



# **Assessing the impact of European governments' austerity plans on the rights of people with disabilities**

Country report: Spain

This study has been conducted by



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## 1. Introduction

This country report, commissioned by the European Foundation Centre, reviews the evidence of the impact of austerity measures on the rights of people with disabilities in Spain. The report is based on interviews with representatives of two local administrative authorities, three services providers and two organizations representing people with disabilities. It was a challenge to identify respondents who were willing to participate in interviews. There was particular reluctance on the part of representatives of local administrations and some organizations, mainly as a result of being overloaded by work. In the case where a respondent who was assigned to respond to the interview could not participate in the interview, a respondent from another administration was identified. In other cases, it took several interventions before information was provided. In addition, the information provided was often incomplete.

The informants for this report included:

Administrative representatives;

- The president of the an Association of Municipalities from a Commonwealth (Comarque) in Valencia,
- A councillor for Family and Equal Opportunities of a City Administration,

Representatives of service providers:

- The head of Human Resources for a group of social service providers in the north of Spain,
- The commercial director of quality and innovation for a group of companies that provides employment services for people with disabilities including a Special Employment Centre and social rehabilitation services,
- The director of a services that provides support for independent living to people with disabilities,

Representatives of people with disabilities:

- The managing director, and director of legal services, of an association defending the rights of people with intellectual or developmental disabilities and their families,
- A member of a regional committee of an association of representative organisations of people with disabilities.

Desktop research was conducted in parallel using different sources such as reports, publications, statistics, standards and laws, which were obtained from the National Institute of Statistics, the relevant Ministries, the Spanish Committee of Representatives of Persons with Disabilities (CERMI), Information Services for people with disabilities and the National Observatory on Disability. Most information was obtained through the Internet, and the rest from our own documentary sources.

A primary conclusion that can be drawn from this review is that it was difficult to access appropriate and recent data on the status of people with disabilities in Spain. In many instances data were completely lacking and in other cases they were fragmented and inconsistent because different reference periods or data gathering procedures were used.

The process of national policy changes has been strong and recent, so many of the recent austerity measures will have a real impact on the situation in the coming months. As a result, available statistics, new regulations, and the views of respondents reflect somewhat different pictures. Nevertheless, there was compelling evidence that austerity measures were having a significantly negative impact on the rights and lived experience of people with disabilities in Spain.

## **2. The impact of austerity measures on the participation of persons with disabilities in society**

Both of the respondents from administrative authorities reported having to make budget cuts in recent years as a result of the crisis and the economic situation. Wages had been reduced by 5% and social sector budgets had been reduced both at local and regional level, a decrease of between 2.3% to 5% in the budgets of local and regional administrations in 2011 and 2012. While there was no indication of the level of future cuts, reduced revenue and the need to reduce existing deficits have resulted in the need to eliminate or postpone planned developments, such as the development of residences for people with severe disabilities and to make cutbacks in employment and training programs. There was a strong belief that reductions in funding will impact on the disability sector in the future. Reductions in transfers to NGOs were reported by both respondents although they could not quantify the level of these.

Cuts in social and educational services, with closure of some programs, such as programmes to help people to reconcile work and family life and some programmes funded by European Union, were reported by one respondent from a social service provider. In most cases services have been maintained by increased co-payments by users. In addition, there was clear evidence that delays in payments had caused organisations with the highest deficits to withdraw from service provision or to be more selective in the services they provided. It was confirmed that other service providers face similar problems as a result of the termination of certain funding streams and financial restrictions. Severe cuts in, and the abolition of, funding programmes for improving accessibility and eliminating barriers, are projected to have a negative effect on the participation of people with disabilities.

According to another service provider representative cuts in funding from public sector and reduced income from private sources had resulted in a total annual budget reduction of € 67,720.92, which represented 7.5% of the total budget. This reduction was attributed primarily to cuts in public sector finance. In Valencia, a partner organisation had to close because they could not afford to advance salaries to professionals in the absence of information about when the advances would be reimbursed by the government. Another

organization in Andalusia had to take similar action due to delayed and uncertain funding. There were also changes to the way in which funding was accessed. Experience of ESF financial support for projects was rated very positively. A growth in the number of clients seeking services was reported by the respondent, primarily due to the fact that the organisation was the only service provider in the area to provide support services in the community for PWD. Recently support services to schools have been introduced in spite of the funding climate. Generally, user satisfaction remained high, although many needs remain unmet due to lack of funding. A trend in more passive attitudes on the part of people with disabilities was noted. This was attributed to a lack of supports and resources.

In contrast, another respondent from a service provider offering employment services to people with disabilities reported no reductions in funding from either public or private sources. There were no changes in the funding structure for services. However, there were delays in payments by the State which placed a strain on current funding and monthly salaries. This is a trend that was affecting the private sector and NGOs in particular. No changes were reported in either the number of clients requesting services or in characteristics and needs of clients. Client satisfaction remains high, above 95% in users and 90% in families, showing no changes or variations.

The respondents from disability representative organisations reported significant cuts in funding for improving accessibility and the elimination of barriers in terms of public buildings, services and transport. Investment budgets were reported to be virtually paralysed. According to the Permanent Specialized Office, which provides yearly reports about complaints of discrimination and inequality, there was an increase of over 400% in the number complaints proceedings between 2005 and 2009. In 2008, 261 complaints of discrimination were received. This increased to 715 consultations in 2009. There was a reduction in the number of complaints in 2010 (238)<sup>1</sup>.

### **The employment status of people with disabilities in Spain**

Data gathered by the Survey of Disability, Personal Autonomy and Dependency Situations (EDAD) carried out in 2008 by the National Statistics Institute (INE) are presented in Table 1. People with disabilities were approximately twice as likely to be unemployed compared to those without disabilities. The gap in relation to employment and activity rates was more than double. The employment and activity rates for women with and without disabilities were lower and the unemployment rate was higher, indicating a gender imbalance in labour market participation in Spain which is also evident for people with disabilities.

INE data from the Labour Force Survey (EPA) and the National Database of Persons with Disabilities show a similar but less substantial labour market participation gap in terms of unemployment, employment and activity rates in the period 2008-2010. The unemployment rate was lower, 11.3% for people without disabilities and 16.3% for people with disabilities. This gap reduced in 2009 and 2010 indicating that although the rate has increased in both groups, the increase is comparatively lower in PWD. This may reflect the fact that the employment rates for people with disabilities are less elastic for people with disabilities partly as a result of the operation of protected employment schemes and programmes.

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<sup>1</sup> <http://www.oficinape.msssi.gob.es/informesOPE/home.htm>

Based on data from the Labour Force Survey (EPA) of the first quarter of 2012, unemployment data in the general population has reached a 24.44%. Data were not available for people with disabilities but based 2008 figures, it can be estimated that the unemployment rate for people with disabilities is over 30%. The increase in activity rates in Table 2 reflects the fact that more people are out of work and actively seeking employment.

**Table 1: Activity rates, employment and unemployment in people with and without disabilities and total population in working age (16 - 64 years) by sex. Spain 2008<sup>2</sup>**

	Disability	No Disability	Total
	<b>MEN</b>		
<b>Activity rate</b>	40.3%	84.7%	82.7%
<b>Employment rate</b>	33.4%	77.4%	75.4%
<b>Unemployment rate</b>	17.2%	8.6%	8.8%
	<b>WOMEN</b>		
<b>Activity rate</b>	31.2%	65.3%	63.6%
<b>Employment rate</b>	23.7%	56.6%	54.9%
<b>Unemployment rate</b>	24.0%	13.4%	13.6%
	<b>BOTH</b>		
<b>Activity rate</b>	35.5%	75.2%	73.2%
<b>Employment rate</b>	28.3%	67.2%	65.3%
<b>Unemployment rate</b>	20.3%	10.6%	10.9%
<i>Source: INE, EDAD 2008</i>			

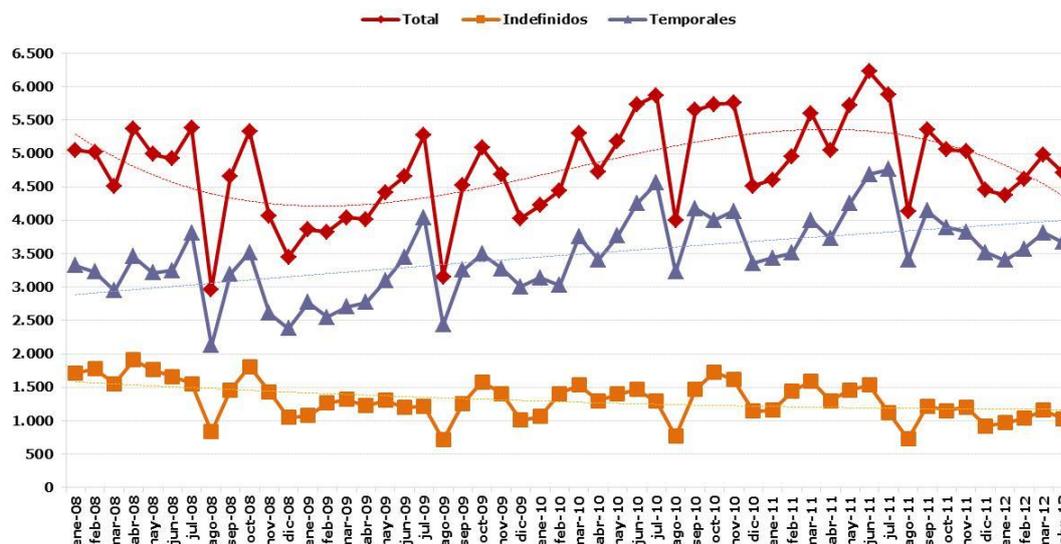
**Table 2: Activity rates, employment and unemployment in people with and without disabilities and total population trends year 2008-2010**

	Disability	No disability	Total
	<b>2010</b>		
<b>Activity rate</b>	36.2%	75.9%	74.4%
<b>Employment rate</b>	27.7%	60.6%	59.4%
<b>Unemployment rate</b>	23.3%	20.1%	20.2%
	<b>2009</b>		
<b>Activity rate</b>	36.2%	75.4%	74.0%
<b>Employment rate</b>	28.3%	61.8%	60.6%
<b>Unemployment rate</b>	21.8%	18.1%	18.1%
	<b>2008</b>		
<b>Activity rate</b>	33.5%	74.9%	73.7%
<b>Employment rate</b>	28.0%	66.4%	65.3%
<b>Unemployment rate</b>	16.3%	11.3%	11.4%
<i>Source: INE, EPA y Base Estatal de Personas con Discapacidad</i>			

<sup>2</sup> The figures in Table 1 do not sum to 100% because they overlap, for example, activity rates combine employment and unemployment numbers.

Figure 1 presents trend data on the number of people with disabilities on contracts in each month produced by the National Observatory of Disability (OED), obtained from the Public Employment Service (SEPE). The number of contracts for persons with disabilities (in each month) dropped in the second half of 2008, gradually increased up to the end of 2011 and declined again in the first quarter of 2012. There is an increasing trend in temporary contracts with a corresponding fall in permanent contracts.

**Figure 1: Monthly evolution of the number of contracts to persons with disabilities by type of contract - Years 2008-2012**

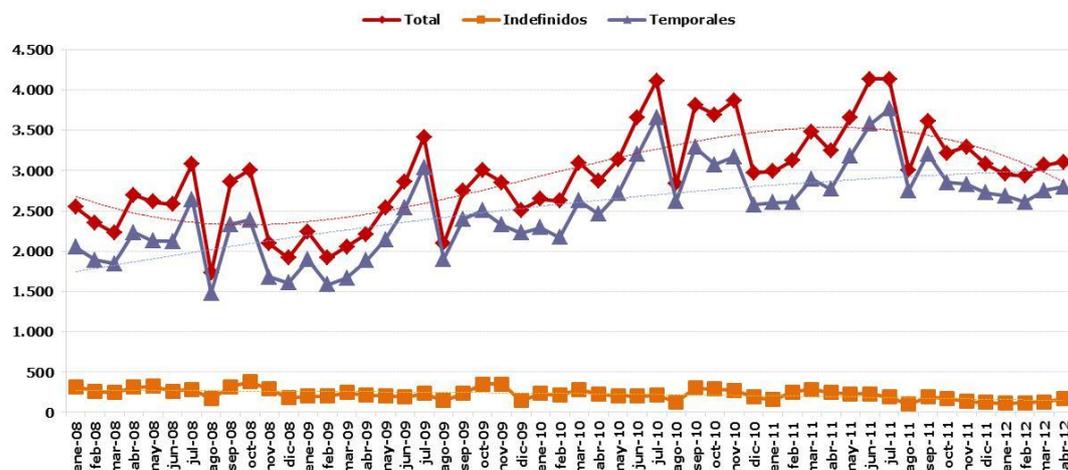


Source:

SEPE. Elaboration OED.

OED carries out the same analysis with respect to contracts in Special Employment Centres (Sheltered Workshops). This is presented in Figure 2. The pattern was similar with a decline in the second half of 2008, an increase up to the end of 2011 and a slight drop in first quarter of 2012. In this case main pattern was the increase in temporary contracts, which are the vast majority of those made, permanent contracts gradually decreased.

**Figure 2: Monthly evolution of number of contracts to persons with disabilities by type of contract in Sheltered Workshops - Years 2008-2012**



Source: SEPE. Elaboration OED.

### Trends in employment, disability, gender and age

An estimation of employment and activity trends by gender 2008-2010 for people with disabilities is presented in Table 3. The trend of rising unemployment rates in both men and women is evident, although the increase is more pronounced for men.

**Table 3: Activity, Employment and Unemployment Rates for People with Disabilities by Gender**

	2008	2009	2010
	<b>Men</b>		
Activity	38.4	41.0	40.4
Employment	32.8	32.1	31.4
Unemployment	14.6	21.6	22.3
	<b>Women</b>		
Activity	27.3	30.5	31.0
Employment	22.0	23.7	23.3
Unemployment	19.4	22.2	24.9

*Source: INE, EPA y Base Estatal de Personas con Discapacidad*

The relative impact of the crisis between 2008 and 2010 on the activity, employment and unemployment rates of people of different age groups is presented in Table 4. It is evident that, in absolute terms, younger people with disabilities have been most impacted with an unemployment rate of over 50%. However, the percentage in unemployment was greatest for people in the 25 to 44 year age group (a 42% increase). The significant increase in the activity rate for this age group is most likely a result of a higher number of people with disabilities actively seeking work. In comparison, the increase for the younger age group was 21%.

**Table 4: Activity, Employment and Unemployment Rates for People with Disabilities by Age**

	2008	2009	2010
	<b>16 to 24</b>		
Activity	34.3	35.8	35.1
Employment	19.7	19.5	16.9
Unemployment	42.6	45.6	51.9
	<b>25 to 44</b>		
Activity	42.5	49.2	50.1
Employment	35.0	37.0	37.4
Unemployment	17.8	24.7	25.4
	<b>45 to 64</b>		
Activity	27.9	29.1	28.9
Employment	24.7	24.3	23.6

Unemployment	11.3	16.5	18.2
<i>Source: INE, EPA y Base Estatal de Personas con Discapacidad</i>			

Table 5 presents the proportion of employed men and women with disabilities who are in receipt of supported employment services. It is evident that in recent years the gender gap has been decreasing and there is also an indication that the participation of older people over 46 years of age had increased.

**Table 5: People with Disabilities in Supported Employment by Gender and Age- Years 2006-2010**

Year	Gender		Age		
	Males	Females	16-25	26-45	46-65+
2006	68%	32%	24%	68%	8%
2008	57%	43%	20%	64%	16%
2009	54%	46%	26%	53%	21%
2010	53%	47%	23%	60%	17%
<i>Source: INICO</i>					

The type of contract being offered in supported employment recruitment is presented in Table 6. The data clearly show the impact of the crisis in terms of an increase in temporary contracts and the expense of permanent contracts.

**Table 6: Evolution of types of contract in supported employment**

	2006	2008	2009	2010
<b>Temporary</b>	68%	77%	83%	82%
<b>Permanent</b>	32%	23%	17%	18%
<i>Source: Institute of Community Integration (INICO)</i>				

### 3. Trends in social services

According to the representatives of local and regional administrations, the demand for services on the part of people with disabilities has been steadily increasing over many years and this trend has been aggravated by the economic crisis. For example, in drug abuse prevention programmes the demand for family support has doubled. Trends show that the number of families in situations of social vulnerability has increased, mainly due to rising unemployment and the resulting economic hardship. The number of applicants for services and supports to meet basic needs and to address the relocation of accommodation after losing home has increased substantially over the course of the economic crisis. Referrals to local social services have increased as has the number of hours of home support required per person.

Administrative authorities have, in the main, managed to avoid cutting frontline services despite the budget reductions of between 2.3% and 5% discussed in the previous section. Under the Dependency Act (Act 39/2007), regional administrations have actually increased the allocation of financial benefits to the purchase of care services. There have been no cuts in funding for services to vulnerable groups and in some instances it has been increased. In 2009, the budget for social services to vulnerable groups was increased by 43% over the previous year from €218,858.31 to €410,858.00 in one city administration. No other changes were perceived either in access to resources or benefits for this population. There have been no cuts in general social services or changes in outsourcing procedures.

The main mechanisms in meeting the challenge of maintaining services in the face of overall budget reductions have been cuts in the wages of professionals, the postponement of investment projects such as the building of residences for people with severe disabilities and a reduction of 15% in the funding support for NGOs in the disability field.

There was agreement that future public sector funding for organisations and agencies that provide supports and services to people with disabilities will be reduced particularly for habilitation and rehabilitation services including vocational rehabilitation and training, assistive devices and access to speech therapy, occupational therapy and physiotherapy.

The views of the representatives of social service providers, interviewed for this report, differed depending on the sector in which they operated. In one instance, the organisation faced a €6m reduction in public authority funding, which represented a decrease of about 25% in public sector contracts. While some social and educational services had been reduced or terminated, in most cases services were maintained by increasing user fees. In order to qualify for ESF co-funding, the organisation has had to increase the extent to which it is using its own generated income as matching funding to replace public sector finance which has been withdrawn.

The services provided by another provider have become more individualised and individual support programs have been extended to all clients. This has been achieved by involving more natural supports in the community i.e. increasing the role of family and friends. There is an increasing demand for new clients resulting in the development of new services. The organisation has put in place a research team to gather and analyse data on the emerging needs of clients and a new volunteer programme has been developed. A Strategic Plan is in place for the period 2012-2015 which projects a shift towards increasing private funding. The number of professionals has not changed, but their profiles have been adjusted to meet the new approaches. There have been pay cuts, the elimination of coffee breaks, late payment of allowances and transportation. External training has been also reduced and internal training has been increased. Some more expensive investments have been deferred.

In another organisation little or no impact of austerity measures on the services being offered was apparent. There had been a slower growth in the volume of services, 5%, compared to around 10% in previous years. The organization has evolved into the promotion and certification of excellence (EFQM +400). The number of employees of the company has been maintained in the past two years and working conditions have not changed. While

there have been no layoffs of staff, it has not been possible to recruit new staff. Revisions to the collective agreements have reduced index linked wage increases. Continuing professional development programmes have been maintained and distance training has been promoted. There has been a reduction in investment in projects and spending on outsourcing.

The respondents from representative organisations of people with disabilities differed in their perspectives on the impact of austerity measures on social services to people with disabilities. According to one respondent public funding has maintained globally at national level. There have been decreases in some programs and slight increases in others. This has been achieved by using surpluses accumulated in previous years to compensate for reduced funding. There has been a negative impact on private funding, particularly from banks which have decreased financing facilities and in some cases eliminated funding options.

The other respondent reported major cuts and higher costs. Unemployment benefits have been reduced and new copayments for health services have been introduced and existing user fees have been increased which impacts greatly on people with disabilities. Sources of funding for disability representative NGOs had been negatively impacted between 2010 and 2012 by 20% in the Castilla y Leon Autonomous Community.

There was agreement on the potential of negative impacts as and from next year given the current budget and earnings 2012 and projected austerity measures in 2013.

### **The impact of austerity measures on sheltered and supported employment services**

Reliable and timely data on the number of people with disabilities working in Special Employment Centres in Spain was difficult to access as it is not routinely published. Table 7 presents data from two different sources.

**Table 7: Funding for Sheltered and Supported Employment Services for People with Disabilities (Years 2008-2010)**

	2008	2009	2010
Grants and subsidies for the employment of people with disabilities in CEE, including those relating to the support units for personal and social adjustment	€219,781,416	€263,185,183	€231,034,650
Subsidies to promote permanent employment for people with disabilities, including those relating to labour enclaves and supported employment aid	€76,612,857	€78,649,098	€79,247,840
<i>Source: Servicio Público de Empleo Estatal</i>			

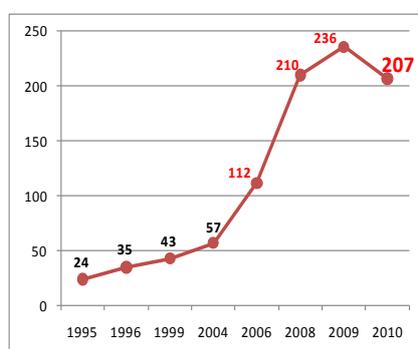
Available data from reliable sources were somewhat outdated. Rodriguez, Garcia and Toharía (2009) presented data from 54,146 workers in a total of 1,728 Special Employment Centres in 2007<sup>3</sup>. Other data were from more informal sources. At the end of 2010, the

<sup>3</sup> Rodriguez, G., García, C. y Toharía, L. (2009). *Evaluación de las políticas de empleo para personas con discapacidad y formulación y coste económico de nuevas propuestas de integración laboral*. Madrid: Cinca.

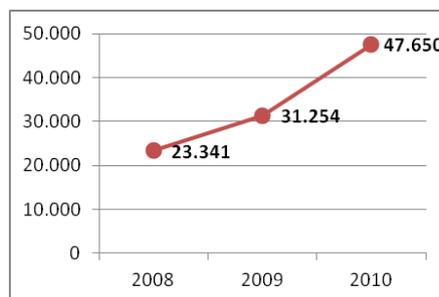
Public Employment Service estimated that 59,185 workers were employed in 1,871 centres. These data reflect increased numbers of centres and people employed by them between 2007 and 2010.

The only data available on the evolution of supported employment in Spain was obtained by the Institute of Community Integration (INICO) (Jordan de Urrías and Verdugo, 2011)<sup>4</sup>. Data show a drop in the number of initiatives in 2010, probably as a result of crisis. Grouping people with disabilities and people at risk of exclusion, people served by supported employment programs had increased considerably. The increased demand for services can be attributed to the need for employment as a result of the crisis and increasing unemployment rates. These trends are presented in Figures 3 to 5.

**Figure 3: Trends in the Number of Supported Employment initiatives (Source INICO)**

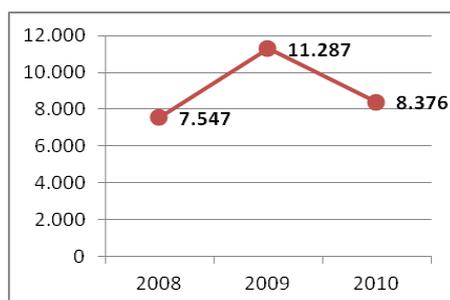


**Figure 4: Trends in the Number of Participants in Supported Employment Programs (Source INICO)**



**Figure 5: Trends in the Number of People with an Employment Contract in Supported Employment (Source INICO)**

<sup>4</sup> Rodríguez, G., García, C. y Toharía, L. (2009). *Evaluación de las políticas de empleo para personas con discapacidad y formulación y coste económico de nuevas propuestas de integración laboral*. Madrid: Cinca.



Data from the Public Employment Service provide an indication in the evolution of the public sector budgetary allocations for aids and subsidies for the employment of people with disabilities in Sheltered Employment Centres (CEE), including support modules for personal and social adjustment, and subsidies to promote permanent employment for people with disabilities such as employment enclaves and supported employment subsidies and supports. These figures are presented in Table 7 above.

There was a 12.2% decrease in public sector funding for Sheltered Employment Centres between 2009 and 2010. Funding for supported employment programmes was increased by less than 1%.

A more detailed analysis of funding for supported employment services carried out by the Institute of Community Integration (INICO) is presented in Table 8 for the period 2008-2010. The figures show a different pattern to the data provided by the Public Employment Service. Depending on the funds that organisations report having received, and their origin, funding fell in 2010. Between 2009 and 2010 European funding increased by 13% and local funding increased by a third. On the other hand, both national funding and regional was has cut by between 34% and 37%. Overall, there was a drop of almost 26% in overall funding in 2010 for the supported employment services surveyed.

**Table 8: Evolution of funding of Supported Employment (Years 2008-2010)**

<b>Funding</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>
<b>European</b>	€1,865,257.85	€4,338,705.24	€4,908,923.07
<b>National</b>	€7,357,269.34	€6,975,466.80	€4,622,484.78
<b>Regional</b>	€13,284,893.90	€20,490,839.26	€12,974,667.05
<b>Local</b>	€1,862,431.68	€1,903,640.36	€2,539,143.48
<b>TOTAL</b>	<b>€24,369,852.77</b>	<b>€33,708,651.66</b>	<b>€25,045,218.38</b>
<i>Source: : Institute of Community Integration (INICO)</i>			

Table 9 presents data extracted from the annual report 2010/2011 of the Spanish Business Confederation of Social Economy (CEPES) on the evolution of employment and turnover reported by its member companies. Employment, after rising in 2009, showed a slight drop in 2010. Turnover, however, showed a steady decline which was more pronounced in the years 2009 and 2010.

**Table 9: Development in Employment and Turnover in Social Economy Companies**

	<b>2008</b>	<b>2009</b>	<b>2010</b>
<b>Employment</b>	2,354,296	2,379,994	2,377,912
<b>Turnover (millions of €)</b>	115,069	92,157.16	86,663.48
<i>Source: The Spanish Business Confederation of Social Economy (CEPES)</i>			

In summary, many public sector, private sector service providers and NGOs have managed to maintain services even in the context of significant reductions in regional and local budgets, mainly through wage reductions, recruitment freezes, increased user copayments and a greater reliance on family members and volunteers to provide support. There is consensus that this situation is unsustainable into the future and that over the coming years there will be significant negative impacts on social services for people with disabilities and in particular, on budgeting for independent living and community inclusion not only in terms of supports, services, facilities but also in terms of direct payments or personal budgets. There has been significant reduction in the revenue resources to be assigned to the Law on the Promotion of Personal Autonomy. Now only 0.7% of personal income tax will be devoted to social affairs and investment will be prioritized. This will significantly restrict progress in relation to personal autonomy and independent living.

The number of Special Employment Centres and the numbers employed by these centres increased from 2007 to 2010. National level funding for sheltered employment services decreased in 2010. The number of supported employment services decreased in 2010 in the context of increased demand for services and a significant decrease in the number of jobs. Funding for supported employment funding dropped by 26% in 2010 and the structure of funding changed with an increasing reliance on ESF and local funding. Social economy enterprises maintained the number of jobs developed but experienced significant reductions in annual financial results from 2008 to 2010.

#### **4. Impact on disability-related social security benefits**

##### **Non-contributory disability benefits**

Data on non-contributory Disability Benefits are presented in Table 10. Between 2005 and 2011, there has been a consistent decrease in the number of benefit recipients for both disability benefits and retirement pensions which are granted to people with disabilities over the age of 65 years. In the same period the annual amounts allocated to these benefits have increased annually both in total and in the monthly value of the payment.

**Table 10: Non-contributory Disability benefit – Number of Recipients, Gross Annual Budget and Average Monthly Pension (Years 2005-2011)**

Type of Benefit	2005	2006	2007	2008	2009	2010	2011
	<b>Number of Recipients</b>						
Retirement	278,556	274,266	267,702	262,960	258,873	254,989	253,259
Disability	204,686	204,383	201,751	197,884	196,782	195,962	194,704
<b>Total</b>	<b>483,242</b>	<b>478,649</b>	<b>469,453</b>	<b>460,844</b>	<b>455,655</b>	<b>450,951</b>	<b>447,963</b>
<b>Gross Amount (Millions of € per annum)</b>							
Retirement	1,056,521	1,082,941	1,120,587	1,147,961	1,154,017	1,169,985	1,198,528
Disability	889,294	918,806	956,197	977,108	989,070	1,008,787	1,032,928
<b>Total</b>	<b>1,945,816</b>	<b>2,001,748</b>	<b>2,076,784</b>	<b>2,125,069</b>	<b>2,143,087</b>	<b>2,178,772</b>	<b>2,231,456</b>
<b>Average Monthly Payment (€)</b>							
Retirement	267.35	278.05	290.43	307.71	315.45	320.59	330.35
Disability	306.15	318.55	330.26	348.5	357.7	357.15	370.04
<i>Source: Subdirección General de Gestión del IMSERSO. Área de Prestaciones Económicas</i>							

**Social and economic benefits of the Law for Social Integration of People with Disabilities (LISMI)<sup>5</sup>**

Data on the Social and Economic Benefits of LISMI are presented in Table 11. There was a progressive decrease in the number of recipients and in the total amounts. It is important to note that these types of pensions are being phased out. Thus the progressive decline is merely a reflection of that situation. Average payments per beneficiary did not decrease over the period 2005 to 2011.

**Table 11: Social and Economic Benefits of the LISMI - Number and Gross and pensions by type (Years 2005-2011)**

	2005	2006	2007	2008	2009	2010	2011
<b>Grant Minimum Income Guarantee (SGMI)</b>							
<b>Numbers</b>	42,277	37,000	32,013	27,749	24,210	20,509	17,608
<b>Millions of €</b>	93,652	82,133	71,353	62,041	53,742	46,148	39,465
<b>Grant Assistance Third Party (SATP)</b>							
<b>Numbers</b>	5,596	4,665	3,878	3,267	2,794	2,336	1,907
<b>Millions of €</b>	4,991	4,152	3,453	2,885	2,458	2,119	1,699
<b>Mobility Allowance and Transportation Expenses (SMGT)</b>							
<b>Numbers</b>	4,093	3,579	3,105	2,722	2,37	2,082	1,802
<b>Millions of €</b>	2,460	2,257	2,014	2,022	1,762	1,579	1,422
<b>Total LISMI</b>							
<b>Numbers</b>	51,966	45,244	38,996	33,738	29,374	24,927	21,317
<b>Millions of €</b>	101,103	88,542	76,820	66,949	57,963	49,847	42,585
<i>Source: Subdirección General de Gestión del IMSERSO. Área de Prestaciones Económicas</i>							

<sup>5</sup> Ley de Integración Social del Minusvalido

## **Benefits of the System for Autonomy and Care for Dependency SAAD**

There are major changes in the approval process for support under the ACT 39/2006, of 14th December, on the Promotion of Personal Autonomy and Care for Dependent Persons. This is the main Act related to cash benefits and personal budgeting. The purpose of the Act is to regulate the basic conditions to guarantee equality in the exercise of the right to personal autonomy and care for dependent persons. It sets out the basis for collaboration and participation of all of the Public Administrations and the guarantee by the General State Administration, with the participation of local authorities where applicable, of a minimum common content of rights for all citizens in any part of Spanish State territory.

The Act specifies autonomy as the ability to control, face and make, on one's own initiative, personal decisions on how to live in accordance with one's own standards and preferences and to carry out basic activities of daily living. Dependency, according to the law is the permanent state in which persons require the care of another person/other people or significant help in order to perform basic activities of daily living. This can arise from a number of causes including age, illness or disability (physical, mental, intellectual or sensory impairment).

The Act covers both non-professional care, provided to the dependent persons in their homes, by members of their family or friends, and professional care, provided by in their own homes or in a centre. The Act covers personal assistance services which provide a personal assistant that performs or collaborates with the dependent persons to allow them to undertake everyday tasks, with the aim of encouraging independent living and promoting and reinforcing his/her personal autonomy.

The latest modifications of the Act will result in higher copayment levels and a greater number of persons who will be required to contribute a co-payment. It also sets a stricter requirement for primary carers to be contributing to the Social Security System, receiving a benefit, or to be eligible to receive benefits.

Data from the System for Autonomy and Care for Dependency (SAAD) are presented in Table 12<sup>6</sup>. The figures indicate that the national financial contribution has exceeded the forecasts provided in the Economic Report of the Law, thus fulfilling the objective of the Central Government and Autonomous Communities to fund the new cost involved in implementing the Dependence System to 50 percent. Both the Central Government (AGE) and Autonomous Communities (AC) are responsible for covering 50% of the costs each. The AC had to provide it by supplying the land required for development of the centres infrastructure. The AGE is responsible for funding the services through grants for Autonomy and Care for Dependency services.

The percentages in Table 12 refer to the percentage of the total amount forecasted for each year for SAAD. AGE funding was to be 50% but each year the contribution has been more than 50%. Figures are not available for 2011 or 2012.

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<sup>6</sup> [http://www.dependencia.imserso.es/dependencia\\_01/index.htm](http://www.dependencia.imserso.es/dependencia_01/index.htm)

**Table 12: Actual and Projected State Funding for the System for Autonomy and Care for Dependency (SAAD) (Years 2007 - 2015)**

Year	Total public funding forecast	Contribution of AGE	Final budget of AGE	% of total forecasted in the economic memory
2007	800,000,000	400,000,000	400,000,000	50%
2008	1,370,370,793	678,685,396	889,894,299	65%
2009	1,958,729,234	979,364,617	2,051,824,253	105%
2010	2,320,661,624	1,160,330,812	2,048,792,116	88%
2011	3,090,851,227	1,545,425,613		
2012	3,347,769,536	1,673,884,768		
2013	3,752,061,129	1,876,030,564		
2014	4,223,143,288	2,111,571,644		
2015	4,425,808,795	2,212,904,397		

*Source: IMSERSO, Área de Estadísticas y Evaluación de la Subdirección General Adjunta de Valoración, Calidad y Evaluación. AGE (General State Administration)*

The number of applicants for Autonomy and Care for Dependency grants is presented in Table 13. There is a month by month increase in the number of applications, from a total of 1,082,414 in December 2009 to a total of 1,500,152 in January 2011. Between 42% and 44% of applications were decided upon each month resulting in a steady increase from a total of 463,303 in December 2009 to a total of 668,578 in January 2011.

**Table 13: System for Autonomy and Care for Dependency SAAD. State funding. Applications and decisions**

Month	Applications	Decisions	Percentage
Dec09	1,082,414	463,303	42.80
Jan10	1,141,608	485,526	42.53
Feb10	1,164,960	505,098	43.35
Mar10	1,224,096	521,035	42.56
Apr10	1,258,567	546,610	43.43
May10	1,290,966	553,716	42.89
Jun10	1,317,982	578,953	43.92
Jul10	1,377,655	614,750	44.62
Aug10	1,400,328	614,173	43.85
Sep10	1,423,553	622,190	43.70
Oct10	1,431,506	627,165	43.81
Nov10	1,452,555	636,739	43.83
Dec10	1,482,375	654,499	44.15
Jan11	1,500,152	668,578	44.56

*Source: IMSERSO, Área de Estadísticas y Evaluación de la Subdirección General Adjunta de Valoración, Calidad y Evaluación.*

In summary, to date there have been no significant cuts in disability-related social security benefits in Spain as a result of the economic crisis. In fact, the number of benefits recipients for non contributory benefit has decreased, but total funding has been increased and average payments have increased. The funding for the benefits of the System for Autonomy and Care for Dependency SAAD have been constantly increased, but most of the years were

under budget. The number of applicants has grown steadily as has the number of decisions, increasing the percentage of resolutions every year.

Significant cuts are currently being implemented in order to make the system sustainable. This will clearly impact on the Promotion of Personal Autonomy and Care for Dependent Persons System. This will be reflected in stricter conditions for eligibility, and higher levels of co-payment, on the one hand, and lower coverage levels for primary caregivers, who will lose part of their benefits as workers.

## 5. Trends in the promotion and protection of rights

The majority of regional and local authorities have developed plans for deploying the UN Convention on the Rights of Persons with Disabilities (UNCRPD). However, there is little or no evidence that these have been implemented in any proactive way. The development of policies aimed at improving accessibility and eliminating barriers has stalled and many other regional and local initiatives have been postponed or cancelled.

There are a number of agencies in Spain that provide support to people with disabilities in accessing their rights. Organisations that are central to this are the Offices of the Ombudsman at national and regional levels, which report to the authorities on areas of policy, procedure or practice that limit disability rights, and the Permanent Specialized Office. In some regions disability specific Ombudsmen have been established. There is also an arbitration system for complaints about infringements of equality and non discrimination legislation. The Permanent Specialized Office publishes annual reports in the number of complaints received and the number of proceedings carried out<sup>7</sup>. There was a gradual increase in disciplinary proceedings in the period 2005-2009 and a substantial increase between 2008 and 2009 from 216 to 715 which dropped to 238 in 2010.

In 2011, the Spanish Government adopted a Royal Decree to amend a number of relevant regulatory provisions to conform to the UN Convention in a number of key areas<sup>8</sup>. The Decree made changes to a number of existing laws and introduced additional measures. The main measures covered by the Decree include:

- Accessibility
  - Public bodies required to plan
    - Buildings
    - Transport
    - Services
    - ICT and Information Society
- Civil Protection in emergency situations
  - Accessibility of procedures including public notices and disaster support point

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<sup>7</sup> <http://www.oficinape.msssi.gob.es/informesOPE/home.htm>

<sup>8</sup> Royal Decree 1276/2011 of 16 September, of normative adaptation to the International Convention on the Rights of Persons with Disabilities

- Evacuation procedures
- Nuclear emergencies and radiological risks
- Disability awareness training for staff and volunteers
- Legal Protection/Due process
  - Adaptations for people with limited capacity in decision making
- Organ donation and transplants
  - Supports for people with limited capacity in decision making
- Employment
  - Protection in the dismissal process
  - Defined role for Special Employment Centres and Integration Companies
  - Training for centre staff
  - Integration of disability in Spanish Employment Strategy
  - Active Employment Policies
  - Special employment measures for PWD
  - SE programmes
  - Rules for grant aid for:
    - Certification
    - Guidance and Counselling
    - Job placement Support
  - Support for Pilot Programmes
  - Subsidies
    - Employment in Special Employment Centres and Self Employment
    - Employees carrying out social and general interest services
    - Public and Autonomous Bodies including Universities
    - VET Providers
    - Cooperatives

Organisations representing people with disabilities that promote and protect the rights of people with disabilities often work with the specialized institutions or bodies such as the regional Offices of the Ombudsman. At state level, the Spanish Committee of Representatives of Persons with Disabilities (CERMI) has been designated as an independent mechanism to promote, protect and monitor the implementation of the UNCRPD in Spain. It is a non-profit association representative at the state level of associations representing most types of disabilities. In its monitoring function in relation to possible violations of rights, in relation to the UCRPD, CERMI has noted an increase in complaints since the onset of the crisis.

## **6. Impact on the implementation of the UNCRPD and the European Disability Strategy 2010-2020**

According to the informants representing regional and local administrations they have a genuine commitment to carry out the mandate of the UNCRPD. Regional level changes have been made in programmes aimed at facilitating greater inclusion and the development of local accessibility plans. There is a Regional Plan for Social Exclusion in Valencia (2011-

2013) but this does not explicitly refer to the Convention. There are plans in place for promoting employment rights for people with disabilities. There was some indication of a reduced commitment to inclusive education with more children being referred to special schools rather than integrated education, although there were no actual statistics to support this contention. There was no perception that the rights of people with disabilities regarding participation in the community or independent living had been negatively impacted by austerity measures. There was an acknowledgement of the positive contribution made by the ESF particularly in mitigating the impact of funding cuts to initiatives which were in operation prior to the crisis.

The respondent from the local administration was not aware of any specific plans for implementation of the Convention, although specific actions to promote accessibility were being implemented. For example, in relation to accessible transport, one initiative increased the availability of accessible taxis, provided assistance for people with disabilities to use accessible taxis, removed barriers to using public transport, issued disabled parking permits and worked in partnership with organisations of deaf people to create more accessible communication systems. A specific action for the work integration of people with intellectual disabilities was in place through an initiative to conserve and maintain public spaces and gardens. The funding for this project was €253,774. There was no awareness of the right to involvement in the community or independent living being limited.

The representatives of social service providers were aware that many regional and local authorities had plans for implementing the UNCPD but they had no evidence that any substantive actions had taken place and they were not participating in any initiatives. They knew that accessibility was a policy but were not aware of any major activities in this area. They were aware of the local authorities' accessibility plans. They noted that local governments had reduced public funding for employment services such as supported employment and were not very active in the area independent living or inclusive education.

One organisation was working actively to promote the Convention. Actions undertaken included the distribution of an easy read version, so their service users knew their rights. When issues of accessibility arose they used the services of the Reference Centre for Personal Autonomy and Technical Aids (CEAPAT). They also complied with accessibility standards in the development of residential environments. Another organisation was taking action to develop Articles 19 (independent living), 24 (Education), 27 (Employment) and 30 (Participation and leisure).

The informants representing organisations of people with disabilities drew attention to the Spanish Disability Strategy 2012 – 2020.<sup>9</sup> The framework for the Strategy is derived from the actions specified in the Euro 2020 including guaranteeing sustainable and inclusive development and advancing to a knowledge-based society. The National Reform Program 2011 set out quantitative targets at the national level for Spain. In spite of the strong legislative, policy and strategic basis for the promotion and protection of disability rights, implementation has been slow to progress. Progress on a number of Articles of the Convention are presented below.

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<sup>9</sup> [http://sid.usal.es/idocs/F8/FDO26112/Estrategia2012\\_2020.pdf](http://sid.usal.es/idocs/F8/FDO26112/Estrategia2012_2020.pdf)

- **Article 9:** Accessibility plans in relation to public buildings, services and transport Investment budgets were virtually paralysed in terms construction, building adaptations and reforms.
- **Article 19:** Actions to support living independently and being included in the community in terms of supports, services, facilities and direct payments have been restricted by a 30% reduction in the budget.
- **Article 24:** Resources and supports for inclusive education in mainstream settings are being withdrawn. In the future this will be more evident in measures to increase numbers staff-pupil ratios and the possible reduction in funding for support services.
- **Article 26:** Access to habilitation and rehabilitation services has also been restricted in terms of speech therapy, occupational therapy, physiotherapy therapy, vocational rehabilitation, vocational training and assistive devices. People with light disabilities are no longer eligible for access to benefits under the law on the promotion of personal autonomy.

In conclusion, from a legal and policy perspective significant formal progress has been made in integrating the UNCRPD into national systems. However, there was a strong view on the part of a number of respondents that the full impact of austerity measures on disability rights in Spain has yet to be felt. This was particularly the case because additional cuts are in the pipeline that will have a direct impact on the right to independent living and community inclusion and employment rights and the System for Autonomy and Care for Dependency is under review in terms of its sustainability. Thus, cuts affecting social policies are either too recent or have yet to be implemented and their impact can not be assessed.

Overall, the absence of sufficient relevant data makes difficult to quantify the depth and breadth of impact of austerity measures on the rights of people with disabilities in Spain. Nevertheless, the majority of respondents were able to recount instances in which regional and local administrations had either postponed actions aimed at enhancing disability rights such as accessibility, or had reduced funding for educational or community inclusion initiative There was an acknowledgement of the positive contribution of ESF to maintaining innovative projects.

## 7. General conclusions

A number of general conclusions can be drawn from the data and documentation reviewed and the interviews carried out for this study. A main conclusion to be drawn was that there was insufficient data to come to any firm conclusions about the impact of legal instruments, plans and programs. The development of legal and policy instruments in response to the UNCRPD has been substantial over the previous two years. The key question is whether these new laws will have adequate funding support for effective deployment. The shared opinion of all the respondents interviewed and other stakeholders; and the legal obligations on the Spanish State; supports the contention that moving into the future data relating to disability should be gathered in conformance with the Convention.

A substantial increase in the number of complaints of discrimination on the grounds of disability was reported by the Permanent Specialized Office between 2009 and 2010. It is difficult to attribute this directly to the impact of the crisis and austerity measures without a more detailed analysis of the grounds specified. It is likely that enhanced awareness on the part of people with disabilities was also a contributing factor.

Although some cuts in services were identified, many legal and policy changes are too recent to be evaluated, either quantitatively and qualitatively. It is likely that the real impact will only become evident in the coming months. In some cases, the laws have yet to be deployed. All informants considered that in the near future, benefits, programs and services will be affected by these cuts with a consequent restriction on the participation of people with disabilities in society in terms of employment, education and independent living.

The opinions of the informants from regional and local administrations were that austerity measures to date have had little or no impact on the rights of people with disabilities and that cuts were relatively mild. This contrasted with the views of representatives of social service providers and organisations representing people with disabilities who reported significant negative impacts. In some cases cuts in funding were compensated by increased payments on the part of services users or their families

Data sources provided evidence that the unemployment rates for people with disabilities had increased during the course of the economic crisis. The increases were less than for people without disabilities but it must be kept in mind that the employment gap between people with disabilities and people without disabilities was almost 58% (28% and 66% respectively) and this had reduced to around 54% in 2010 which is still a significant differential. The employment rates of males and young people (16-24 years) were most severely impacted. In addition, temporary contracts for people with disabilities had increased substantially.

Trends in social services were indicative of reduced service capacity and, increased demand for services. More families were in vulnerable situation, due to unemployment and in some cases the loss of housing. Services were relying on increasing user co-payments, the use of volunteers and reductions in staff salaries. The funding for sheltered and supported employment had decreased which had resulted in many supported employment initiatives closing down. At the same time demand of these services had increased. The ESF was considered to be playing an important role in sustaining innovative services.

Trends in cash benefits indicated that these had not been affected significantly and in some instances had actually increased as in the case of the Law of Autonomy and Care to Dependence. However, new regulations are in the process of being approved, that will involve deep cuts in funding, much stricter requirements for eligibility and higher levels of copayments. Restrictions in the eligibility of primary caregivers are also planned.

From the perspective of the promotion and protection of rights, regional and some local authorities have plans in place to improve accessibility. There was no substantive evidence that these plans were being implemented apart from one local authority that was working on accessibility plans and benefits for transport (taxis etc.).

CERMI has been designated as the independent monitoring mechanism in relation to the UNCRPD. The implementation of the UNCRPD and the European Disability Strategy 2010-2020 has been underpinned formally in both legislation and policy. There was no evidence of the UNCRPD influencing regional and local plans, but all participants considered that administrations were aware of it and took it into account. Service providers were disseminating awareness of the Convention within their own services.