



Convention on the Rights of Persons with Disabilities

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Committee on the Rights of Persons with Disabilities

Combined second and third periodic reports submitted by Spain under article 35 of the Convention, due in 2018^{*}, ^{**}

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* The present document is being issued without formal editing.
** The annexes to the present report are on file with the secretariat and are available for consultation.
They may also be accessed from the web page of the Committee.



1. Issue 1. Act No. 26/2011 on the adaptation of legal norms to the Convention on the Rights of Persons with Disabilities was amended in 2012 to allow for the drafting and adoption, before the end of 2013, of a revised text with a view to streamlining, clarifying and harmonizing the various existing norms on disability. As a result of this comprehensive process, Royal Legislative Decree No. 1/2013 of 29 November, approving the revised text of the General Act on the rights and social inclusion of persons with disabilities, was adopted on 29 November 2013.

2. The review process did not allow for the introduction of new legal rules but it did provide for the opportunity to adequately clarify the meaning of the revised norms, thereby facilitating greater harmonization. Although the Convention is not one of the three standard-setting instruments that were included in the process, the review took account of the guidelines contained therein.

3. The principles underlying the revised text are the same as those set out in article 3 of the Convention.

4. The definition of the term “reasonable accommodation” in the revised text essentially reproduces the existing definition, with the addition of clarifying details from the definition contained in the Convention. The concept of reasonable accommodation is found in other new instruments, including Act No. 8/2013 of 26 June on urban rehabilitation, regeneration and renovation, article 2.4 of which defines reasonable accommodation as “the measures taken to adapt a building to facilitate universal accessibility in an efficient, safe and practical manner without imposing a disproportionate burden”. It also includes the criteria for determining whether or not a burden is disproportionate.

5. As regards the prevention of discrimination on the grounds of disability, the revised text includes definitions of the terms “direct discrimination”, “indirect discrimination”, “discrimination by association” and “harassment” and, as innovations:

- The concept of “discrimination by association”, which was introduced after being coined by the Court of Justice of the European Communities in its judgment of 17 July 2008 in Case C-303706, *S. Coleman v. Attridge Law and Steve Law*, which recognizes the existence of discrimination by association
- The concept of multiple discrimination, as a special mechanism for the protection of particularly vulnerable groups or individuals
- The recognition that an instruction to discriminate against a person in the workplace constitutes discrimination per se

6. In recent years, in addition to the revised text, numerous laws have been passed that contain important measures aimed at the effective implementation of the principles of the Convention, including measures that regulate:

- The basic conditions for the issuance of parking permits to, and their use by, persons with disabilities
- The basic conditions for the participation of persons with disabilities in political life and elections
- The system for assessing the harm and injuries caused to persons in traffic accidents
- Public sector contracts
- Employment
- Improvements in the quality of education
- The second-chance mechanism, measures to alleviate financial burdens and other social provisions, including measures aimed at reducing the tax burden on certain particularly vulnerable groups

7. In the autonomous communities, legislative and regulatory measures were introduced during this period in parallel to those taken at the national level, with laws being

adopted that set out and specify measures to give effect to equality for and the rights of persons with disabilities.

8. The second step in giving effect to the principles set out in article 3 at both the national and the autonomous community levels involves the adoption of multi-year strategic plans.

9. A further measure that has been adopted requires the prior and systematic drafting of disability impact reports on bills, draft legislation of a general nature and plans affecting persons with disabilities.

10. Issue 2. The main measures adopted since 2011 are included in approved action plans specifically aimed at persons with disabilities, such as the Action Plan of the Spanish Strategy on Disability 2014–2020 (national level), and plans developed by the autonomous communities, such as the 2015–2017 comprehensive action plan for persons with disabilities in the Principality of Asturias, the 2016–2020 strategic action plan for equality of opportunity for persons with disabilities of the regional government of Castile and León, the action plans implemented by the regional government of Extremadura (addressing women with disabilities, persons with disabilities in rural areas, the mental health of persons with disabilities, accessibility, and inclusive education), the 2015–2020 Galician plan on disability and the 2012–2015 third action plan for persons with disabilities of the Community of Madrid. Many other sectoral plans include measures aimed at persons with disabilities at the national level and at the level of the autonomous communities, which have sole responsibility for areas such as health, education and social services, and shared responsibility in many other areas.

11. The participation of persons with disabilities and their most representative organizations in the drafting, monitoring and adoption of these plans is ensured through various formal and informal mechanisms.

12. The primary formal mechanism is the National Disability Council, which coordinates the implementation of the Convention in Spain. Half of the Council's members are representatives of persons with disabilities. Similar bodies can be found in many autonomous communities.

13. Organizations of persons with disabilities submit their proposals to these councils and hold meetings to consider proposals put forward by the relevant government bodies.

14. Examples of regional bodies that enable participation in and discussion of all measures taken to date or those proposed for future implementation include the disability advisory councils, which operate under different names in the various autonomous communities, including the Principality of Asturias, Extremadura, Castile and León, and the Community of Madrid.

15. Issue 3. The arbitration system, which is currently regulated by article 74 of Royal Legislative Decree No. 1/2013, has not met with success. In the 10 years since its establishment, only one company has applied to join the system (in October 2016, to obtain points in order to participate in a public tender). Furthermore, during the same period, no organizations representing persons with disabilities and their families, or non-profit economic organizations, have made any requests for arbitration or proposed candidates for the arbitral panel, which is a key body in the dispute settlement process.

16. Some autonomous communities have provided for specific disability arbitration systems in their legislation but in no case has this led to the establishment of the necessary implementation agreements with the central administration.

17. As part of efforts to increase free legal assistance, the Free Legal Assistance Act has been amended to provide additional grounds for granting legal aid to persons with disabilities, regardless of their ability to cover legal costs.

18. With regard to the regulation of offences and penalties in the autonomous communities, many such communities (Galicia, Catalonia, Castile-La Mancha, Extremadura, Murcia, the Balearic Islands and Andalusia, among others) have in recent years established regulations governing the system of penalties for disability offences and others are in the process of doing so.

19. In many autonomous communities, including Madrid, Murcia and the Canary Islands, a separate penalties regime has been established regarding the support provided by assistance dogs for persons with disabilities.

20. Issue 4. The inclusion of women with disabilities in laws and policies relating to gender equality, employment, health and social security. It should be noted that the situation of women with disabilities has been taken into account in the recently adopted national covenant against gender-based violence and subsequent legislative amendments.

21. Among other actions, women's institutes in the autonomous communities, including in Aragón and Extremadura, promote the implementation of corporate equality plans for companies with fewer than 250 employees, provide advice on the preparation of collective agreements and the granting of rebates and subsidies for companies, and encourage the Government to increase the quotas in public sector job vacancies established for women with disabilities. At the same time, women are informed about vacancies in the public and private sectors and courses for improving their employment prospects, such as "Empowering Women in Action". These courses provide women with disabilities with guidance on how to join the labour market under equal conditions and include advice and training for professionals with a view to raising awareness of the social and cultural conditions faced by the women covered by the project and their specific needs and wants.

22. Incorporation of a gender perspective in legislation and policies on disability. Royal Legislative Decree No. 1/2013 included gender equality as one of its guiding principles and required the public authorities to provide special protection to persons who are especially vulnerable to multiple discrimination. In that regard, the Decree made explicit reference to women with disabilities and, in particular, victims of gender-based violence. The public authorities are also required to take positive steps to promote gender mainstreaming.

23. Since 2011, a large number of plans for persons with disabilities have been drawn up and approved (see issue 2). Those plans have included specific measures for women with disabilities and have incorporated a gender perspective.

24. Examples of State funding provided for specific programmes include:

- A programme for supporting women with intellectual disabilities and promoting their equality and citizenship implemented by Confederación Plena Inclusión España (Spanish Confederation for full inclusion) (which received €100,000 of State funding in 2016). The overall objective of the programme is to promote equality of opportunity and support women who find themselves in a situation of social exclusion. Its areas of activity include training on gender issues, maternity and family planning; actions to promote the sexual education and sexual and reproductive health of such women; the development of materials for the prevention of gender-based violence; awareness-raising actions to enhance understanding and acceptance of the right of motherhood by families and society; and coordination and collaboration with the public authorities to support, among others, mothers with disabilities and their children.
- A programme run by the Carmen Pardo Valcarce Foundation. The Foundation has a support unit for victims with intellectual disabilities that was established in 2010 and has received funding since then.

25. With regard to measures taken in the autonomous communities, the following are worthy of mention: the third action plan of the Community of Madrid, which includes 27 specific actions aimed at women with disabilities, including the promotion of a gender perspective in actions carried out in centres and services belonging to the social care network; the provision of gynaecological consultations specifically for women with severe physical disabilities; information and training activities on gender and disability issues for health, education and social service professionals; the promotion of collaboration with organizations representing persons with disabilities to ensure that their views are taken into account in the actions and measures that are carried out; and participation in forums, seminars and conferences concerning women with disabilities.

26. Measures to ensure the full development, advancement and empowerment of women with disabilities include the provision of support for the empowerment of women with

disabilities and their organizations, which helped to bring about the establishment, in 2014, of the Women's Branch of the Spanish Committee of Representatives of Persons with Disabilities, which is registered with the Ministry of Health, Social Services and Equality and whose aims are set out in its charter,¹ which provides for its participation in a number of forums. In 2017, in order to promote the aims of the Branch and finance its activities, a collaboration agreement was concluded between it and the Royal Council on Disability of the Ministry of Health, Social Services and Equality.

27. Spain has also supported the candidacy of a woman with disabilities for re-election to the Committee on the Rights of Persons with Disabilities in 2012 and election to the Committee on the Elimination of Discrimination against Women in 2016 and 2018 in order to promote synergies between the two conventions within the United Nations system and to fight, within the framework of gender equality, for the rights of women with disabilities in this area.

28. Lastly, note should be taken of the efforts made to improve statistics as this was one of the recommendations made by the Committee to Spain in 2011 (see issue 17 and issue 28).

29. Issue 5. Legislative measures. These have involved amending various laws to improve the system of protection for children and adolescents, laws on the legal protection of children, the Civil Code and the Criminal Code and other legislative instruments. These amendments concern, among other aspects, the adaptation of the principles governing administrative action to the new needs of children and adolescents in Spain and also combating violence against children and protecting children with disabilities from abuse and sexual exploitation.

30. All these measures are aimed at reinforcing the principle of non-discrimination of children on the grounds of disability (a principle that was also reinforced in Royal Legislative Decree No. 1/2013) and ensuring that children's rights are recognized and in line with the rights enshrined in the Convention. In particular, they require the media not to show images of violence and exploitation in interpersonal relations or depict degrading, sexist or discriminatory treatment of persons with disabilities.

31. Provision has also been made for the establishment of a unified child abuse register.

32. The amendments made to the Criminal Code have been aimed at increasing the penalties imposed in cases involving the sexual abuse and assault of children under the age of 16 and the sexual exploitation of children, including children and adolescents with disabilities. Particular attention is paid to the offence of child pornography, the definition of which, in article 189, includes a specific reference to persons with disabilities.

33. Legislation has also been amended to promote the development and coordination of public policies aimed at eliminating social inequalities by guaranteeing children with disabilities and their families access to the specialized social services that their disability requires and to programmes and resources aimed at supporting and guiding those who, when in care, reach the age of majority and leave the protection system. Such amendments have also been made to guarantee the rights and obligations of children with disabilities in relation to custody, guardianship, care, adoption or similar regimes, with every possible effort being made to provide for the best interests of the child and their rights to family life. Steps have been taken to strengthen the rights and duties of family caregivers, who, when caring for children with disabilities, have the right to guidance, support and assistance tailored to a child's disability and to comprehensive and inclusive education. Efforts are also being made to promote an information-sharing system between the autonomous communities and the central government authorities on foster care and adoption, with data disaggregated by gender and disability.

34. The common criteria of coverage, quality and accessibility include the promotion of key evaluation points in foster care procedures: an assessment of the educational aptitude of families; financial compensation for specialized and ordinary care, with particular attention

¹ https://www.boe.es/diario_boe/txt.php?id=BOE-A-2014-11752.

being paid to needs arising from the care of children with disabilities; measures to encourage and support foster care; information campaigns; and the promotion of associations for foster families.

35. In addition, the Ministry of Health, Social Services and Equality, in collaboration with other public authorities and social bodies, promotes activities intended to encourage positive parenting. These activities are targeted at fathers, mothers and other persons with parental responsibilities and are aimed at providing the support, skills and resources that they need to bring up, care for and educate their children, in accordance with the best interests of the child, in environments that are non-violent but not without necessary restrictions. In particular, family guidance and education programmes are offered, including in cases involving disability issues. Studies, seminars, workshops and specialized courses on positive parenting are also promoted, as are a guide and a protocol of good practice on supporting families. In addition to these activities, mention should also be made of the launch of the website www.familiasenpositivo.es, which contains specific materials and programmes for supporting families that include a child with disabilities. One such programme is “Bringing up Children Positively: Our Children Are Different, Let’s Help Them Grow” <http://familiasenpositivo.org/recursos/educar-en-positivo-nuestro-hijo-es-diferente-le-ayudamos-crecer>.

36. The right of children with disabilities to express their own views freely, on an equal footing with others, as called for in the Committee’s previous recommendations (CRPD/C/ESP/CO/1, para. 24 (b)), was expressly introduced in Royal Legislative Decree No. 1/2013 and the Organic Act on the protection of minors.

37. Policies and programmes have been implemented to ensure that children with disabilities enjoy the right to express their own views. These include the Second National Strategic Plan for Children and Adolescents 2013–2016, which includes disability as a prohibited ground of discrimination.

38. Goal 8 of the above-mentioned Plan includes numerous measures in this connection. According to an assessment of the Plan’s outcomes, which was published in June 2017, most aspects of this goal have been fully implemented. The text of the Plan and the evaluation report can be consulted on the website of the Childhood Observatory at <http://www.observatoriodelainfancia.msssi.gob.es/>.

39. Issue 6. Under Spanish law, children with disabilities enjoy access, on an equal basis with others, to community programmes and services, including early intervention services.

40. Early intervention services are provided for in the law on the promotion of personal autonomy and care for persons in a situation of dependency, which mandates the public authorities to adopt a comprehensive care plan for children under 3 years of age in situations of dependency. The plan should indicate the measures to be taken to promote early intervention and restoration of the children’s physical, mental and intellectual capacities.

41. In 2013, the Territorial Council of the System for Autonomy and Care in Cases of Dependency agreed on the common criteria for early intervention and rehabilitation that should be included in comprehensive plans and specified the principles and strategic guidelines applicable to those plans, which the relevant public authorities, within their sphere of responsibility, are required to implement and, where necessary, supplement and improve.

42. Within this framework, and in accordance with the general principles set out in Royal Legislative Decree No. 1/2013, many autonomous communities have adopted various comprehensive action plans for persons with disabilities that contain care measures for children with disabilities, including early intervention services.

43. In 2015, for example, the Community of Madrid established regulations governing coordination of early intervention services and a procedure for determining the need for such services and set up a regional centre for coordination and child assessment as a gateway to the social protection services required by children aged up to 6 years with developmental disorders, disabilities, or at risk of developing a disability and/or becoming dependent (assessments of disability, dependency and the need for early intervention

services are combined). In 2014, it invited tenders for the first framework agreement on the management of a public specialized early intervention service, which distinguished between two types of service: treatment (including stimulation, physiotherapy, speech therapy, psychomotor therapy and psychotherapy) and support and follow-up. The number of places available rose from 2,373 in 2012 to 3,405 in 2017, while the cost rose from €10,063,168.41 in 2014 to €13,125,084.25 in 2017.

44. In providing care for such children, the Autonomous Community of Aragón, through the Aragón early intervention programme, takes preventive action based on the principle of equality, making use of child development and early intervention centres which operate in both urban and rural areas and which, as at the end of 2017, had attended to almost 2,000 children, with a budget of €4 million for the implementation of agreements with external providers, in addition to care services provided directly by public disability care centres.

45. In the Principality of Asturias, early childhood care units form part of a network of specialized social services. Some of these units are publicly owned while others are managed through service contracts with organizations of persons with disabilities, companies, or on the basis of subsidies. In 2016, the 13 early childhood care units attended to a total of 1,635 children, of whom 1,069 were boys and 566 girls. The total cost of the services provided in 2016 was €997,269.96.

46. In Castile and León, initiatives are being taken with a view to improving early intervention services through family-oriented and natural environment-oriented methods, with a particular focus on rural areas served by mobile teams.

47. Under the Social Services Act of Castile and León, the provision of early intervention services is considered to be essential. The implementing regulations adopted in this regard guarantee access to, and the quality of, such services and provide for the establishment of provincial early intervention bodies and a protocol for the coordination of their activities.

48. Some €23,434,918 is to be made available through the 2016–2020 Strategic Plan for Equal Opportunities for Persons with Disabilities. Where human resources are concerned, in addition to health-care system staff who provide care to children with disabilities, there are 134 professionals in the early intervention teams and 36 in the education teams.

49. In Extremadura, specialized care services for persons with disabilities include an early intervention service for children up to 6 years of age with a disability, or who are at risk of developing one, and a service for the functional rehabilitation of persons with disabilities over 6 years of age. The early intervention service has over 1,200 publicly funded places in 39 centres, receives annual funding of around €5 million and employs 160 professionals who provide direct care to children using this service (around 120 therapists responsible for health care, social support and educational support, including physiotherapy, occupational therapy, speech therapy, psychological support, therapeutic education, hearing and speech therapy, and a further 40 professionals, including doctors, psychologists and educational psychologists, who undertake evaluation, coordination and advisory roles). The functional rehabilitation service offers five types of treatment: occupational therapy, physiotherapy, speech therapy, psychotherapy and psychomotor therapy. These services are provided through 42 centres that employ 210 professionals and receive around €6 million of funding per year for over 5,000 places.

50. In 2013, the Autonomous Community of Galicia established the Galicia early intervention network, which coordinates this form of care. Since then, the early intervention protocol, the Galicia early intervention action plan 2015–2017 and the early intervention training programme have been drawn up and approved. The last of these has been implemented three times, in 2015, 2016 and 2017.

51. Steps have also been taken to establish support and subsidies to assist Galician municipalities in consolidating existing early intervention services and introduce new services in areas where they have not yet been established, despite existing needs. The financial assistance for the period 2014–2020, which is co-financed by the Galicia European Social Fund, is estimated at €5,375,000.

52. Issue 7. Measures taken to spread knowledge of the rights and dignity of persons with disabilities at all levels (the education system, the judiciary and legal profession, political parties, the civil service and mass media) are too numerous to list in their entirety.

53. The following examples may be given in this regard.

54. In the education system, the Ministry of Education, Culture and Sport and the autonomous communities have conducted public campaigns, activities in schools and activities with families to establish an image free from any prejudice or connotations that might lead to the exclusion of persons with disabilities (see annex to issue 7).

55. The following initiatives may be highlighted:

- The work of the Centre for Linguistic Standardization of the Spanish Sign Language, established in 2010 to disseminate and promote the use of the Spanish Sign Language, standardize its use, plan and coordinate training and teaching curricula and conduct research relating to Spanish Sign Language
- Open days to raise awareness, share materials that have been developed and disseminate research results (e.g. “Education of Girls with Disabilities” (2016) held with the Women’s Branch of the Spanish Committee of Representatives of Persons with Disabilities)
- The publication and dissemination of practical guides to facilitate educational inclusion and accessibility, including a manual entitled “Educational Activities for Students with Deafblindness” (2017)
- Training for staff of the Ministry of Education, Culture and Sport on accessibility through the following courses: “The Preparation of Easy-to-Read Materials” (2014) and “An Introductory Course on Spanish Sign Language” (2017)
- Plans to hold conferences on the Convention and the 2030 Agenda in 2018
- The organization of an internship-based training programme for future employees with intellectual disabilities, conducted by the various sections of the Ministry of Education, Culture and Sport, with the aim of giving these employees immersive experience as clerical staff for several months, strengthening their working skills, while at the same time constituting an inclusive experience for all staff

56. Where the judiciary and the legal profession are concerned, the Justice and Disability Forum has carried out the following initiatives:

- The submission of a proposal to the Government regarding the establishment of a specialized prosecutor’s office, within the Attorney General’s Office, to protect the rights of persons with disabilities
- The establishment of regulations governing the role of special prosecutor for civil affairs and legal protection of the rights of persons with disabilities in the autonomous communities
- The establishment of the position of disability delegate, in the high courts of the autonomous communities, to coordinate, defend and promote the right of persons with disabilities not to be discriminated against on the ground of disability in their relations with the courts, and the adoption of action protocols (2017)
- The establishment of specialized courts (13 specializing in disability issues, 52 in family matters and disability issues and 20 court chambers specializing in family matters and disability issues)
- Training sessions aimed at ensuring the highest levels of quality in the administration of justice
- Promotion of the establishment of a legal guidance service for persons with disabilities and members of their families. In this regard, mention should be made of the signing of a cooperation agreement between the Community of Madrid and the Bar Association of Madrid on the provision of specialized legal counselling services for persons with disabilities. Plans are in place to extend these agreements to the rest

of Spain, and contacts have been established with the bar associations of Málaga, Burgos, Murcia and Castile-La Mancha

- Meetings, working groups and other activities to study issues faced by persons with disabilities, including especially sensitive issues such as those addressed in article 12. In 2014, a meeting was held on the implementation of the Convention with Ms. Soledad Cisternas Reyes, Chair of the Committee on the Rights of Persons with Disabilities
- Other initiatives²

57. Where public officials are concerned, general training courses are offered by the National Institute of Public Administration. Such courses include “Disability in the Workplace” (2017), the “Disability Awareness Course” (2015),³ presentation of the “White Paper on Access to, and Inclusion in, Public Sector Employment for Persons with Disabilities” (2014), and other more specific courses on Internet accessibility, corporate social responsibility and other matters.

58. With regard to political parties, it should be noted that the largest parties have regularly addressed the issue of disability in all their election manifestos and that most of them have eligible members and, in some cases, elected members who are persons with disabilities.

59. The following initiatives have taken place in the media:

- Television and radio programmes, developed jointly with organizations of people with disabilities at the national and regional levels, that highlight disability issues and promote the dignity of persons with disabilities. These include special programmes, such as *Para que veas* (So You Can See) on Radio 5 (a public service broadcast, produced in collaboration with the Spanish National Organization for Blind Persons (ONCE) and its foundation. The programme covers social issues, with a particular focus on persons with disabilities, associations, projects and initiatives that promote inclusion and a better society for all) and the programme *En lengua de signos*⁴ (In Sign Language).
- The signing of agreements to promote awareness of disability in, among others, many RTVE programmes. One such agreement is “Concienciados con la discapacidad intelectual” (Awareness of Intellectual Disability), which was signed in 2015 with Confederación Plena Inclusión España to ensure that, on the occasion of the International Day of Persons with Disabilities, news programmes would carry special content focused on intellectual disability. In addition, it was agreed that the programmes *La mañana* (Morning), *España Directo* (Spain Live), *La aventura del saber* (The Adventure of Knowledge) and *Aquí hay trabajo* (Work Available Here) would carry stories on self-advocacy organizations (persons with disabilities who manage leisure projects, volunteering initiatives and other activities), dolphin therapy and the inclusion of persons with disabilities in training and the workplace, culture and the arts, social activities and volunteering initiatives.
- National radio also participates in the “Concienciados con la discapacidad intelectual” campaign by including interviews, reports and discussions in such programmes as *Las mañanas de RNE* (Mornings on Spanish National Radio), *España vuelta y vuelta* (Spain Day by Day) and *Esto me suena* (That Sounds Familiar). Radio Exterior de España will raise awareness through programmes such as *Punto de enlace* (Liaison Point).

² <http://www.poderjudicial.es/cgpj/es/Temas/Foro-Justicia-y-Discapacidad/Actividades/Actividades-destacables/>.

³ http://www.inap.es/mediateca?p_p_id=contentviewerservice_WAR_alfresco_packportlet&p_p_lifecycle=0&p_p_state=maximized&p_p_mode=view&_contentviewerservice_WAR_alfresco_packportlet_struts_action=%2Fcontentviewer%2Fview&_contentviewerservice_WAR_alfresco_packportlet_nodeName=CURSO_SENSIBILIZACION_DISCAPACIDAD_1300814.gcl&contentType=notice.

⁴ <http://www.rtve.es/alcarta/videos/en-lengua-de-signos/>.

60. The Office for Disability Issues, in collaboration with the National Institute of Public Administration, runs courses for public officials, including a course on multichannel disability care and courses designed to raise awareness of the situation of persons with disabilities in various areas, including museums and schools, with the aim of providing information, in particular on the need for appropriate treatment of persons with disabilities. In recent years, a number of documents have been published to promote greater awareness and understanding of persons with autism spectrum disorder.⁵

61. Within the framework of the collaboration agreement signed by the Ministry of the Interior and the Carmen Pardo Valcarce Foundation on 11 December 2011, a guide has been developed for law enforcement officials in order to facilitate and improve the support provided by the security forces to persons with disabilities when they are victims of offences.

62. Issue 8. Spain has undertaken many actions to ensure fulfilment of the basic principles of non-discrimination and universal access for persons with disabilities to publicly available goods and services by 4 December 2017.

63. Although the initial plan was to develop a regulatory framework, for which an exhaustive draft was drawn up in collaboration with the Spanish Committee of Representatives of Persons with Disabilities, a number of factors over the years, such as the economic difficulties stemming from the financial crisis and new legislative initiatives on access to goods and services adopted within the European Union, have meant that, while progress has been made in many of the areas defined in the initial plan, the emphasis has been on incorporating provisions on access to goods and services into national and European sectoral legislation, since the planned regulatory framework could not modify aspects governed by sectoral legislation.

64. The Plan of Action of the Spanish Strategy on Disability 2014–2020, approved by agreement of the Council of Ministers on 14 September 2014, provides for the promotion of universal access to goods and services as one of its strategic objectives. The measures it contains include support for the adoption of the European Accessibility Act within the European Union. Spain has been an active participant in the negotiations and one of the main driving forces behind the initiative, striving to ensure that it covers as broad a range of goods and services as possible.

65. Data on transportation are to be found below:

- Air transport: 8,480,316 persons with reduced mobility received assistance from 2011 to 2017, at a cost of €332,667,703 between 2011 and 2016. All airport infrastructure projects include specific budget items and actions related to accessibility, in strict compliance with European legislation. The quality and users' protection department of the Spanish Airports Authority has 10 employees, assisted by 23 staff members of the company Servicios y Estudios para la Navegación Aérea y la Seguridad Aeronáutica, who oversee compliance with Regulation (EC) No. 1107/2006 of the European Parliament and of the Council concerning the rights of disabled persons and persons with reduced mobility when travelling by air.
- Rail transport: Measures have been taken to ensure accessibility at stations at which long-distance trains stop, both newly built stations and those undergoing refurbishment. The railway infrastructure administrator is legally required to adapt 111 stations that provide a service to 94.5 per cent of the total volume of passenger traffic; currently, 73 of those stations are accessible, 20 are undergoing construction work and 18 have yet to be made accessible.

66. The local station plan, which was approved by the Spanish National Railway System (RENFE) in 2014, provided for an initial investment of €159.6 million. Of that sum, €149.7

⁵ *Los trastornos del espectro del autismo Guía de estilo para el uso adecuado en los medios de comunicación (Autism Spectrum Disorder: Style Guide for Appropriate Use in the Media)*. <http://www.oadis.mssi.gob.es/novedades/docs/guiaAut.pdf>.

Brochure on the use of the term "autism". <http://www.oadis.mssi.gob.es/novedades/docs/tripticosAutismo.pdf>.

were allocated to 109 stations and €9.9 million to furniture and signage. Currently, 60 per cent of the 490 stations serving the local rail network have an accessible itinerary that provides all users with access to the trains and serves 76 per cent of passengers.

67. Where trains are concerned, the goal is to make 403 trains accessible, to which end work has been carried out in two areas for a number of years:

- The incorporation of new accessible trains into the fleet, with 138 new trains expected to be added in the next few years
- The adaptation of existing trains to meet regulatory and customer requirements

68. Thirty new high-speed trains have been purchased, in accordance with legislation, with delivery of the first group of 15 trains planned for 2020.

69. The aim of the New Accessibility Plan 2018–2026 is that 80 per cent of trains should be made accessible. The remaining 20 per cent are existing trains that will be phased out during this period as they reach the end of their operating life.

70. The free assistance and support service for passengers with disabilities or reduced mobility, known as RENFE Atendo, provides guidance and information to passengers, facilitates their access to, and transit through, stations and ensures assistance for users when getting on and off trains. Since it was established in 2007, assistance has been provided to persons with disabilities and reduced mobility on over 4 million occasions. The annual cost of the service is more than €9.7 million. There are 134 Atendo centres and over 350 mobility assistants, who have been duly trained and equipped with the skills and awareness required to provide assistance and support to persons with disabilities. The plan also provides for 311 platform lifts at 134 stations, 250 wheelchairs in 134 stations, and a new version of the mobile application.⁶

71. Maritime transport: the Spanish port system has invested around €20,825,813 in infrastructure related to accessibility for persons with disabilities. The Public Ports Authority has invested a total of €60,325 in studies related to the subject.

72. Second National Accessibility Plan. In accordance with the fourth additional provision of Royal Legislative Decree No. 1/2013, work is being carried out on the drafting of the Second National Accessibility Plan, which is expected to be implemented in three-year stages over a nine-year period.

73. Technical coordination for the preparation of the second Plan has been entrusted to the Spanish National Organization for Blind Persons, in conjunction with the General Directorate for Disability Support Policies, the Royal Council on Disability and the Spanish Committee of Representatives of Persons with Disabilities.

74. The draft Plan contains four main objectives:

- To apply a cross-cutting management process to universal accessibility in the planning, implementation and evaluation of public policies
- To effectively implement universal accessibility in the various areas defined by Royal Legislative Decree No. 1/2013 as a means of guaranteeing the social inclusion of people with disabilities
- To promote the development and adaptation of normative and technical regulations governing universal accessibility in all spheres
- To promote research into universal accessibility and design and disseminate knowledge of this subject among professionals and the general public

75. Accessibility of housing. The following legislative initiatives have been taken in this regard:

- The 2013–2016 State plan on the promotion of the housing rental market, building rehabilitation and urban regeneration and renovation, which provides for subsidies

⁶ <http://www.renfe.com/viajeros/atendo/index.html>.

for actions under various programmes, including the implementation of reasonable accommodation to ensure accessibility; the plan was extended to 2017.

- Measures to stimulate and ensure greater flexibility in the housing rental market. Special, more favourable conditions are provided for tenants with disabilities who may wish to carry out any work in their homes needed to ensure the suitability of the latter in accordance with their disability.
- The amendment of the Condominium Act to establish the mandatory nature of work and actions required to ensure reasonable accommodation in terms of universal accessibility, without the need for the prior approval of the Owners' Council, provided that the amount charged annually for such adjustments does not exceed 12 ordinary monthly payments of running costs.
- The 2018–2021 State housing plan, adopted on 9 March through Royal Decree No. 106/2018, which strengthens the measures contained in the 2013–2016 State housing plan and extends the range of assistance available.
- Model ordinances to facilitate the development and adoption of municipal regulations on the measures provided for in the Building Code on basic standards of accessibility and non-discrimination as regards access to, and use of, urbanized public spaces.
- The funding of accessibility plans by the various autonomous communities and municipalities to ensure that the basic requirements for universal accessibility are met.

76. Issue 9. Since 2011, significant efforts have been made to improve the accessibility of the public services provided by the public authorities. The provision of social services, education and health is the responsibility of the autonomous communities, which have included infrastructure improvements in their plans and allocated resources to improve access to schools, health centres and social welfare centres.

77. Other services, such as the National Police, have established specific objectives to improve communication accessibility so that persons with sensory disabilities can carry out procedures such as filing complaints, obtaining identity cards and/or passports at citizen services and complaints offices in police stations.

78. This objective has been achieved by installing magnetic loops in certain police stations to provide additional assistance to hearing aid users. Use has also been made of the SVIvisual system, a video-interpretation platform in Spanish Sign Language that allows deaf or hard-of-hearing persons to gain access to information on equal terms with other citizens in some complaints bureaux and/or identity card issuance departments (in at least one office of each central police station).

79. The Directorate-General of the Civil Guard has also signed a declaration of intent to collaborate with the Easy Reading Institute and has adapted the documentation and communication practices used in police work with vulnerable persons to ensure that they can understand their rights more easily.

80. Significant progress has been made in e-government in recent years, resulting in the elimination of physical barriers and improvements in access and response times for citizens. Lack of accessibility must not be allowed to create new barriers for persons with disabilities in their relations with the public authorities.

81. To that end, among other initiatives, the Ministry of Finance and Public Administration launched a web accessibility observatory in 2010 with a view to improving the compliance of public authority websites (run by central Government, the autonomous communities and local bodies) with accessibility standards. This initiative provides various services to the public authorities: a periodic study of the status and evolution of the accessibility of public websites, a basic online diagnostic tool that allows public authorities to self-diagnose their accessibility status, reference documentation on accessibility for the benefit of website managers and, lastly, the accessibility community, which is a forum where public authority website managers can share information and experiences and resolve queries. The Spanish Association for Standardization (UNE) standard 139803:2004

(equivalent to Web Content Accessibility Guidelines 1.0) was used as a reference from 2010 to 2015, after which UNE standard 139803:2012 (equivalent to Web Content Accessibility Guidelines 2.0) has been used.

82. In parallel, at the European Union level, discussions have been carried out concerning Directive (EU) 2016/2102 of the European Parliament and of the Council of 26 October 2016 on the accessibility of the websites and mobile applications of public sector bodies. Steps are being taken to transpose that Directive into national law by September 2018 in order to meet all its objectives.

83. Issue 10. Legal measures. Consent in relation to medical treatment is regulated by the fundamental law regarding patient autonomy and rights and obligations regarding clinical information and documentation and by Royal Legislative Decree No. 1/2013. Both article 9.7 of the 2011 amendment of the law regulating patient autonomy and article 6 of Royal Legislative Decree No. 1/2013 require respect for the autonomy of persons with disabilities, who have the right to make decisions freely, to which end information and consent forms must be provided in appropriate formats, and in accordance with their personal circumstances, following the rules established by the principle of universal design, or design for all, to ensure that such materials are accessible and understandable. In any case, account should be taken of the individual's personal circumstances, his or her ability to make specific decisions and the need to ensure that support for decision-making is provided.

84. Article 143 of the Criminal Code criminalizes the act of inducing another person to commit suicide and cooperation in suicide, including when such cooperation results in death. The same article criminalizes conduct that causes the death of another person, or that amounts to active cooperation with acts necessary for, and directly related to, a person's death, at his or her express, serious and unequivocal request, when the victim is suffering from a serious illness that would necessarily lead to his or her death, or that causes serious, ongoing suffering that is difficult to bear.

85. In recent years, a number of autonomous communities have introduced regulations governing the rights and guarantees of the dignity of persons in the process of dying and death, including Andalusia (2010), Aragón, Navarre (both 2011), Galicia, the Canary Islands (both 2015), the Basque Country, the Balearic Islands (both 2016), Madrid and Asturias (draft legislation) (both 2017).

86. A debate on euthanasia, tabled by various parliamentary groups through different parliamentary bills and non-binding resolutions, is currently taking place in the Congress of Deputies.

87. This highly controversial issue needs to be analysed and considered in depth, since euthanasia impinges upon several fundamental rights enshrined in the Constitution, including the right to life and physical and moral integrity (art. 15), the principle of human dignity and the free development of the individual (art. 10) and the freedom of thought, religion and worship (art. 16).

88. Neither the national legislation in force or that of the autonomous communities allow euthanasia or assisted suicide. The rights of patients throughout their care process, including at the end of their lives, were already regulated under the aforementioned law, which recognizes the value of living wills, the ability of patients to refuse treatment and to give informed consent.

89. When any legislation is introduced or amended, it must be done in such a way as to ensure that it does not result in discrimination against persons with disabilities and that the existing legal human rights framework is respected.

90. Issue 11. At the national level, the law on the national civilian protection system ensures that persons with disabilities are treated in an inclusive manner. This law provides for the following:

- Inclusion and universal accessibility for persons with disabilities as guiding principles of the civil protection system, whose actions must all comply with these principles

- The duty of the public authorities to guarantee that specific measures are adopted to ensure that persons with disabilities are aware of risks and self-protection and prevention measures, that they receive assistance and information in emergency situations and that they participate in the development of civil protection plans
- The guarantee that the information generated by the system is fully accessible to persons with disabilities of any kind
- Where prevention is concerned, the development of protection plans that include accessibility measures for persons with disabilities, particularly measures aimed at ensuring that they receive information on such plans

91. In 2015, following a complaint about the lack of accessibility of the available information on the Ebola virus disease, the Office for Disability Issues of the Ministry of Health, Social Services and Equality recommended the establishment of a protocol on measures to be taken to ensure, in the event of an emergency or alert, that information for dissemination to the public is accessible to deaf or hard-of-hearing persons and that the procedures to be followed are clear.

92. To that end, a meeting was held in 2016 with representatives of various ministries and associations of persons with disabilities, whose contributions were incorporated into the framework for communication in crisis situations (level 1). This document sets out a comprehensive communication strategy to be used in the event of a crisis situation leading to a national emergency. This protocol contains a specific section on accessibility and care for persons with mental and/or sensory impairments.

93. Therefore, an action protocol has already been developed that forms part of the plans for level 1 crisis situations prepared by the National Department of Security of the Office of the Prime Minister and that, in parallel, is pending adoption within the framework of the civil protection plans of the central Government.

94. Steps are currently being taken to prepare implementing regulations for Act No. 27/2007 of 23 October 2007, which recognizes the Spanish sign languages and regulates the use of support devices for oral communication by deaf persons, hard-of-hearing persons and deafblind persons, which provides for the need to ensure the universal accessibility of emergency communications and access to the 112 emergency service, in accordance with the relevant European Union legislation.

95. In addition, the current general law on telecommunications already contains a provision requiring that access to emergency services by end users with disabilities should be equivalent to that enjoyed by other users.

96. Where public health warnings are concerned, the coordination centre for health warnings and emergencies, which operates under the Ministry of Health, Social Services and Equality, coordinates the management of information and provides support in response to national or international health warnings or emergencies that pose a threat to public health.

97. The coordination centre for health warnings and emergencies acts as the national liaison centre for the national system of early warnings and rapid responses, which consists of a network of autonomous liaison centres and is the central node that concludes cooperation agreements with the central nodes of the various surveillance and early warning systems and networks operating under the central Government. The coordination centre is also responsible for coordination at the international level. This system also coordinates the response between the health sector and other systems (civil protection and the Department of National Security).

98. Issue 12. Refugee reception centres apply criteria in their work with the public which are set out in client service rules and a code of conduct for staff. These principles are of utmost importance in the provision of support for persons with a disability or impairment of any kind. These measures are included in the centres' 2014–2017 Service Charter.

99. The temporary migrant reception centres in Ceuta and Melilla, which are attached to the Ministry of Employment and Social Security, were, from their inception, intended to serve as temporary residences for foreign nationals while their administrative status is being

evaluated, with a view to their being referred to the most appropriate service. Such services include internment centres for foreign nationals, in accordance with the organic law and regulations adopted in 2011. In the procedures applicable to transfers from temporary migrant reception centres, priority is given to persons in situations of particular vulnerability, such as persons seeking international protection, families with children, and persons with disabilities or serious illnesses.

100. The growing number of persons arriving at the temporary migrant reception centre in Melilla, especially Syrian nationals arriving since 2014 and families with children, has made it necessary to make improvements to the centre, including works to ensure accessibility for persons with disabilities in offices, rooms, the sick bay, the storage space and the dining area.

101. In order to improve care for residents at the two temporary migrant reception centres, especially persons in situation of particular vulnerability, including persons with disabilities, the staff teams were strengthened in 2015 and the budget allocated to the running of the centres was increased.

102. Issue 13. The first batch of measures were provided for in the Act on the adaptation of legal norms to the Convention on the Rights of Persons with Disabilities, which amended over 10 laws and was implemented through Royal Decree No. 1276/2011, which, in turn, amended the implementing regulations of earlier laws and the regulations on the organization and regime of notaries. Subsequently, the Criminal Code was amended through Organic Act No. 1/2015 of 30 March for the same purpose. Three chapters of title II of Act No. 15/2015 of 2 July on non-contentious jurisdiction are devoted to disability.

103. The Ministry of Justice is working on a law to adapt the Civil Code, the Mortgage Act and the Civil Procedure Act. This reform promotes, to the extent possible, equality in the exercise of the capacity to act between persons with disabilities and persons without disabilities. In particular, it promotes a change from a system of substitute decision-making to one of assisted decision-making that respects the autonomy, will and preferences of individuals.

104. The main purpose of the new regulations on disability assistance is to tailor support as precisely as possible to the needs of persons with disabilities so that there is as close a correlation as possible between protection and the need for protection, assistance and the need for assistance, degree of disability and degree of assistance, thereby ensuring, to the extent possible, that the autonomy, will and preferences of persons with disabilities are respected.

105. Also noteworthy is the recent amendment of the Organic Act on jury courts, the aim of which is to guarantee the participation of persons with disabilities, without any type of exclusion, and to bring Spanish legislation into line with article 13 of the Convention.

106. With regard to the application of the Convention by Spanish courts, it should be noted that, in Spain, the legal system is enriched through the settled case law of the Supreme Court, which takes precedent-setting decisions regarding the interpretation and application of the law, custom and general principles of law.

107. Since its Decision No. 282/2009 of 29 April, the Supreme Court has repeatedly interpreted the legal rules governing the modification of legal capacity and the legal guardianship regime in such a way as to adapt them to the Convention. An extensive case law has been established, according to which the legal regime governing the modification of legal capacity (deprivation of capacity) and legal guardianship (guardianship and curatorship) is compatible with the Convention provided that it is interpreted as a system that protects persons with disabilities and is in accordance with their needs and interests.

108. With regard to the procedure for modifying a person's legal capacity, Decision No. 244/2015 of 13 May highlighted the need for an approach tailored to the specific needs of the person with disabilities concerned.

109. In relation to the implications for the right to vote, Decision No. 421/2013 of 24 June interpreted the General Electoral Act in accordance with the requirements of the Convention.

110. In the light of this jurisprudence, the trial courts have modified the conduct of legal proceedings relating to legal capacity in accordance with these guidelines. By adopting a case-by-case approach, in accordance with the specific needs of the person with disabilities concerned, the courts seek to preserve the autonomy of the person to the greatest extent possible and, where possible, opt for curatorship with the provision of support and personal care as a means of giving effect to the system of support provided for by the Convention.

111. In Spain, judicial statistics are compiled using data from case management programmes that judicial officials upload into models provided by the General Council of the Judiciary and must submit quarterly, which is highly problematic in some cases, as some programmes do not allow data to be uploaded to the Council's models, with the result that the task has to be done manually.

112. Act No. 20/2011 of 21 June on the civil registry, which will enter into force in June 2018, provides for the establishment of a computerized, accessible, single electronic civil registry, for all of Spain, that will make it possible to register court orders modifying legal capacity, and rulings that invalidate or modify them, in the individual record of the party concerned. The registration of a change in legal capacity decided by a court will indicate the extent and limits of that change and whether the person concerned is subject to guardianship or curatorship, as determined by the court.

113. The National Institute of Statistics is the body that compiles judicial statistics based on anonymized data from the justice system administrative registers, in accordance with the 2017–2020 National Statistics Plan. In order for the proposed statistics to be methodologically comparable with the rest of the Institute's judicial statistics, it is necessary to include the actual information contained in a record and then to verify it through the Civil Registry. This model will be progressively implemented throughout Spain in the coming years and will make it possible to collect information on changes in legal capacity and obtain data and statistics on such changes dating back to 1950.

114. Issue 14. Act No. 1/1996 of 10 January on free legal assistance, as amended by Act No. 42/2015 of 5 October, recognizes the right to free legal assistance, regardless of their ability to cover legal costs, for persons with intellectual disabilities or a mental illness who are victims of abuse or ill-treatment. The right to free legal assistance includes specialist legal assistance from the moment that a complaint is filed.

115. The bar associations are taking a number of steps to ensure this right. The right to free legal assistance for persons with disabilities is guaranteed thanks to the establishment of duty rosters. The lawyers on the duty roster are professionals who have received appropriate training. They are required to demonstrate that they have exercised the profession for over three years and have a diploma awarded on completion of a course at the School of Juridical Practice or an equivalent course approved by the bar associations. Recent amendments to the law have addressed the training of these professionals and the quality of the assistance provided in order to guarantee the constitutional right to a defence.

116. In addition, the professional associations organize workshops and vocational refresher courses to enable lawyers to specialize in this area. In this regard, attention should be drawn to the workshops on persons with disabilities in court proceedings that have been organized by the "Human Rights Classroom" project of the Foundation of the General Council of Spanish Lawyers since 2014. These workshops have two main objectives:

1. To ensure that professionals are aware of the key aspects of the Convention as a directly applicable legal instrument and the core standard-setting instrument in the field and that, as professionals, they serve their clients with disabilities in accordance with the principles of equality and non-discrimination;
2. To ensure that professionals know what is meant by the term intellectual disability and that they have the practical tools required to guarantee that persons with disabilities can effectively exercise the right of access to justice.

117. Act No. 4/2015 of 27 April 2015 on the status of victims of crime provides that, following the commencement of legal proceedings in which the victim is a person with a disability in need of special protection, the necessary steps will be taken to prevent or limit the possibility of an investigation or trial turning into a new source of stress for the victim:

(a) Audiovisual recordings are made of statements delivered in the course of the investigation and these may be played back during the proceedings in cases and under the conditions determined by the Code of Criminal Procedure;

(b) Such statements may be taken down by experts.

118. In addition, the prosecutor must ask the judge or court to appoint a defence lawyer to represent the victim in the investigation and criminal proceedings in the following cases:

(a) When it determines that the legal representatives of a victim who is underage or has limited legal capacity have a conflict of interest in respect of the victim, irrespective of whether that conflict arises from the matter under investigation, that prevents them from being entrusted with the proper management of the victim's interests in the investigation or criminal proceedings;

(b) When such a conflict of interest relates to one of the parents and the other parent is not in a position to adequately represent or assist the underage victim or victim with limited legal capacity;

(c) When the underage victim, or victim whose capacity had been legally changed, is unaccompanied or separated from those persons who exercise parental authority or guardianship positions.

119. On 23 October 2017, the cooperation agreement established between the Attorney General's Office and the Spanish Committee of Representatives of Persons with Disabilities was renewed with the aim of promoting the protection of the equal rights of persons with disabilities. The agreement provides for the establishment of a "stable channel" for communication and the exchange of information between the Attorney General's Office and the Committee in relation to cases that might involve a "flagrant violation" of the fundamental rights of persons with disabilities. It also provides for the establishment of a monitoring committee to ensure compliance with the agreement and the organization of training and awareness-raising activities on the rights of persons with disabilities.

120. Issue 15. Amendments to the Civil Code and the Civil Proceedings Act in matters relating to disability are provided for in the annual legislative plan for 2018, with the aim of bringing the Spanish legal system fully into line with the Convention. To that end, terminology will be updated and the guardianship regime will be applied only to unemancipated minors not under parental authority. The regimes in place to support people with disabilities, namely curatorship, the court appointed guardian scheme and the de facto carer, will be regulated.

121. The initiative will also provide for amendments to the Civil Proceedings Act and the Act on non-contentious jurisdiction, in accordance with the objectives of the law.

122. The revised text of the Civil Code being developed by the General Commission on Codification in the Ministry of Justice encompasses the provisions of procedural legislation. The Commission's Procedural Law Unit is currently studying the exact changes to be made to the articles of the Civil Proceedings Act regulating confinement.

123. Issue 16. Organic Act No. 13/2015 of 5 October amending the Criminal Procedure Act with a view to reinforcing procedural safeguards and regulating technological investigative methods strengthens the rights of persons charged with or arrested for a criminal offence.

124. With respect to persons with disabilities, the Act explicitly provides for the right to be informed of the acts with which they are charged and any relevant change in the focus of the investigation or the charges. The information provided must be sufficiently detailed to ensure the effective exercise of the right of defence and must be presented in understandable language and in an accessible form. To that end, the information must be adapted to the degree of disability of the recipient or any other personal circumstance that may affect a person's capacity to understand its meaning. The same guarantees apply if a person is placed in detention.

125. Persons who are deaf or hard of hearing or who have language difficulties are guaranteed the right to be assisted by an interpreter free of charge. Audiovisual recordings of oral and sign language interpretation must be made of both the original statement and the interpretation. Where the content of a document is translated orally or via sign language, a copy of the translated document and/or the audiovisual recording of the translation is to be attached to the original.

126. Court translators or interpreters must be appointed from the rosters kept by the competent authority. In exceptional cases where this is not possible, another person with knowledge of the relevant language who is deemed capable of performing the task may be appointed as a temporary court interpreter or translator. In all cases, the appointed interpreter or translator must respect the confidentiality of the service provided.

127. Where the court, the judge or the office of the public prosecutor, whether *proprio motu* or at the request of one of the parties, considers that the translation or interpretation is not sufficiently accurate, the body or official concerned may order the necessary checks to be carried out and, where appropriate, order the appointment of a new translator or interpreter. Persons who are deaf or hard of hearing who consider that the interpretation provided is not sufficiently accurate may request the appointment of a new interpreter.

128. Organic Act No. 1/2015 of 30 March amends the Criminal Code to bring it into line with the Convention. The terms used to refer to “persons with disabilities” or “persons with disabilities in need of special protection” have been updated and the terms “handicap” and “incapable” have been removed. Consequently, the new article 25 of the Criminal Code states that for the purposes of the Code “disability” means the situation where a person has permanent physical, mental, intellectual or sensory impairments which in interaction with various barriers may limit or hinder his or her full and effective participation in society on an equal basis with others. Also for the purposes of the Code, “a person with disabilities in need of special protection” means a person with disabilities requiring assistance or support in the exercise of his or her legal capacity, irrespective of whether his or her capacity to act has been legally limited, and in making decisions about himself or herself and his or her rights or interests owing to permanent intellectual or mental impairments.

129. Where the victim of an offence is a person with a disability in need of special protection, that fact constitutes an aggravating circumstance in respect of the penalties applied for certain offences, such as murder, unlawful detention, domestic violence, prostitution and offences against privacy.

130. To the same end, article 268 is being amended in respect of the grounds for absolution in cases of property offences committed by relatives, in order to exclude not only cases where the offence involves violence or intimidation but also abuse of the vulnerability of the victim as a person with a disability.

131. Issue 17. Extensive consideration was given to the situation of women with disabilities in the development of the National Strategy for the Eradication of Violence against Women (2013–2016). The Strategy contains a specific objective relating to this group that includes the main issues affecting them, such as increased risks, double victimization and dependency. The measures aimed at women with disabilities include:

- In the area of communication: providing them with information on the rights of victims, improving the accessibility of information and advice materials and resources; including women with disabilities in campaigns and awareness-raising activities to prevent gender-based violence; promoting training on disability among professionals working with female victims; and carrying out activities, in collaboration with associations of persons with disabilities, to raise awareness of gender-based violence, including early detection.
- In the area of social assistance services: promoting specialized care for women with disabilities who experience gender-based violence; improving the accessibility of the 016 telephone service for deaf women through SVIsual; and improving the accessibility of the support and protection hotline for victims of gender-based violence (ATENPRO) for women with hearing and visual impairments. These

measures have been implemented by the Government Office for Gender-based Violence.

- In the area of health: including women with disabilities in the Protocol on health measures relating to gender-based violence.
- In the area of information: improving the collection of statistical data on the rate of gender-based violence against women with disabilities.

132. In activities designed to prevent violence against women and raise awareness of the issue, accessibility for persons with disabilities is taken into account across the board. Specific initiatives include the following:

- All institutional campaigns have subtitles and most of them also have a sign language interpretation window in the audiovisual segments.
- In the area of resources, in 2016 the LIBRES application was adapted to provide a greater degree of accessibility through the use of subtitles and sign language in audiovisual content, appropriate sizing for certain interface controls and appropriate semantic markup for web content.
- In addition, in 2012 an agreement was signed with the Spanish National Organization for Blind Persons to conduct activities to raise awareness in society, including issuing commemorative lottery tickets for the International Day for the Elimination of Violence against Women.
- Efforts are also currently being made to increase awareness of gender-based violence experienced by women with disabilities. The annex relating to Issue 17 contains the main statistical findings regarding gender-based violence experienced by women with disabilities. These findings are based on information prepared and disseminated by the Government Office for Gender-based Violence, which since 2012 has included having a recognized disability among the details collected in relation to persons killed as a result of gender-based violence. Of the 297 victims recorded between 2012 and July 2017, 26 had a recognized disability.
- A contract was also signed with the Spanish Committee of Representatives of Persons with Disabilities (Women's Branch) in 2017 to identify the basis for the methodological design of the section of the Macrosurvey of Gender Violence relating to women with disabilities.

133. Lastly, with regard to monitoring, the final phase of the evaluation of the Strategy is currently being completed. The Second National Strategy for the Eradication of Violence against Women (2018–2021), which is being drawn up, will also take into account the particularly vulnerable situation of women with disabilities and will include specific measures aimed at making further progress in this area.

134. Issue 18. The Act on the adaptation of legal norms to the Convention on the Rights of Persons with Disabilities amended the fundamental law regulating patient autonomy and rights and obligations regarding clinical information and documentation in order to guarantee free and informed consent. It also amended other rules to ensure free and informed consent regarding organ removal or transplant and in relation to assisted human reproduction.

135. Article 6 of the General Act on the rights and social inclusion of persons with disabilities now includes this guarantee, establishing that the exercise of the rights of persons with disabilities is to be carried out in accordance with the principle of freedom in decision-making, for which information must be provided and consent obtained using appropriate formats and in accordance with personal circumstances, following the rules established by the principle of universal design or design for all, in such a way that they are accessible and understandable to them.

136. In all cases, an individual's personal circumstances should be taken into account, along with his or her ability to make the specific decision concerned, and support should be provided for decision-making.

137. With regard to forced sterilization, in 2015 the Criminal Code was amended to include new text on non-consensual sterilization, which strengthens the rights of persons with disabilities. The amendments were received positively by the disability sector.

138. In particular, the arrangements relating to sterilization approved by a judicial body (first additional provision) have been improved; the practice is now limited to exceptional cases where there is a serious conflict of protected legal rights. The new article 156⁷ of the Criminal Code refers to legislation on civil proceedings, which will be used to regulate cases of sterilization in the manner deemed most appropriate and which will best protect the rights of the affected persons. Until such time as the civil legislation is amended, the regulations currently contained in the Code will remain in force.

139. However, in acknowledgement of the requests and demands made by organizations of persons with disabilities in this area, the authorities requested a report from the Spanish Bioethics Committee regarding the need to align Spanish legislation with the Convention on the Rights of Persons with Disabilities. The report, which was received in December 2017, addressed, among others, the question of the forced sterilization of persons with disabilities and concluded that the above-mentioned article should be repealed.⁸

140. Issue 19. In December 2017, the State Commission for Coordination and Monitoring of the Assessment of the Degree of Disability⁹ agreed on a proposal to align the disability scale with the International Classification of Functioning, Disability and Health (ICF-WHO/2001) and to promote simplified administrative procedures for assessing disability and dependency (amendment RD 1.971/1999 of 23 December).

141. In addition, within the scope of its powers and within a restrictive budgetary framework, the central Government continues to provide support to persons with disabilities through personal assistants, sign language interpreters, guide-interpreters and means of communication support for everyday activities to facilitate independent living, equal opportunities and universal accessibility.

142. Support programmes for persons with disabilities enjoy the most favourable treatment in terms of funding allocations from individual income tax revenues, with resources assigned for the promotion of personal autonomy, adaptation of housing and social integration.

143. Co-payments. The Act on promotion of personal autonomy and care for dependent persons states that the recipients of dependency benefits must make a financial contribution to those benefits, taking into account the type and cost of the service and their personal financial circumstances. It also states that no one may be excluded from the system due to his or her inability to pay.

144. In 2012, the Ministry of Health, Social Services and Equality established in a resolution that the amount contributed by recipients to the cost of these services would be calculated on a sliding scale up to 90 per cent, in accordance with the financial circumstances of each individual. In many cases, co-payments of 90 per cent represent the whole of a person's regular income. However, for residential care, once the recipient's contribution to the cost of the service has been determined, a base amount is established for personal expenses; that amount is increased by 25 per cent for persons who are dependent owing to disability, for older persons and for persons requiring greater support for the promotion of their personal autonomy. The resolution also granted the autonomous communities or competent authorities the power to increase the recipient's contribution to the cost of services and cash benefits. Of the 17 autonomous communities, 8 have a legal regime that differs from the national regime, while others have regimes that are partly different, meaning that in practice, 17 subsystems coexist. In some systems, for example in

⁷ <https://www.boe.es/buscar/act.php?id=BOE-A-1995-25444>.

⁸ <http://www.comitedebioetica.es/documentacion/>.

⁹ The State Commission is a subsidiary of the Institute for the Elderly and Social Services and includes representatives from the autonomous communities, the General Directorate for Disability Support Policies, the Spanish Committee of Representatives of Persons with Disabilities, the Spanish Federation of Municipalities and Provinces and the State Council of Social Workers and Social and Technical Agents, also part of the Institute for the Elderly and Social Services.

Murcia and Álava, the baseline cost of the service is set at 100 per cent. Other examples are described below.

145. Community of Madrid: Residential care or care provided in social service centres for persons with disabilities, whether in centres run by the Community itself or through contracts or agreements with other providers, is free of charge.

146. Principality of Asturias: Adjustments to the assessment of financial circumstances mean that the majority of persons receiving only a non-contributory pension make no contribution to the cost of services.

147. Extremadura: All specialized public services for persons with disabilities are provided free of charge, with the exception of residential services, for which contributions are determined based on income. Persons with disabilities who are not able to make a financial contribution can still have access to services; €40 million are allocated annually to the approved-provider network.

148. In addition to the range of general services, a family option is also offered for residential services, allowing the family of persons with disabilities to live with them in accommodation adapted to their needs and helping to maintain family ties.

149. With regard to the cash benefits provided by the Service for the Promotion of Personal Autonomy, 443 persons are currently in receipt of them, at an annual cost of more than €1,750,000 of autonomous funding.

150. Galicia: Since 2013, the contributions made by service users to the cost of services have been assessed according to the extent of the services provided, thus establishing a progressive, fairer model in which users who have more money pay more and ensuring that persons unable to make a financial contribution can still have access to services.

151. Issue 20. Personal assistance. Article 19 of the Act on promotion of personal autonomy and care for dependent persons makes provision for personal assistance services.

152. Cash benefits for personal assistance are intended to help cover the cost of hiring a personal assistant to provide personal support on a casual, full-time or part-time basis in order to facilitate access to education and/or work and to promote greater autonomy in everyday activities for persons who are dependent.

153. In November 2017, the highest body for coordination and cooperation between the central Government and the autonomous communities agreed to set up a working group to analyse the provision of personal assistance for independent living and, in parallel, to study, analyse and propose changes to the provision of care in the community and/or the provision of home help. The working group began its work in January 2018 and includes representatives of the autonomous communities and bodies representing the dependency and disability sectors.

154. In addition, one of the conclusions in the report issued by the Commission for the Analysis of the Dependency System was the need to revise the Act. In that regard, some autonomous communities, including the Balearic Islands, the Community of Madrid and the Basque Country, have expressed willingness to consider alternatives, including a new form of cash benefit intended for the recruitment of professional carers to assist persons being cared for at home who have no relatives or whose family members are not able to live with and care for them. The new cash benefit would enable dependent persons to receive care at home that meets professional standards and is subject to public oversight.

155. Some examples are described below.

156. Community of Madrid: Support packages are provided comprising a range of services based on the needs of persons with disabilities and/or in a state of dependence and their physical, family and social circumstances.

157. With regard to the promotion of personal autonomy and independent living, in residential and non-residential centres alike there are programmes to promote personal autonomy and active ageing, since persons with intellectual disabilities often age prematurely.

158. In addition, there are specific resources available to prevent persons with disabilities who require care being placed in institutions and enable them to remain in the community. Different levels of support are available depending on the profile of the user, as contained in individualized care plans. The resources available include stays in care homes for persons with mental impairment, sheltered accommodation for persons with disabilities or mental impairment, temporary accommodation for persons transitioning to independent living, and remote assistance, home help or community social care teams for persons with mental impairment living in their own home.

159. The Community of Madrid has an Office for Independent Living which organizes a network of personal assistants to provide assistance and support for persons with physical disabilities who are dependent and who wish to live independently. It currently serves 72 users (of whom 50 per cent are men and 50 per cent are women) who are in education or employment. The work of these personal assistants is focused on providing care and support; the assistants follow the instructions given by the service user with the aim of making it easier for them to engage in training or work-related activities. The duties of these personal assistants are different from the duties of those assistants who perform home-help or personal care tasks.

160. Another free service provided by the Community of Madrid, which complements those described above, is the Sign Language Interpreter Service, which afforded support on more than 12,000 occasions in 2016. The Service provides support to persons who communicate through sign language in their personal activities, such as meetings with teachers or residents' associations, appointments with a doctor or a notary and visits to the bank.

161. Other publicly funded programmes are run by third-sector disability organizations in areas including independent living, family respite and social inclusion.

162. Lastly, the Community of Madrid provides subsidies for technical aids.

163. Castile and León: The many ways through which independent living is encouraged include the promotion of personal assistance and the development of a network of integrated housing in the community. These initiatives complement the wide range of activities aimed at promoting employment for persons with disabilities.

164. Funding will also be provided for training and support to enable persons with disabilities to work as personal assistants, with the aim of boosting this professional service while at the same time providing new employment opportunities for persons with disabilities.

165. In the area of housing, a significant amount of support is being developed for entities in the sector through agreements and accords and the promotion of related benefits so that persons with disabilities are able to live in accommodation that offers the support each person needs.

166. As part of a new initiative, these activities will be complemented by providing funding for the personal assistance service and, where appropriate, housing expenses for persons participating in the employment pathways programme.

167. Galicia: There are currently 90 persons in receipt of the personal assistance allowance (0.16 per cent of total benefits). In Galicia, the focus is on providing a professional service with the aim of enabling people to live independently and ensuring that the service is viable. The maximum amount of the cash benefit is €1,495 per month, which can be complemented by a competitive annual subsidy.

168. Extremadura: In order to receive specialized services, users can access a "one-stop" system in which the disability care centres in Extremadura assess the support needs of persons with disabilities and develop a tailored package of care consisting of the most appropriate services for each person's situation.

169. In addition, the provision of transport is guaranteed for persons attending occupational or day centres who have mobility issues or who live a substantial distance from the centre. Where there are exceptional social or financial circumstances, assistance

with transport to and from early intervention or functional habilitation sessions is provided under an existing agreement with the Red Cross.

170. In the Principality of Asturias the roles of personal assistant and carer are different, but no specific regulations are in place in that regard either in Asturias itself or any of the other autonomous communities. Work is ongoing in this area in coordination with the Ministry. An information day was recently organized in conjunction with a non-profit organization, Asociación de personas con lesión medular y otras discapacidades físicas (Association of Persons with Spinal Injuries and Other Physical Disabilities) (ASPAYM), to provide persons with disabilities with the opportunity to give their views about the role of the service.

171. The personal assistance service is one of the many services offered, and is provided by request. There are currently two personal assistance services in Asturias.

172. Issue 21. The draft Royal Decree approving the implementing regulations of Act No. 27/2007 of 23 October, which recognizes sign languages in Spain and regulates measures to support oral communication for persons who are deaf, hard of hearing or deafblind has been sent for public consultation prior to the preparation of the text. It was displayed on the website of the Ministry of Health, Social Services and Equality and on the transparency portal for 15 days, from 2 to 17 August 2017.

173. The draft includes a specific section on deafblindness, a disability that gives rise to unique communication problems and special needs. Deafblind persons use Spanish Sign Language, Braille, the tactile system, various means of oral communication support and/or augmentative or alternative systems, either separately or simultaneously, as well as specialized communication and support services provided by personnel specially trained in using these methods of communication.

174. The proposals include the following new initiatives:

- Measures to prevent and raise awareness of harassment in schools, involving all students in order to ensure relationships built on respect and mutual collaboration, both in schools and on social media platforms.
- Promotion of the creation and dissemination of artistic displays and performances in Spanish Sign Language and other means of oral communication support, including the participation and training of artists who are deaf, hard of hearing or deafblind.
- Interpretation and video interpretation services in Spanish Sign Language, communication assistants and other means of oral communication support will be available in prisons to ensure that prisoners requiring assistance are able to communicate.
- The 112 emergency number will be made universally accessible.
- Steps will be taken to ensure that telephone services run by public administrations can be accessed in Spanish Sign Language and via voice, text and/or video.
- All plenary sessions of Congress and the Senate, without exception, will be made accessible using both Spanish Sign Language and other forms of oral communication support.

175. The autonomous communities provide persons with hearing impairments with access to information and basic social services in a variety of ways, both in terms of funding (self-financing, co-payments, agreements, grants, etc.) and programme content.

176. In Aragón, for example, since 2009 technical support to ensure that children and young people attending school can access curriculum content in the classroom has been provided through an agreement with FIAPAS, a confederation of organizations that provides support to deaf persons and their families.

177. The Principality of Asturias has children's sections in its early intervention units. The sections work with education providers to identify appropriate settings and support measures for educational inclusion.

178. In most of the sections, subsidized sign language interpretation and subtitling services are provided by associations.

179. In the Balearic Islands, Cantabria, Castile and León, Murcia and elsewhere, social services and the 112 service also work together to establish mechanisms to ensure that the necessary adaptations are in place to enable persons who are hard of hearing to use the emergency number.

180. Issue 22. Act No. 15/2015 of 2 July on non-contentious jurisdiction was amended in June 2017; improvements were made to the wording of article 56 of the Civil Code, which regulates the capacity requirements for persons contracting marriage.

181. The aims of the amendment are to guarantee the protection of persons with any form of disability who wish to marry, to encourage marriage and to eliminate any restrictions imposed by the previous legislation.

182. The new wording of article 56 of the Civil Code states that any person wishing to enter into marriage must prove that he or she meets the capacity requirements set forth in the Code. A medical opinion regarding a person's ability to consent will be sought only in exceptional cases where one of the contracting parties has a health condition which clearly, categorically and substantially prevents him or her from consenting to marriage despite the support measures in place. To that end, government bodies or civil society organizations working to promote and protect the rights of persons with disabilities may be requested to provide human, technical and material support to facilitate the expression, interpretation and recording of the consent of the contracting party or parties. The new regulations will enter into force on 30 June 2018.

183. The new wording is in line with the Convention on the Rights of Persons with Disabilities, specifically article 12 (3) which requires States parties to take appropriate measures to provide access by persons with disabilities to the support they may require in exercising their legal capacity, and article 23 (1) which requires States parties to take effective and appropriate measures to eliminate discrimination against persons with disabilities in all matters relating to marriage, family, parenthood and relationships, on an equal basis with others.

184. Issue 23. In line with the legislative basis for education in Spain, the Ministry of Education, Culture and Sport is responsible for overseeing an education system based on the principles of quality education for all students, irrespective of their conditions and circumstances, and equity, equal opportunities, educational inclusion, universal accessibility and non-discrimination and serving to offset personal, cultural, economic and social inequalities, with special emphasis on inequalities arising from disability (see annex C23).

185. Two noteworthy initiatives launched since 2011 form a special framework for reflection, participation and exchange for public administrations and civil society, namely inclusion plans for students with special educational needs and the creation and operation of a forum on inclusive education for students with disabilities.

186. Under the Plan for the Inclusion of Students with Special Educational Needs (2011–2013), implemented in collaboration with representatives of the autonomous communities and the Spanish Committee of Representatives of Persons with Disabilities, joint proposals have been developed to address the challenges of inclusive education and equality in education. The proposals cover a number of areas including the social and family context, educational measures for students, schools, teachers and other education professionals, lifelong learning and employability, and collaboration between educational administrations and other institutions.

187. Work is currently under way on the implementation of the Plan for the Inclusion of Students with Special Educational Needs (2018–2020), which is based on the proposals made following the evaluation of the previous Plan and which includes a distinct cross-cutting approach to the suite of actions and programmes being developed by the Ministry of Education, Culture and Sport in collaboration with the autonomous communities. The objectives of the Plan are to promote awareness of educational inclusion within society as a whole, provide individualized, high-quality education for all students, ensure inclusive

policies and practices in schools and promote collaboration between administrations and other entities and inclusive national and international policies in line with the objectives of the 2030 Agenda.

188. With regard to the second initiative, it should be pointed out that the forum on educational inclusion for students with disabilities, which is a consultative collegiate body set up in 2002, is a special space that facilitates discussion, debate and proposals relating to and the promotion and monitoring of policies for the inclusion of students with disabilities in all settings in the education system. Students and parents are represented in the forum by the Spanish Committee of Representatives of Persons with Disabilities. Noteworthy among the forum's functions are:

- To facilitate communication and the exchange of opinions between all public and civic bodies working in the area of educational inclusion for students at all levels of the education system.
- To discuss and submit to the Ministry of Education, Culture and Sport proposals and recommendations to promote the educational and social inclusion of students.
- To channel the proposals of associations working in the field of disability in relation to standardizing the education students receive, with the aim of improving the activities of the public administrations.
- To monitor policies to standardize education and to help improve the required support mechanisms.

189. In addition, in a recent case (Decision No. 1976/2017, cassation case No. 2965/2016) concerning a student with a disability on the autism spectrum whose parents wished him to attend a mainstream school and who challenged the decision of the education authorities to place him in a special education centre, the Supreme Court established the fundamental principles and content of the right to inclusive education.

190. Although there are some judicial precedents, through this ruling, the Supreme Court has for the first time addressed in a comprehensive manner the right to inclusive education and the obligations of the education authorities. There is now body of jurisprudence or case law on the content of the right to inclusive education in Spain that supplements the legal system in this area.

191. Lastly, the Queen Letizia Inclusion Programme is a new initiative intended to mobilize more funding to improve education for persons with disabilities in Spain. In 2015, it was agreed that monies left behind by deceased persons with no heirs would be used to finance this direct assistance programme through the Royal Council on Disability. The following actions are prioritized under the programme: the development of support products and technical aids, technical assistance and support staff for training, the promotion of university studies and of national and international mobility, the improvement of language skills, the promotion of academic and research careers, the development of sports-based careers and the promotion of appropriate entrepreneurship qualifications. More than €8 million are available for the implementation of this programme.¹⁰

192. Issue 24. In the area of accessibility, at the legislative level the Act on cohesion and quality in the national health system already contained several references to accessibility for persons with disabilities in articles 19, 23, 24 and 28. However, in recent years efforts have been made to promote accessibility in more specific areas.

193. The 2014–2016 Action Plan of the Spanish Strategy on Disability included a number of measures in this regard, namely the application of a gender-based approach to social and health policies (measure 25), the detection of violence or abuse against women with disabilities (measure 26), the organization of awareness-raising and training programmes for health professionals to ensure that they are able to address the specific needs of persons

¹⁰ Order No. SSI/1270/2017 of 21 December establishing the regulatory basis for the granting of aid under the Queen Letizia Inclusion Programme, which aims to promote improved training and professional opportunities for persons with disabilities.
<https://www.boe.es/boe/dias/2017/12/22/index.php?d=310&s=3>.

with disabilities (measure 27), the development of new technologies, the design of accessibility measures for the built environment and in health-care settings, including for materials and treatment (measure 73) and the adoption of measures to ensure that health information and prevention campaigns are accessible (measure 74).

194. In many cases, the autonomous communities have developed their own plans containing measures in this area. Examples include electronic prescriptions, a one-stop service and alternative channels for booking appointments, preferential care protocols for vulnerable patients, virtual consultations, the roll-out in public hospitals of support programmes for outpatients with disabilities, gynaecological consultations adapted to the needs of women with severe physical disabilities, special referral units (oral health, mental health for deaf persons, comprehensive medical care programme for persons with autism spectrum disorder, etc.), the consolidation of mobile teams for persons with intellectual disabilities and other groups and the roll-out of pictograms or other systems to improve cognitive accessibility and understanding in consultations and interaction with persons with autism spectrum disorder, including the programme for doctors working with such persons.

195. Co-payments for medicines. Article 94 bis (7) of Royal Decree-Law No. 16/2012 of 20 April on urgent measures to guarantee the sustainability of the national health system and improve the quality and safety of its services exempts certain categories of people from co-payments, including:

(a) Persons affected by toxic syndrome and persons with disabilities in the cases set forth in the specific regulations; and

(b) Persons receiving non-contributory pensions.

196. Under Royal Decree-Law No. 1/2015 of 24 July approving the revised text of the Act on guarantees and the rational use of drugs and health products, exemptions from co-payments on medicines for persons with disabilities remain in place. Eligible groups include persons in receipt of non-contributory invalidity pensions and persons in receipt of social and economic benefits under the system set forth in article 9 of the General Act on the rights and social inclusion of persons with disabilities.

197. Persons not belonging to one of these groups do have to make a contribution according to the general criteria. However, the hospital co-payment system, which was approved in October 2013 and covers drugs supplied by hospital pharmacies to chronically ill patients or for specific treatments, is not applied in any of the autonomous communities.

198. A number of training initiatives are in place for health personnel. In addition, it is very important to ensure that persons with disabilities can gain access to the health professions. In 2011 and 2012, the Spanish legal system was modified¹¹ to establish positive action measures for persons with disabilities taking entrance tests for specialized courses in order to train as doctors, nurses, pharmacists, biologists, psychologists, chemists and radiotherapists.

199. These positive action measures for persons with disabilities were first applied in the 2013 call for candidates. The measures were subsequently consolidated through a regulation in July 2013 which set aside a minimum of 7 per cent of places for persons with disabilities. According to data from the General Directorate for Professional Management, in the five calls for candidates between 2012–2013 and 2016–2017 to which these measures have been applied, a total of 1,275 applicants with disabilities achieved the pass mark, of whom 545 were allocated a post.

200. There have also been specific training initiatives in areas relating to sexual health, including the conferences on sexuality and acquired brain injuries organized by the State

¹¹ Article 22 (3) of Act No. 44/2003 of 21 November on the organization of health professions in the terms stated in Act No. 26/2011 of 1 August on the adaptation of legal norms to the Convention on the Rights of Persons with Disabilities.

Decision of the Council of Ministers of 13 July 2012, published in a resolution dated 26 July 2012 issued by the General Secretariat for Health and Consumption in the *Boletín Oficial del Estado* (the country's official gazette) of 14 August 2012.

Referral Centre for Brain Injury Care, which is part of the Institute for the Elderly and Social Services.

201. Issue 25. The legislation in place provides for affirmative action measures, and the public administrations promote policies to increase the rates of activity and employment among persons with disabilities.

202. The specific purpose of the employment policy, as established by the General Act on the rights and social inclusion of persons with disabilities (Royal Legislative Decree No. 1/2013), is to increase rates of activity and employment among persons with disabilities, as well as improving the quality of their employment and ensuring they have dignified working conditions, thereby actively combating discrimination.

203. At the legislative level, a quota has been set for jobs reserved for persons with disabilities or, where appropriate, alternative measures are in place. Under these rules, public and private companies employing 50 or more workers are obliged to ensure that persons with disabilities make up at least 2 per cent of their workforce.

204. Also at the legislative level, as an additional measure aimed at increasing compliance with the legal obligation to set aside 2 per cent of posts, several amendments have been made to the revised Act on public sector contracts to include social clauses. One such clause expressly provides that failure to comply with the 2 per cent quota for persons with disabilities or to apply alternative measures will be a ground for exclusion from public contracts for companies employing 50 or more workers. This prohibition has been reinforced by Act No. 9/2017 of 8 November on public sector contracts, which transposes Directives 2014/23/EU and 2014/24/EU of the European Parliament and of the Council of 26 February 2014 into Spanish law. It should also be pointed out that this Act contains certain social precepts and clauses that are to be included in public contracts to promote the employment of persons with disabilities.

205. These measures are part of the actions envisaged in the Action Plan of the Spanish Strategy on Disability for 2014–2020.

206. With regard to monitoring compliance with the quota, the services of the Labour and Social Security Inspectorate have been strengthened both through the announcement of a larger number of vacancies and through the issuance of internal instructions. The General Directorate for Labour and Social Security Inspections issued Technical Guideline No. 98/2016 on the activities of the Inspectorate in connection with the jobs quota for persons with disabilities, given the impact of the Inspectorate's work in this area on the social and employment spheres, particularly with regard to the employment of persons with disabilities. The aim of the Guideline is to promote coordinated and standardized action at the national level in order to ensure widespread awareness of the regulations in force, promote different lines of work and encourage the use of the tools available for conducting programmed activities.

207. Likewise, under the framework of the forthcoming Strategic Plan for the Labour and Social Security Inspectorate, which is currently being drawn up, work will be intensified in this area with a view to improving employment for persons with disabilities.

208. In the public sector, a minimum of 7 per cent of posts are set aside for persons with disabilities, with a minimum of 2 per cent reserved for persons with intellectual disabilities. Calls for candidates for public sector jobs in 2017 included 1,074 posts for persons with any form of disability, 275 of which were specifically set aside for persons with intellectual disabilities, the highest number to date since the subquota was introduced.

209. A total of 634 open-entry posts are reserved for persons with any form of disability.

210. In addition, Spanish legislation contains the obligation to make reasonable accommodation. The General Act on the rights and social inclusion of persons with disabilities establishes that employers are obliged to take appropriate measures to adapt workplaces and meet accessibility requirements according to the needs of each specific situation in order to enable persons with disabilities to access employment, perform their work, advance in their careers and access training, unless such measures place an excessive burden on the employer.

211. Under the legislation in place, the competent public administrations are obliged to promote employment opportunities and career advancement in the labour market and the provision of any support required in seeking, obtaining, maintaining and returning to employment.

212. Following the reform of active employment policies in recent years, a new, more decentralized framework has been created, in which the State defines the general framework, establishes common minimum standards and coordinates the National Employment System, which comprises the public employment services of the State and the autonomous communities. The public employment services of the autonomous communities manage the system and design and implement active employment policies in their territory.

213. The relevant coordination and planning instruments are the Spanish Employment Activation Strategy 2017–2020 and the Annual Plan for Employment Policy.

214. The Strategy revolves around six axes. Axis 3 (Employment Opportunities) includes actions aimed at encouraging recruitment, job creation and job retention, especially for those groups that have greater difficulty in accessing or remaining in employment, with special consideration for the situation of persons with disabilities.

215. The Annual Plan for Employment Policy sets out programmes and services that apply to the country as a whole, as well as those specific to each autonomous community. With regard to disability, each autonomous community has its own programme aimed at ensuring the participation of persons with disabilities in the labour market. There is now a planned and coordinated framework for the employment of persons with disabilities at all levels.

216. The regulatory framework also provides for the promotion of the employment of persons with disabilities by establishing support mechanisms to facilitate their participation in the labour market. A wide variety of forms of support is available, including subsidies or loans for recruitment, workplace adaptations, the elimination of all types of barriers that hinder access, mobility, communication or understanding for persons with disabilities in production centres, self-employment schemes, rebates on social security contributions and any other form of support considered appropriate to encourage the employment of persons with disabilities, particularly the promotion of cooperatives and other social economy initiatives.

217. The employment support framework for persons with disabilities contains a more varied and comprehensive range of initiatives than the framework in place for other groups and provides a concrete response to a complex and diverse reality. Notable examples include rebates on the social security contributions of companies offering permanent contracts. The rates rise for persons with disabilities than for persons belonging to other groups; these are increased further for women with disabilities and persons with severe disabilities.

218. According to information provided by the State public employment service, the recruitment rate among persons with disabilities has grown steadily since 2012. In 2014, the milestone of 200,000 contracts was reached for the first time. Between 2012 and 2016, persons with disabilities signed a total of 1,299,467 contracts.

219. In the first 10 months of 2017, persons with disabilities signed 258,637 contracts, representing an increase of 16.46 per cent compared with the same period in 2016, the year that had previously recorded the highest figures.

220. The number of permanent contracts is also increasing, having grown 17.06 per cent as of October 2017.

221. The Spanish labour market has experienced positive dynamics and significant growth in recruitment rates among persons with disabilities in recent years.

222. Issue 26. In 2012, a code of best practice for the viable restructuring of debts secured by a mortgage on a principal residence was drawn up pursuant to Royal Decree-Law No. 6/2012 of 9 March. The code, which has been adopted across the financial system, allows for the restructuring of mortgages taken out on the principal residence of families in

situations of particular vulnerability and provides for debt relief. Where those provisions are not feasible, the transfer of title in lieu of payment and retention of the property on a lease with reduced rent is permitted. As of June 2017, 42,042 debt restructuring exercises had been carried out since these measures were first implemented, and 7,334 titles had been transferred in lieu of payment.

- Royal Decree-Law No. 6/2012 of 9 March has been amended several times in order to broaden the definition of families in particularly vulnerable situations. It currently encompasses a range of family units, including those in which any member has a declared disability of more than 33 per cent, is dependent or has a certified permanent incapacity for work owing to illness.
- Under Royal Decree-Law No. 27/2012 of 15 November on urgent measures to strengthen protections for mortgage holders, it was agreed to suspend for two years the initiation of eviction proceedings against all mortgage holders in situations of particular vulnerability. That suspension has been extended until 2020, halting more than 24,039 such proceedings.
- Similarly, a social housing fund was set up, consisting of housing provided by credit institutions and designed to provide a safety net for persons in situations of particular vulnerability who have lost their homes in foreclosure proceedings. Since the creation of the fund in 2013, more than 9,000 families have benefited from it. As in the code of best practice, the definition of particular vulnerability encompasses family units in which any member has a declared disability of more than 33 per cent, is dependent or has a certified permanent incapacity for work owing to illness.
- With the adoption of Act No. 1/2013 of 14 May on measures to strengthen protections for mortgage holders, debt restructuring and social housing, suitable adjustments were made to those aspects of mortgage loans deemed most detrimental to debtors. Act No. 25/2015 of 28 July on the second-chance system, the reduction of financial burdens and other social measures allows debts to be written off and foreclosure proceedings to be halted while debt restructuring negotiations are ongoing, with the inclusion of employment-related, judicial and family measures.
- In 2016 and 2017, regulations were introduced on social tariffs for electricity consumption. Domestic consumers can access discounted electricity tariffs depending on their level of income and particular personal circumstances. The relevant regulations governing social tariffs make provision for special protection in cases where an applicant, or a member of his or her family unit, has a certified disability of 33 per cent or more.
- In 2013 and 2015, the Free Legal Assistance Act was amended to include new provisions favourable to persons with disabilities (see issue 3).
- Act No. 4/2015 of 27 April on the status of victims of crime addresses issues relating to the protection and recognition of victims, as well as specific protection measures for certain types of victims.

223. Specific protection measures are adopted according to the victim's situation, the nature of the offence and the circumstances surrounding it, the extent and severity of the harm caused and his or her level of vulnerability. These includes specific protection measures, such as the provision of the necessary assistance or support for communication, for groups for which no special legislation exists, including persons with disabilities.

- Act No. 35/2015 of 22 September, which reformed the system for assessing the harm and injuries caused to persons involved in traffic accidents, seeks to ensure fair compensation for the harm suffered by victims and their families as a result of such accidents. One of the most important aspects of the reform is the separate treatment of pecuniary and non-pecuniary damages.

224. Victims are entitled to compensation for certain expenses, including anticipated health-care costs; the relevant payments are made directly to the public health services. Other expenses are reimbursed directly to the injured party; these include the cost of prosthetics and orthoses, including any necessary adjustments, and home-based or

outpatient rehabilitation services, as well as those relating to loss of personal autonomy, such as the cost of technical aids, support products and modifications and compensation for “pecuniary harm resulting from increased travel costs”, which includes but is not limited to the cost of adapting a vehicle. The injured party is also entitled to reimbursement for the cost of third party assistance, which is measured in terms of the number of hours of assistance required and which is the subject of detailed regulations.

225. In relation to non-permanent injuries, a distinction is made between health-care expenses and other reimbursable expenses; the latter includes all necessary and reasonable expenses resulting from the injuries sustained and which are incurred in the course of activities essential to the injured party’s day-to-day life, including, inter alia, increased travel costs for the injured party, travel costs for family members to care for the injured party when his or her medical condition or personal situation so requires, and the general expenses associated with caring for the injured party and any minors or particularly vulnerable family members for whom the injured party was previously responsible.

226. Social assistance measures are the responsibility of the autonomous communities, all of which have developed programmes and/or measures at the local level with the aim of providing support to vulnerable groups and ensuring that, to the extent possible, people are not placed at risk of poverty or social exclusion as a result of necessary austerity measures. The measures in place at the regional and local levels are very varied.

227. Firstly, in recent years all of the autonomous communities, as well as the cities of Ceuta and Melilla, have amended their legislation in order to increase protection for the most vulnerable families. Examples include: Castile and León – Decree-Law No. 2/2013 of 21 November adopting extraordinary support measures for persons and families affected by the crisis who are vulnerable or at risk of social exclusion, which established the Protection Network for families affected by the financial crisis; Extremadura – Act No. 7/2016 of 21 July on extraordinary measures to prevent social exclusion, Decree No. 102/2015 of 19 May which established the regulatory basis for subsidies for families experiencing severe material deprivation and caring for children with disabilities and authorized the call for applications for 2015, and Decree No. 288/2015 of 30 October establishing the regulatory basis for contingency assistance for social support.

228. Secondly, all local authorities have an important role to play in the management of social benefits intended to alleviate specific social emergency situations where families are having difficulty affording basic goods and services. For example, local councils in Asturias provide emergency support for food and energy payments and the city of Gijón provides annual payment cards worth €1,000 for the purchase of necessary equipment. In Extremadura, local councils are responsible for granting subsidies for the purchase of basic essential items.

229. Issue 27. Under the Constitution, citizens have the right to participate in public affairs, either directly or through representatives freely elected in periodic elections by universal suffrage. This right is regulated in Organic Act No. 5/1985 of 19 June on the general electoral system.

230. Persons with disabilities may exercise their right to participate in political life and electoral processes on an equal basis with others. To that end, the public administrations must provide them with the means and resources they require. This right is enshrined in article 53 of the General Act on the rights and social inclusion of persons with disabilities. In addition, the Government, without prejudice to the powers attributed to the autonomous communities and local bodies, has adopted various implementing regulations governing the basic conditions for accessibility and non-discrimination that guarantee the same level of opportunities for everyone.

231. In 2012, the Ministry of the Interior issued a report on the accessibility of electoral processes, including an evaluation of the accessible voting procedure (supplementary documentation available in Braille). The report concluded that if an accessible voting procedure were to be put in place for municipal elections, it would be very difficult to produce in a timely manner documentation in Braille identifying all the candidates standing in the more than 370 municipalities which had received applications for the accessible voting procedure.

232. Given the technical difficulties and bearing in mind that not all voters who are blind or who have visual impairments read Braille or are members of the Spanish National Organization for Blind Persons, the Ministry of the Interior is developing a computer-based ballot system that would provide broader access to electoral processes for voters with visual impairments.

233. The Ministry of Justice is also continuing its work on a text to bring the Civil Code and the Civil Proceedings Act into line with the Convention; any amendment of the Act on the general electoral system to ensure that all persons with disabilities can vote must be completed in parallel with that work. Recently, in the Community of Madrid, a legislative initiative has been presented to the Congress of Deputies on the amendment of the Act on the general electoral system in order to guarantee the right to vote for all persons with disabilities.

234. The important role of the jurisprudence of the Supreme Court must also be taken into account. In its Decision No. 421/2013 of 24 June, relating to the impact on the right to vote, the Supreme Court interpreted the Act of the general electoral system in accordance with the requirements of the Convention.

235. Consequently, trial courts have made changes to hearings determining capacity in line with this Decision. By tailoring solutions to the specific needs of the person with a disability, the courts seek to preserve the individual's autonomy to the maximum extent possible and, where possible, opt for curatorship including care and personal assistance functions as a means of giving effect to the system of support provided for in the Convention.

236. Lastly, measures to ensure that all persons with disabilities who are elected to hold public office have all the assistance they need, including personal assistance, are provided for in the General Act on the rights and social inclusion of persons with disabilities, in the sectoral regulations on the accessibility of public spaces and buildings and in the general regulations on occupational health, specifically those relating to the prevention of occupational risks applicable to each workplace. When required, the relevant measures must be applied in each specific case by the occupational risk prevention services of the Congress of Deputies, the Senate, the autonomous parliaments, ministries, councils or city councils, which are responsible for adapting the workplace and, where appropriate, determining the reasonable adjustments that each person may need for the purposes of executing their functions as a holder of public office.

237. Issue 28. The National Statistics Plan for 2017–2020 provides for the new survey of disability, personal autonomy and situations of dependency, which produces the largest volume of integrated data. Since its previous iteration, the survey has been conducted in private homes and residential centres. The National Institute of Statistics will conduct the new survey once the 2008 survey has been published; the survey takes place every 10 years (1999, 2008). In addition to the 2008 survey of disability, personal autonomy and situations of dependency, a working group which includes organizations of persons with disabilities involved in the survey has been established to analyse the objectives of the exercise and design the questionnaire.

238. The National Disability Observatory has also done vital work throughout the reporting period. The Observatory, which is backed by the Ministry of Health, Social Services and Equality (General Directorate for Disability Support Policies and the Royal Council on Disability), the regional government of Extremadura, the Spanish Committee of Representatives of Persons with Disabilities and the University of Extremadura, is a technical body that compiles, processes, updates, generates and disseminates information relating to the field of disability. It publishes the annual Olivenza Report, which contains complete and exhaustive information on statistics relating to persons with disabilities in Spain.

239. Since 2011, following the previous recommendations of the Committee, a great deal of work has also been done in this area to improve existing statistics with a view to incorporating disability as a variable in some areas. Steps have also been taken to produce cross-referenced data using the variables of sex and disability in other areas, such as data relating to women with disabilities and situations of discrimination particularly affecting

them, using the human rights-based approach advocated in the Convention (see annex, issue 17). In this regard, a contract has also been signed with the Spanish Committee of Representatives of Persons with Disabilities (Women's Branch) for the preparation of a study to determine the basis of the methodological design for the section of the Macrosurvey of Gender Violence relating to women with disabilities.

240. The Ministry of the Interior has worked closely and continually with the main organizations in the sector to adapt the crime statistics system with a view to increasing the volume of information relating to offences against persons with disabilities.

241. In relation to young people, the Youth Institute conducted a study of young persons with disabilities in Spain in 2016 under the framework of the agreement signed with the Spanish Committee of Representatives of Persons with Disabilities the same year. The study provided an updated version of the report on young persons with disabilities in Spain produced by the Committee in 2010; that report served as the basis for the design of a number of policies and social initiatives specifically aimed at young persons with disabilities in Spain. The study addresses the fundamental aspects of the lives of persons with disabilities between the ages of 15 and 30, with a particular focus on their needs and expectations. In addition, the new article 22 ter of the Organic Act on the legal protection of minors provides for the autonomous regions and the central Government to establish a system for sharing information on the protection of children and adolescents that allows for a uniform understanding of the arrangements for the protection of children and adolescents in Spain, including in relation to foster care and adoption, with data disaggregated by gender and disability.

242. The statistics on the employment and wages of persons with disabilities are also well developed in the labour sector and provide very useful information that enables comparisons to be made between persons with and without disabilities.

243. At the regional level there are also initiatives, within the relevant spheres of competence, to make available as much statistical information as possible. A number of service contracts are in place for the development of information systems for the management of social services (for example, in Aragón), including the development of new, more detailed management indicators.

244. Issue 29. Spain has been actively involved in the development of the 2030 Agenda to ensure that it takes account of persons with disabilities.

245. The Fourth Master Plan (2013–2016), which has just been completed, included disability.

246. The Fifth Master Plan, which is currently in the approval phase and which will define development cooperation policy for the coming years, has taken into account organizations representing persons with disabilities. Using a human rights-based approach, the Spanish cooperation agency will promote the empowerment of all persons in order to ensure the full exercise of their rights, political participation and accountability, ensuring persons with disabilities do not experience discrimination and placing special emphasis on ensuring that outcomes, results and policies follow a rights-based approach for persons with disabilities.

247. The Spanish cooperation agency will work to promote social and employment inclusion for young people and other groups in situations of vulnerability, including persons with disabilities. In terms of employment, it will support fair and equitable remuneration, with a special emphasis on persons with disabilities.

248. Furthermore, the Spanish Agency for International Development Cooperation has prepared a manual on the application of a human rights-based approach. The manual states that actions undertaken as part of the Spanish cooperation agency's Humanitarian Action Strategy should be implemented using a rights-based approach rather than simply aiming to address basic needs. The Strategy places a particular focus on the most vulnerable groups whose rights are most affected in disasters, including persons with disabilities and/or persons who are dependent.

249. Furthermore, in the field of humanitarian action, in 2017 Spain signed the Charter on Inclusion of Persons with Disabilities in Humanitarian Action, an initiative that emerged from the World Humanitarian Summit held in Istanbul in 2016. The aim of the Charter is to expand the inclusion of persons with disabilities in humanitarian action and to promote protection, security and respect for their dignity. In particular, it upholds the right to humanitarian assistance based on the principle of non-discrimination, taking into account different factors such as gender, age or minority status, and emphasizing the need to pay special attention to the situation of women and girls in order to protect them from physical and sexual violence and other forms of abuse and exploitation.

250. In 2014, a voucher scheme was piloted within the framework of a broader project with the Red Crescent and the Spanish Red Cross, with the aim of improving the health of children with special needs through better nutrition. This project is ongoing and is expected to continue in 2018; it is an example of best practice in this area and was allocated €285,000 in 2017.

251. Issue 30. In addition to being the independent monitoring mechanism for the Convention, the Spanish Committee of Representatives of Persons with Disabilities represents the disability sector before public authorities, public administrations, political parties and social agencies and bodies, as well as before the various bodies of the European Union, the Ibero-American Community, and other European, Ibero-American and global international organizations.

252. The Spanish Committee of Representatives of Persons with Disabilities is grant-funded.

<i>Calls to tender and programmes</i>	<i>Total amount</i>	<i>Amount per year</i>	<i>Change (%)</i>
General State Budget Act 2017 – direct grant			
Financial support for the central structure	280 000.00	2017: 80 000.00	
Personal income tax 2010/2016		2016: 107 000.00	
		2015: 107 000.00	
Persons with disabilities:		2014: 107 100.00	0.00
Legal advocacy and mediation network for persons with disabilities		2013: 97 882.00	-0.09
		2012: 100 733.00	9.42
		2011: 94 600.00	-2.83
Women:		2010: 86 000.00	6.48
Social mentoring for women with disabilities	700 315.00		10.00
2016: General State Budget Act 2016 – direct grant	295 000.00	2016: 295 000.00	
2015: Act No. 43/2015 on the civil society sector – direct grant (associated entities)	280 000.00	2015: 280 000.00	
2013/14: Civil Society Grants		2014: 270 000.00	
	530 000.00	2013: 260 000.00	
2005/2012: General Scheme Grants		2012: 228 763.00	
		2011: 253 000.00	
		2010: 253 000.00	
		2009: 247 500.00	
		2008: 244 900.00	
		2007: 242 500.00	
		2006: 202 150.00	
	1 873 963.00	2005: 202 150.00	
Total	5 759 278.00		

National Disability Observatory
Agreement with the following entities: Regional Government of Extremadura,
Spanish Committee of Representatives of Persons with Disabilities, University of
Extremadura, Foundation for the Support of Persons with Disabilities

<i>Year</i>	<i>Activities</i>	<i>Contributions</i>	
		<i>Royal Council on Disability</i>	
2006	Creation, start-up and operation of the National Disability Observatory	€95 250	
2007	Provision of resources and approval of basic guidelines for the organization and operation of the National Disability Observatory	Monetary: €8 151.39 Non-monetary: €1 666.67	
2008	First half: Constitution of specialized commissions in a range of thematic areas addressed by the National Disability Observatory. Communications plan, aimed at raising awareness of the Observatory among institutions, professionals, persons with disabilities and the general public Second half: Constitution and beginning of the work of the commissions and working groups. Communications plan for 2008	Monetary: €121 219.18 In kind: €7 500	

253. The autonomous communities also provide grants for the activities carried out by the Spanish Committee of Representatives of Persons with Disabilities. Examples include Aragón (€100,000 in 2017), Asturias (€20,000 per year) and Extremadura (€53,958 per year plus €60,000 per year for the Observatory).

254. Many of the entities affiliated with the Spanish Committee of Representatives of Persons with Disabilities also receive independent grants.