

SPAIN REPORT 2017
HUMAN RIGHTS AN DISABILITY
EXECUTIVE SUMMARY

1. INTRODUCTION

The Spanish Committee of Representatives of People with Disabilities (CERMI) is the expression of the social movement of disability for advocacy, representation and political dialogue. Its mission, established and supported by its member entities, is to articulate and structure the social movement of disability, from the cohesion and unity of the sector and always respecting the pluralism inherent in such a diverse social segment, to develop a representative political action in defense of the rights and interests of people with disabilities, both collectively and individually.

In 2011 CERMI was officially designated by the Spanish State as an independent mechanism to monitor the application of the International Convention on the Rights of Persons with Disabilities in Spain. This gives it a series of reinforced powers with the United Nations and the Spanish State as a signatory to this International Treaty on Human Rights, which is part of our legal system and which advise the signatory States that the only approach that can be taken disability is from human rights.

This recognition has reached a normative status which is contained in the first additional provision of Royal Decree 1276/2011, of September 16, of regulatory adaptation to the Convention.

The role of CERMI with the Convention is evident in the preparation of the Spain Reports on Human Rights and Disability; that describe and document the human rights situation of persons with disabilities in Spain and give an account of the degree of compliance with this Treaty in our country.

Ten years have passed since the first Spain Report on Human Rights and Disability came to light, which is the largest and most prolonged investigation carried out in Spain on the human rights of people with disabilities.

The full report is published on paper and is available in electronic format on the website of CERMI, however, it has been deemed appropriate to make an executive summary of the most significant issues of this study.

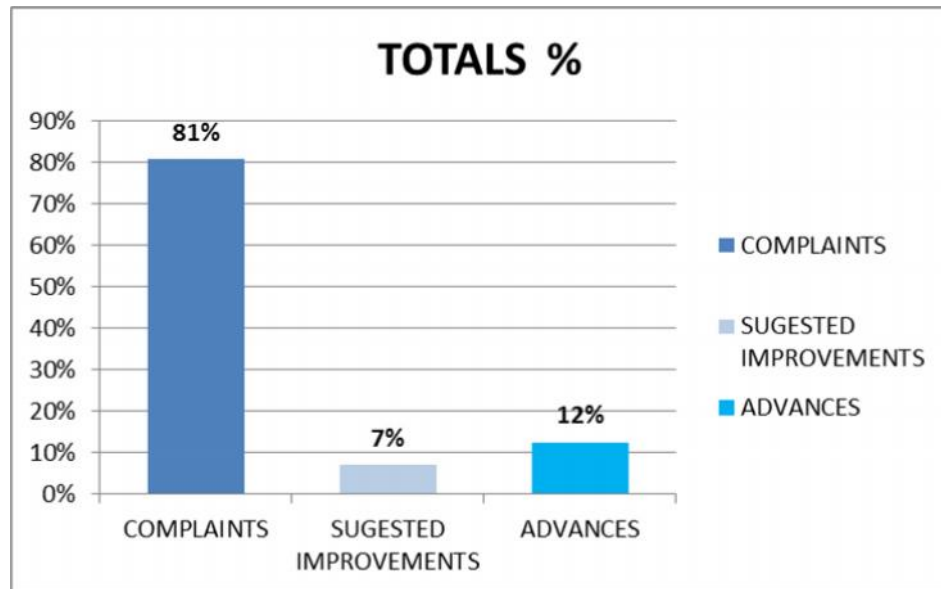
The preparation of this document is based on different sources of knowledge, although the main ones are: the consultations received at CERMI itself as an independent body monitoring the Convention, the actions undertaken as a result of the entity's own work, the complaints of people and collaborating entities, both of the associative movement and belonging to different legal spheres and the news published in the press or disseminated in social networks that have led to an investigation by CERMI, as well as the activity of the different legal operators.

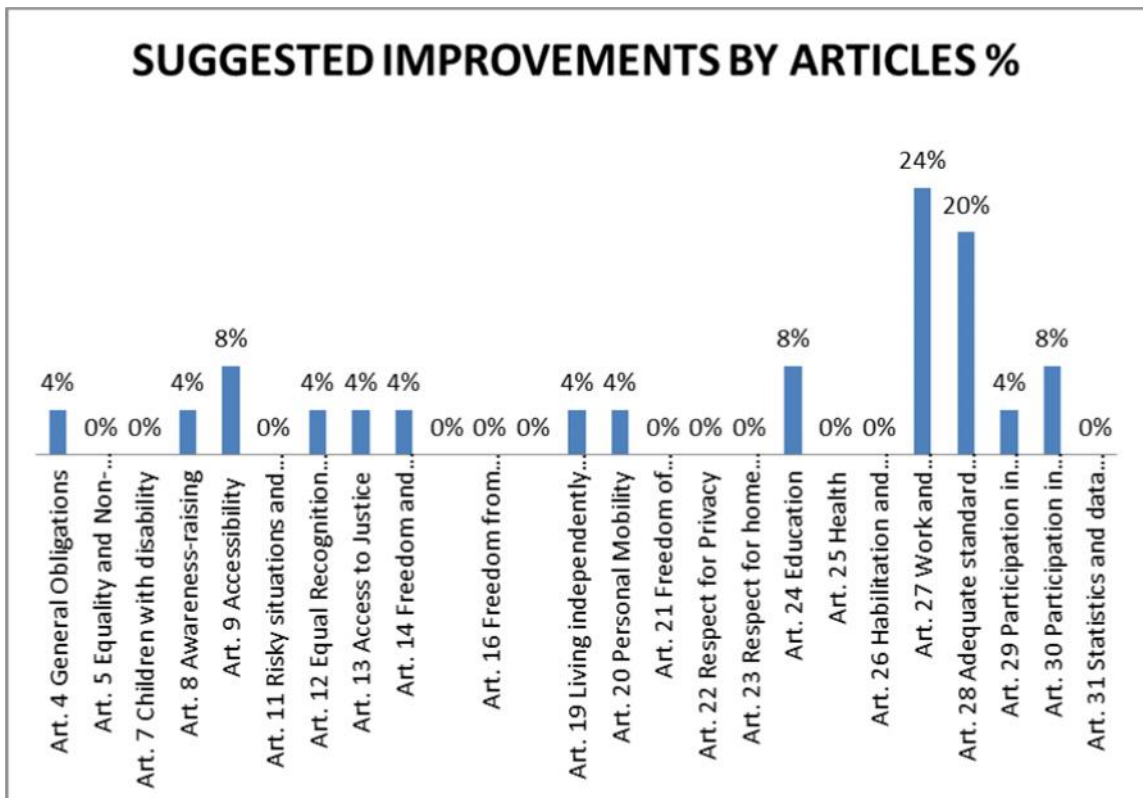
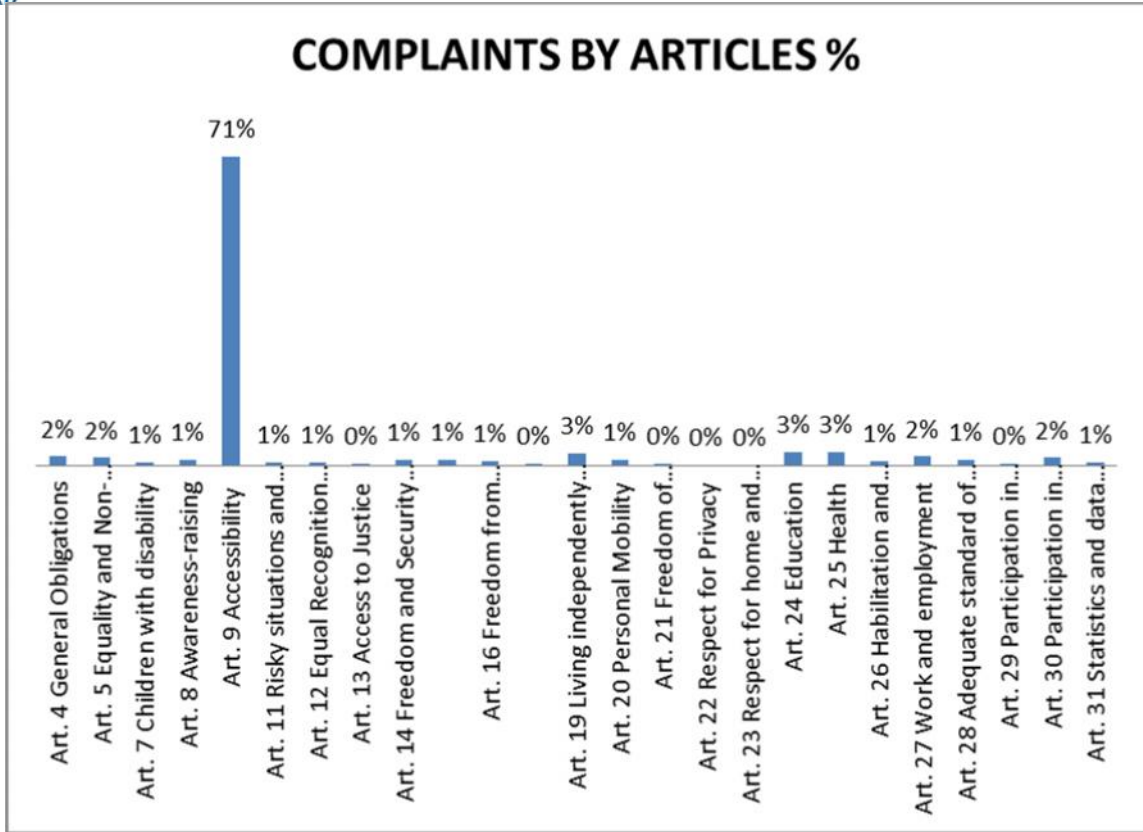
This Report should also be the voice of the member organizations of CERMI that, through individual interviews, have collected valuable information that is the expression of their demands regarding human rights.

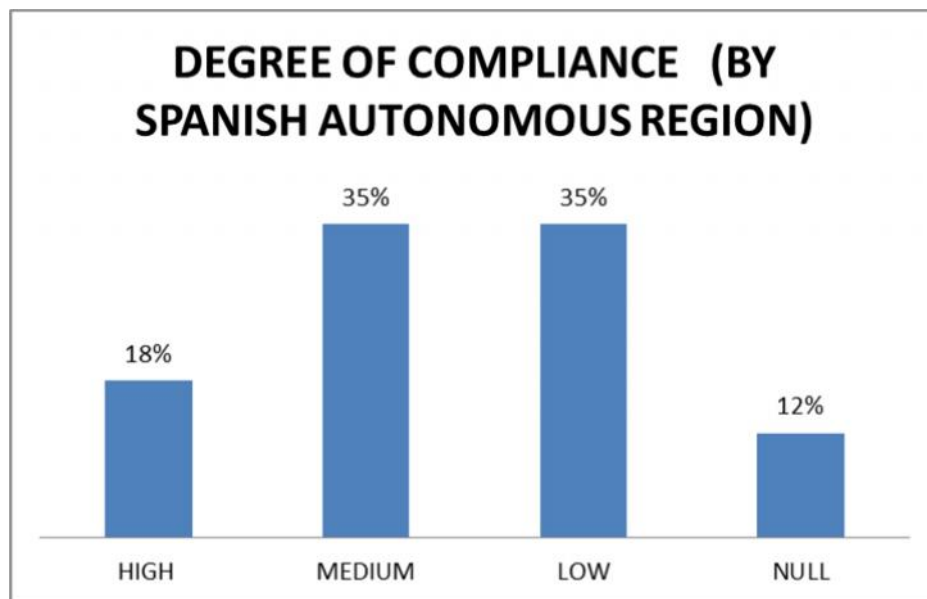
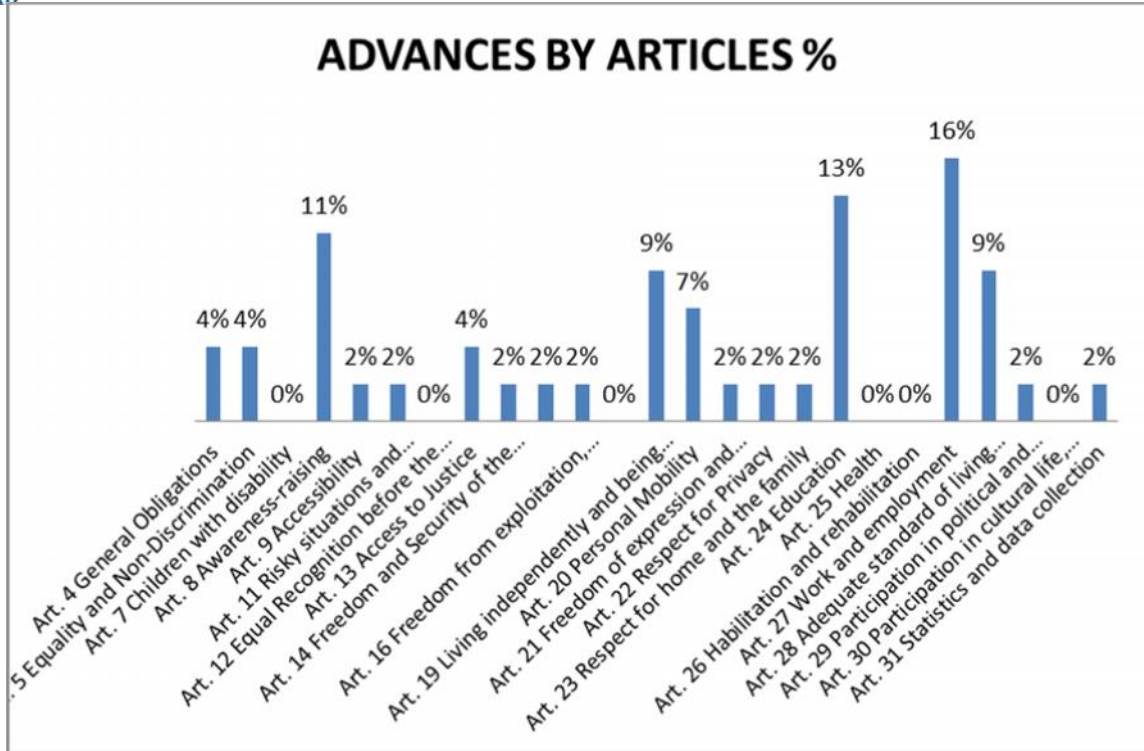
The information contained here will help legislators, government officials, legal entities, the media, civil society and all citizens to become aware of the picture that 2017 leaves us with in terms of human rights and disability. An image that in the light of the conclusions is colored by discrimination, but where achievements are gained from the associative movement CERMI to restore those rights and freedoms that history took from us.

2. RESULTS

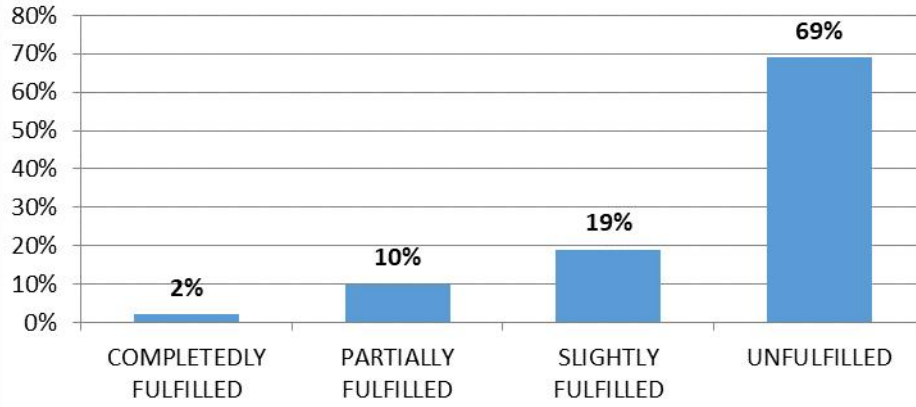
In this section as shown in the graphs, the most significant results are shown to understand where we are. An image that, together with the conclusions, will make it possible to identify those areas that are most critical for rights, equality and persons with disabilities in order to be corrected:



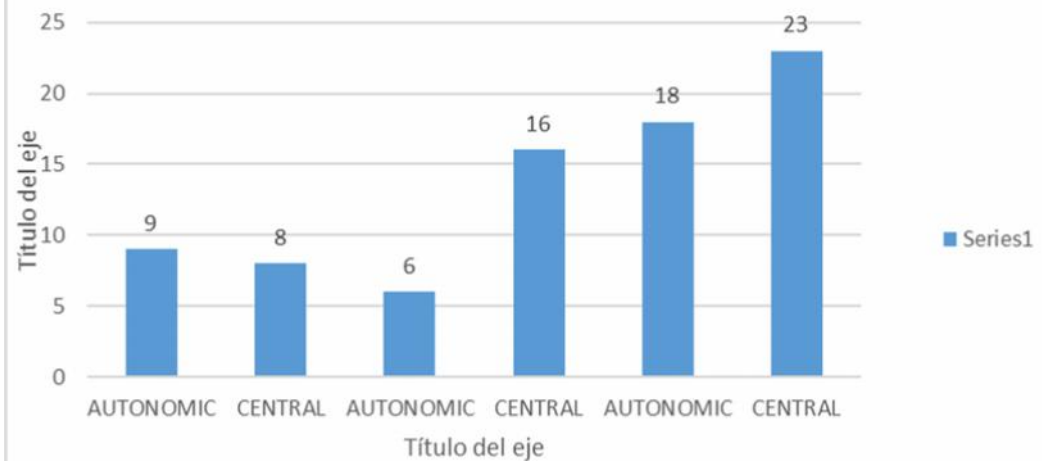


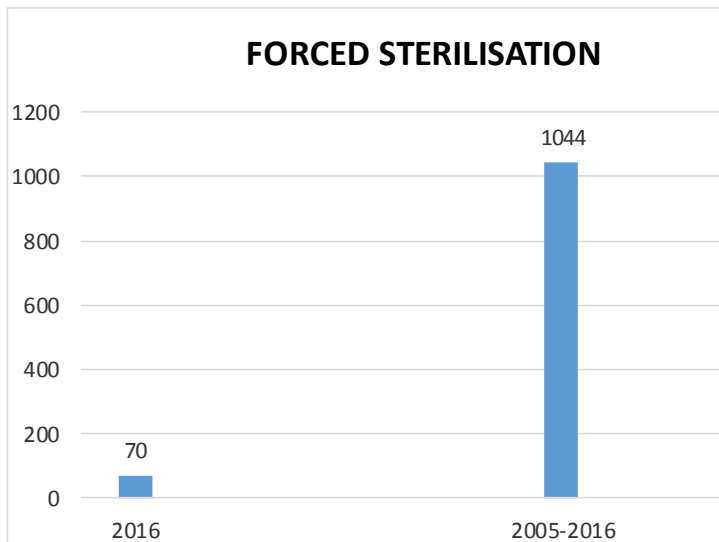
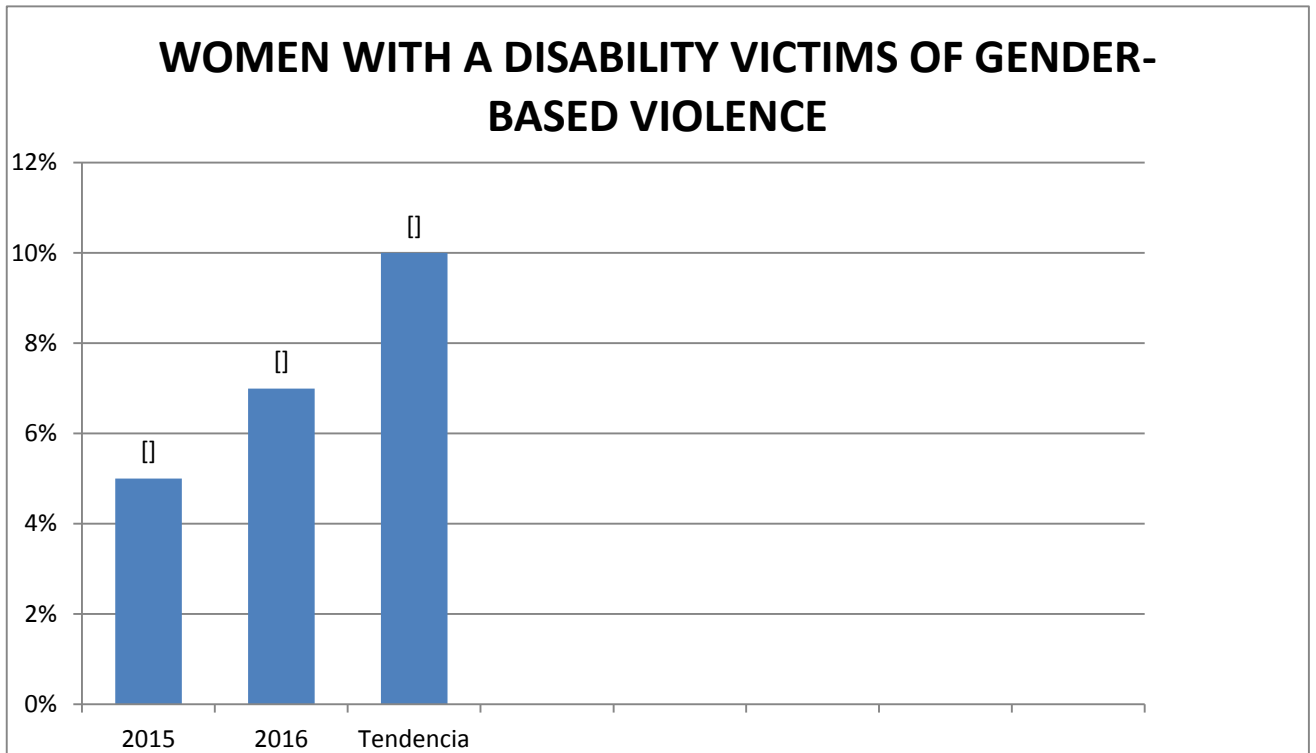


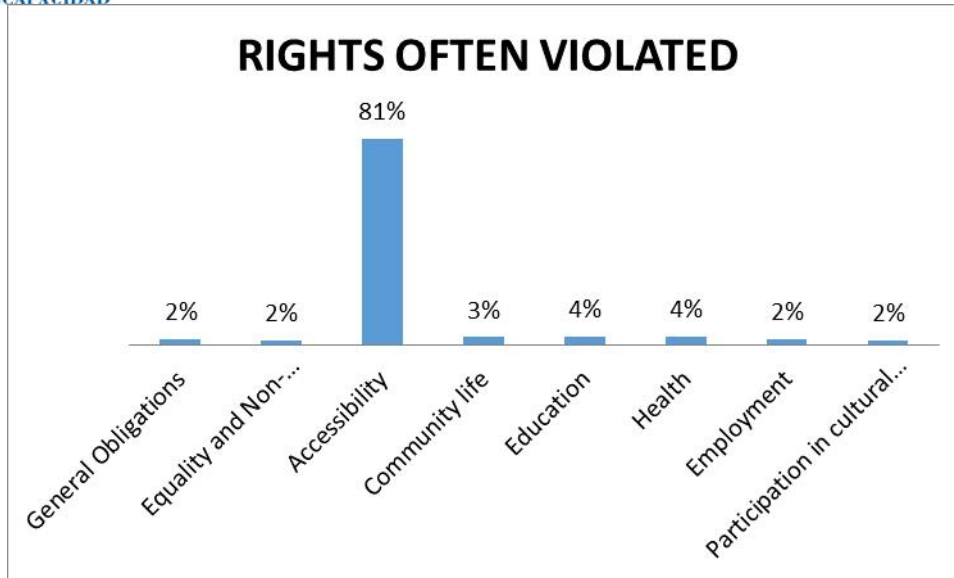
FULFILLMENT OF THE OBSERVATIONS OF THE COMITEE 2011



CENTRAL AND AUTONOMIC NORMATIVE ACTION IN REGARD TO THE CONVENTION







MOST SIGNIFICANT ADVANCES

- Justice
 - Jury Act
 - Education
 - Rulings regarding the right to inclusive education
 - Participation in politic life
 - Taking into account the reform of the Organic Law of the General Electoral regime
 - Independent Life
 - Admission of the Popular Legislative Initiative of CERMI against the “confiscatory co-payment”
- Employment
- Contracts of the Public Sector Act
 - Reform of the regulatory framework of the employment of self-employed workers

3.- CONCLUSIONS

Although the reading of this report shows a clear picture of what happened in 2017 in the field of human rights and disability, providing relevant information on the degree of achievement of the Convention in Spain, general conclusions are needed that, in addition to highlighting the most significant in this exercise, serve to undertake corrective measures that erase stigmas, harmful practices and especially discriminations towards citizens with disabilities. These conclusions should also be seen as recommendations for public policies to understand, accept and include people with disabilities from a human rights perspective:

1.- The social movement of disability and their families, embodied in CERMI, continues to be the main proactive agent of social change towards the inclusion of this social group; all the proposals for improvement and progress made in this report have been possible thanks to their work on advocacy and denunciation and that of their member organizations.

2.- After eleven years of the Convention, there are many violations of its legal basis, and it is necessary that the principles of this treaty permeate our entire legal system to avoid situations of discrimination such as those included in this report, and so that our laws observe, take on and apply the social model.

3.- The social prejudices and stereotypes towards people with disabilities become stigmas and often harmful practices that separate them from the path towards inclusion, and the media must be a strategic ally on this journey and in no case, as this document reveals, allow contents to be broadcast that vex, ridicule or give an erroneous image of the disability. This Report should be a social education tool that fosters receptive attitudes and promotes positive perceptions regarding the rights of persons with disabilities.

4.- In the light of the multiple complaints registered here, it can be seen that the approach and rights of the rights defended by the Convention are still not fully incorporated into the laws and public policies of Spain. The you musts continues to surpass the advances, which means a failure to the public administrations and a for the Spanish society.

5.- Undoubtedly universal accessibility is one of the most critical areas of this year 2017. Accessibility is a principle that radiates throughout the Convention, an essential element to ensure the enjoyment of all rights under equal conditions for citizens with disabilities. However, most of the complaints are related to article 9, because there is no stronger argument than what emerges from the data. This year, in addition, the State tarnished itself with the breach of a legal mandate in terms of accessibility, a terrible practice in a State of Law, which recognizes equality and, however, does not ensure its exercise.

6.- The disability, as part of that human diversity that enriches the community can only reach its fullness if the education system is conceived and practiced in a framework of inclusion. Admitting and exercising

educational segregation means not admitting and not respecting the rights of people with disabilities, and therefore violating the Law. But the violations also appear in ordinary education itself in which students with disabilities continue, in the light of These data, at the expense of budgets or wills that in many cases stop the exercise of a fundamental right to these girls, boys and young people.

7.- The hostile economic crisis suffered by Spain in this past decade, not yet overcome, extended and intensified the effects of these violations, reducing the duty of the public powers to protect and promote the human rights of persons with disabilities, an issue that is evident in everything related to social protection, personal autonomy and that at the exit we are punished again with the change in the management model of the tax allocation of social interest income tax (0.7%), which after almost 30 years enforced disappears as such, giving way to a new model that shows marked insecurities about its viability, continuity and effectiveness and puts at risk social care programs and jobs for people with disabilities.

8.- Another issue that should concern and occupy us is the violation free and consent, linked to equal legal capacity and support for decision-making. The exercise of the right is a substantially indivisible fact: one is not understood without the other. It is paradoxical, or a civil death, to be the exist and not be able to decide on your own existence. In this sense, the Convention obliges countries to pass laws that respect that treaty, something that does not happen when changing the legal capacity of a person is deprived of the exercise of multiple rights.

9.- and absolute bankruptcy in the annual balance of inclusion and equity of people with disabilities in Almost 300 complaints, compared to 46 examples of advances and 26 proposals of improvement , show a negative balance Spain. The result is, therefore, discrimination, inequality, exclusion and disobedience to the legal mandate that our country has with the Convention.

10.- It is striking that, while the impact of the Convention on our state legislation has been the object of very important doctrinal studies, the incidence of that in the autonomic legislation is an issue that has generally gone unnoticed despite the undoubted impact on the distribution of competences. Moreover, not even the recommendations of the Committee to Spain in the areas of regional competence have had any significance, so, we witness a blockade, conscious or not, in relation not only to the Convention, which there is, but also to that area of minimum action established by the Committee.

11.- With regard to women and girls with disabilities, this report confirms that they are systematically worse off than men with disabilities and, therefore, worse off than men and women without disabilities. We make up only 9% of the population, however we are 20% of the victims of gender violence, we continue to find the lack of adequate resources to respond to our needs: inaccessible shelters, additional obstacles to access justice , professionals who do not know our reality, disbelief and suspicion in relation to our testimonies. These obstacles are also faced by women who suffer gender violence and who are mothers of children with disabilities, since they also do not find the necessary resources to respond to their needs. Women and girls with disabilities are those citizens loss off the right to decide on their reproductive capacity, submitting to processes of legal incapacitation with the ultimate goal of sterilizing them without their consent, all under the protection of our legislation in flagrant violation of the prescriptions of the Convention on the Rights of Persons with Disabilities.

12.- In view of the study carried out on the adoption of standards, we can point out that, in general terms, Spain has ignored the recommendations of the Committee. 90% of the recommendations continue to make sense, and of this, ten years after going into force of the Convention in the Spanish legal system, we can highlight a number of points and issues that need to be resolved in order to achieve the satisfaction of the rights of persons with disabilities:

- Sterilization (right to protection of personal integrity, article 17 CDPD).
- Involuntary placement (right to freedom and security of the person, article 14 CDPD).
- Segregated education (Right to education, article 24 CDPD).
- Deprivation of the right to suffrage for persons with disabilities (right to participation in political and public life, article 29 CDPD).

13.- But we must salute and applaud progress made, and that comply with the precepts of this Convention, such as the reform that allows people with disabilities to be part of a popular jury, or that we can get married without the need for a medical certificate; that there are two determining sentences in the right to inclusive education, and that the years of vindication of the exercise of the right to vote begin to bear fruit, with the consideration of the LOREG to restore this civil and political right to almost one hundred thousand people with disabilities in Spain. It is also necessary to celebrate the admission to proceedings by the Parliament of the Popular Legislative Initiative of CERMI against the "confiscatory co-payment", the improvements derived from the new Public Sector Contracts Law for the social and disability and the reform of the regulatory framework of the employment of self-employed workers, which also incorporates improvements for the disabled.

This report is the tip of an iceberg. Below, submerged in the water, stories of abandonment and marginalization are hidden, many of them from rural Spain. The city councils and the councils also have to attend and abide by this Treaty. We have an important part of our population with disabilities residing in towns and villages, with the added difficulties of access to basic social rights that presents being in an environment not conducive to resources.

But, above all, this Report should serve as an X-ray to make an accurate diagnosis and apply an effective treatment. We lack a culture of denunciation, which in the case of disability is motivated by the suffering itself involved in remembering that discrimination and, above all, by the special barriers we find to access justice seeking redress. Among these barriers, those related to the normative and institutional design of the justice system and to the attitudes of its operators towards these men and women occupy a central place. These obstacles can lead to impunity for discriminatory behavior, because they are not even denounced.

In short, the human rights of people with disabilities remain a precarious and deficient reality in Spain, with serious deficiencies and anomalies that take us away from acceptable standards as a country. This is proven by this Report and its precedents, according to which, once again, the situation of systematic and structural violation in critical areas for the inclusion and well-being of persons with disabilities such as political rights, economic autonomy, education, the lack of universal accessibility, the level of adequate social protection or resources for independent living, among others.