Catalanian Parliament elections.

This analysis had a specific methodology and data collection, through a questionnaire where incidents to the exercise of the right to vote (by post or in person) were detected.

After analyzing the responses to the survey, **we can affirm that a high percentage of people were able to exercise their right to vote**, 80%. The total number of people who responded to the questionnaire was 70.

In conclusion, 20% of the people who responded to the questionnaire who did not exercise their right to vote was mainly due to **fear of contagion due to the state of the pandemic, also because of consistency with the restrictions and general recommendations to reduce social interaction and avoid crowds; secondly, due to political disaffection and lack of interest in the elections and, finally, in a lower percentage (two cases), they were unable to vote due to lack of accessibility of the assigned polling station.**

Although the majority of people who have wanted it have been able to exercise their right to vote without any incident, **we find that it is still necessary to denounce the lack of accessibility of some polling places, a fact that violates the right to vote of people with disabilities and that evidences a breach of current regulations on accessibility, and the International Convention on the Rights of Persons with Disabilities.**





## Other challenges

### ● Transversal challenges:

Taking into account that during 2021, in 65.4% of the violations detected, the main offending agent was the public administration and that in 55.9% of the cases the places where the violations had occurred had been public spaces and public facilities, it is essential that **public policies be designed from the perspective of diversity and with an intersectional perspective, incorporating disability across all areas to prevent situations of violations.**

Likewise, it is necessary to review and modify all regional regulations to ensure that they **adapt to the regulatory framework established with the ratification by the Spanish State of the International Convention on the Rights of Persons with Disabilities.**

**The participation of people with physical and/or organic disabilities, and of the entities that represent them, must be ensured in the construction and implementation of public policies and strategies,** to ensure that they take into account the needs of people with disabilities.

### ● Digital transformation challenges:

It is necessary **to guarantee that people with physical and/or organic disabilities can access technological assets -reinforcing training in the use of new technologies- and thus minimize the impact that the digital divide has on them** so that they are not excluded from the digital transformation that our society is experiencing in all areas, ensuring that everything digital is accessible, affordable and takes into account human diversity.



## Under-reporting and its causes

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



- The non-reporting of situations of discrimination and violations of rights is an obstacle to identifying all people with disabilities who do not see their rights recognized, as well as determining the places where these violations occur and which are the main violating agents.

In the survey that we carried out to detect the violations suffered during 2021, we identified that **55.1% of the violations were not reported** (of a total of 178 violations). We observe how, **although women have been the ones who have suffered the most violations, 58.2% did not report it; therefore, they are the ones who suffer the most violations but report less than men.**

- Regarding the age group that has reported the most, we find, on the one hand, the group of those under 24 years of age and those between 25 and 34 years of age. **In contrast, we can observe that older people are the ones who have reported the least.**

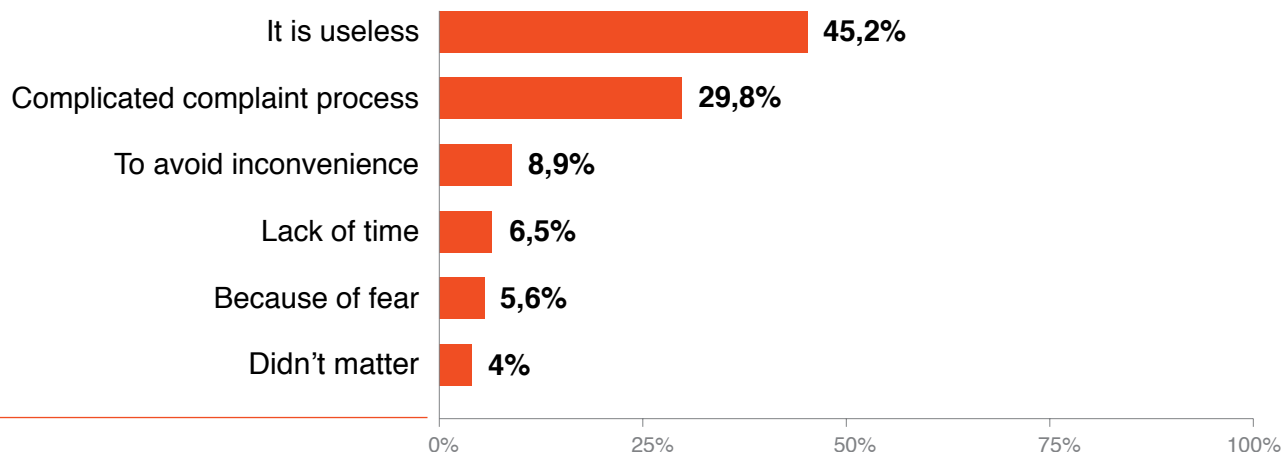
- **The causes that have motivated a person victim of a violation to decide not to report it, have been diverse. 45.2% of people said they did not do it because it was useless. This data can indicate that people do not perceive the reporting process as something important in responding to the situation experienced to repair the damage and make this violation visible.**

- Next, 29.8% of people complained the process was complicated. In a smaller percentage, we find reasons such as: to avoid discomfort (in 8.9%), due to lack of time (in 6.5%), out of fear (in 5.6%), and lastly, because it was not important (by 4%).



Graph 6

## Reasons for not reporting the violation



## Challenges in the fight against underreporting

Bearing in mind that 55.1% of the violations were not reported and that 45.2% of people stated that they did not do so because it was useless, **we consider that it is necessary to continue working to inform, guide, and accompany people with physical and/or organic disabilities on the legislative recognition of their rights and to inform of the different channels to denounce possible situations of discrimination and violation of rights, in order to reduce underreporting and make the situations of violations suffered by people with disabilities in their daily lives even more visible.**

It is necessary to **verify that the existing reporting tools and channels provide an adequate and effective response to people who have been victims of a violation of rights and that the reporting process is agile and accessible** since, according to this report, a 29,8 % of people who did not report a violation did not do so because the reporting process was complicated.



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

Report 2021 *2nd edition*



Gran Via de les Corts Catalanes, 562  
Pral. 2a, 08011 Barcelona

Tel.: **93 451 55 50**  
ecom@ecom.cat

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