

## Spain – ANED country profile

The information contained in this summary was compiled by the Academic Network of European Disability experts (ANED) in April 2009.

### Academic networks and resources

There is currently no national academic research network on disability studies in Spain. However, research is conducted at various universities.

Institute on Community Integration, [INICO](#), at the University of Salamanca addresses disability across all ages and types. It also represents a national research framework of staff, researchers and lecturers from national or international Universities.

CIT para la [Discapacidad y Dependencia](#), (the Center for Technological Innovation for Disability and Dependency) at the University Carlos III in Madrid is dedicated to improving the situation of older and disabled population.

Centro de Estudios y de Investigación Psicoeducativa sobre la Sordera y otras Dificultades Comunicativas [GISTAL](#) (Universidad Autónoma de Barcelona) deals with communication impairments and Deafness.

[Information Service on Disabilities, SID](#) is a national online service (supported by the Ministry of Health and Social Policy and the University of Salamanca). It provides legal documents, and a broad range of resources on disability issues.

[Centro Español de Documentación sobre Discapacidad \(CEDD\)](#) is a public organization that produces documents on disability issues.

[Centro de Documentación y Estudios, SIIS](#). A private institution producing documents on disability issues, aging, social exclusion, family, gender issues, etc.

[Siglo Cero](#) is a scientific journal published by FEAPS, Spanish Confederation of Organizations working for people with intellectual impairments.

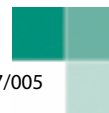
[Minusval](#) is a journal published by IMSERSO (Institute of Migration and Social Services). The target population is people with disabilities, professionals, and organizations working with people with disabilities.

### Policy and enforcement bodies

The key national bodies with responsibility for disability law and policy implementation include:

The [Secretaría General de Política Social](#) (Ministry of Health and Social Policy) assumes responsibility for co-ordinating sectoral policies on disability, which is exercised by the Dirección General de Políticas Sectoriales sobre Discapacidad (Directorate General for the Coordination of Sectoral Policies on Disability).

Within this structure, the Instituto de Mayores y Servicios Sociales, [IMSERSO](#) (Institute on Social Services and Aging) has responsibility for social security issues.



[Consejo Nacional de la Discapacidad](#) (National Disability Council) is an Inter-Ministerial body, created to ensure collaboration in policy development between government and associations of people with disabilities and their families

[Oficina Permanente Especializada](#) (OPE) is responsible for promoting equal opportunity and examining complaints of disability discrimination.

[Real Patronato sobre Discapacidad](#) (Royal Board on Disability) is an autonomous body, linked to the Ministry of Health and Social Policy, that promotes social integration but also rehabilitation and prevention issues.

### **Organisations of disabled people**

The national organisation representing disabled people at the European level (European Disability Forum) is:

The [Comité Español de Representantes de Personas con Discapacidad](#) (CERMI). The Spanish National Council of Disabled Representatives represents more than 4,500 member organizations, and 3.8 million disabled Spanish people.

Other significant national organisations of disabled people include:

[ONCE](#) - National Organization of the Spanish Blind. [Fundación ONCE](#) is a Foundation for co-operation and social integration of persons with disabilities.

National Confederation of Deaf People ([CNSE](#))

### **National law and strategy**

Spain has ratified the [United Nations Convention](#) and the [Optional Protocol](#).

Important national laws, policies and strategies concerning disabled people include:

[Ley 39/2006](#), de 14 de diciembre, de Promoción de la Autonomía Personal y Atención a las personas en situación de dependencia. This act establishes universal access and a guarantee of personal autonomy and care for dependent persons.

[Ley 51/2003](#), de 2 de diciembre, de igualdad de oportunidades, no discriminación y accesibilidad universal de las personas con discapacidad. This act establishes the rights of disabled people to equal opportunities, non-discrimination, and universal accessibility.

[Ley 13/1982](#), de 7 de abril, de Integración Social de los Minusválidos. This act establishes the right for full inclusion (employment, education, services...) of people with disabilities into the community.

[Ley 27/2007](#), de 23 de octubre, por la que se reconocen las lenguas de signos españolas y se regulan los medios de apoyo a la comunicación oral de las personas sordas, con discapacidad auditiva y sordociegas. This Act recognizes signed language as an official spoken Spanish language.

A number of [additional national and regional laws](#) regulate specific issues, e.g. employment, education, disability benefits, and so on).

Additional Policies and strategies:

[Plan Nacional de Accesibilidad, 2004-2012](#). It establishes goals and measures to improve accessibility, through sensitization, training, technical and legal standards, innovation and quality, innovative plans and programs, and participation.

[Estrategia global de acción para el empleo de las personas con discapacidad 2008-2012](#). This strategy aims to improve employment of disabled people by removing barriers, promoting education and training, designing active policies, promoting contracts, protected employment, and dissemination of information.

[Plan de acción para las mujeres con discapacidad 2007](#). This action plan aims to promote employment for women with disabilities via research, information, training, communication and sensitization, and evaluation

### Facts and figures

Data on population indicate that:

*Data from the Encuesta de Discapacidad, Autonomía personal y situaciones de Dependencia (EDAD), Survey on Disability, Independence, and Dependency Situations (EDAD, 2008)* show that 8.5% of Spanish population have a disability (3.847.900 people). Of them, 1.547.300,00 (40%) are males and 2.300.500,00 (60%) are females; 4% are aged under 17; 38% are 17-64, and 58% are over 64.

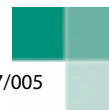
Of the total surveyed, 25,85% have visual impairments; 28,1% hearing issues, 19,38% communication problems; 16,63% disabilities associated with learning, applying knowledge and developing tasks; 66,94% mobility problems; 48,17% have self-care issues; 54,9% have limitations in their domestic life; and 16,4% have disabilities in their interpersonal interactions and relationships

Data on employment indicate that:

Employment rates for disabled people in Spain are lower compared with other [EU](#) countries. 62.12% of the active disabled population are unemployed, 43.74% want non-qualified jobs and 16.68% lack a previous employment background, with disabled women having lower percentages. (Ministerio de Trabajo y Asuntos Sociales. Observatorio Ocupacional del Servicio Público de Empleo Estatal, [2008](#)).

The general population aged 16-64 have employment rates higher than their disabled peers (55% vs. 26%) All men aged between 25-44 have an employment rate of 85% (39% for disabled men), whereas the female rate is 52% (19% for disabled women). 75% of the male population aged 45-64 are employed (33% of disabled men). Over 64, 29% of the total female population are employed compared with 14% for disabled women [Instituto Nacional de Estadística](#) (National Institute on Statistics) ([2008](#)).

In 2007, 84,893 disabled people (2.8% of total unemployed general population) wanted employment. Those with a physical disability accounted for 54.3% of total requests, followed by those who have intellectual disabilities (18.5%), sensory disabilities (13.1%), and language disorders (0.7%). In addition, 13.4% of disabled workers wanting employment had not declared a disability.



In 2008, hired disabled employees accounted for 0.9% of total employment contracts, with 1.1% of disabled people in labor market. Between 2003 and 2005 employment contracts for disabled people increased by 39.3% ([Observatorio Ocupacional del Servicio Público de Empleo Estatal; 2008](#))

Numbers of workers in sheltered workshops have been increasing since they were established in 1985. In 2007, around 47,000 people with disabilities were working in 1,600 sheltered workshops. People employed in sheltered workshops have the same legal rights as any other employee. (International Disability Rights Monitor, [2007](#)).

2008, the [Foundation Empresa-Sociedad](#) presented seven proposals to Spanish political parties with the aim of adapting public policies and setting priorities. Among these was the inclusion of a permanent module on the National Survey on Active Population (EPA) to include statistical information on employment of the disabled population, given the lack of national data.

Data on education indicate that:

1-2% of school age children have special educational needs (Peralta, 2006).

Special education students are underrepresented as the level of education increases, with the participation rate declining to 0.1-0.2% for older students in upper secondary education and vocational / professional training. ([Peralta, 2006](#))

Individuals with disabilities have lower levels of literacy and educational achievement compared with compared to their peers who do not have limitations (National Institute on Statistics, [2008](#)).

In 2005/6, 22.1% of pupils with special educational needs were in special education, either separate schools or special units in mainstreams schools ([Eurybase, 2007/8](#))

Data on accessibility indicate that:

The [National Plan on Accessibility](#) (2007) outlines a number of issues such as: structural (lack of legislation, lack of involvement from users) and technical issues (mobile phones, internet accessibility, ATM machines), transportation, urban and building barriers.

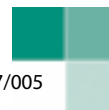
The National Plan on Accessibility 2004 found that:

100% of houses and public buildings evaluated failed at least one of the accessibility requirements. 96% of the causes were found to be inside buildings as well as entrance steps. There were major problems with pavements and road crossings.

Public transport was also found to be poor. Despite increased awareness, bus transport, in particular interurban links, did not reach the minimum accessibility level. Sea and air travel presented deficiencies, as did the railway system, especially local trains. There are parking cards for people with reduced mobility, but conditions vary in each Municipality. ([International Disability Rights Monitor, 2007](#))

[Data from the 2007 MeAC accessibility survey](#) (2007) showed that:

3 out of 5 selected public web sites and 2 out of 6 private/sectoral sites passed the automatic evaluation.



The main emergency number was directly accessible by means of text telephones and text relay and video relay services were available. The two main mobile telephony operators and one of the two main landline operators provided eAccessibility information via their websites.

The two main public (75% and 90%) and two commercial (20% and 12%) TV channels provided programmes with subtitling. Public (5% and 15%) but not commercial channels provided some signing. Neither provided programmes with audio description.

Neither of the two main retail banks had installed talking ATMs but one other bank had deployed at least some (31) talking ATMs.

Data on poverty and incomes indicate that:

Risk of poverty in Spain [2007](#) compared to the EU-27, before social transferences, is equal to that in Greece and Portugal, and higher than that in Slovenia, Luxembourg, Malta, Cyprus, The Netherlands, Czech Republic, and Slovakia. Rates of risk of poverty in Spain 2007, after social transferences, are higher than the rest of the European countries, with the exception of Latvia. ([Observatorio Social de Datos, 2008](#)),

[Report on Social Inclusion in Spain](#) (Gómez Granell, [2008](#)), identifies the poverty rate as 19.7%. People aged 65 or older and 16 or younger are at risk of experiencing moderate poverty, and children at risk of experiencing severe and moderate poverty.

Living alone is a risk factor. 73% of disabled women aged 40-59 are married, as are 40% of disabled women over 60. 60% (which includes those under 40) may need support from relatives, neighbors, or social services. (National Institute on Statistics; [2008](#))

Data on attitudes indicate that:

There are still several legal barriers for disabled people concerning: disablement, adoption, jury; participation as witnesses in and civil participation. Further barriers related to inclusion include communication, education employment, health, housing, institutionalization; access culture, sports and leisure time ([Fundación ONCE, 2008](#) [Fundación Once, 2008](#)).

In sum, disabled people face different issues, such as, inferior social status, inferior employment status (activity, employment, and unemployment rates).

The [2007 Special Eurobarometer on Discrimination in Europe](#) showed that 57% of people knew someone who was disabled (compared to 55% EU average) and 82% acknowledged that being disabled tended to be disadvantage in society (EU average 79%).

Disability discrimination was viewed as widespread by 54% (EU average 53%); 29% thought that disability discrimination was more widespread than five years ago. 40% thought that not enough was being done to combat discrimination in general in France (EU average 51%).



80% thought that more disabled people should be in the workplace (EU average 77%) and 91% thought specific measures on equal opportunities were needed in this field.

Data on public spending indicate that:

Data on public spending from 2006 ([Torres, 2008](#)), indicated that Spain invested 38.6% of its gross national product on public expenditures, with six EU countries investing more than Spain. Concerning expenditure in social protection, in 2004 (Key Figures in Europe 2007/2008, Eurostat, p.89) Spain spending was 20% of its GDP, which was lower than spending from EU-25 (27.3%), as well as lower than Euro Area (27.7%).

In general, public spending in Spain is lower than spending in the UE-15, UE-25, and the UE-27. In 2005 total spending on Social Exclusion in Spain was 0.2% of its gross national product (Observatorio Social de España, [2008](#)),

In 2007 10.6% of Spaniards were working in public administration (education, health, social care, etc.). (Observatorio Social de España, [2008](#)),

Spain spent 12.8% of its 2006 gross national product on social protection. 1.5% of this was spent on disability (Observatorio Social de España, [2008](#))

### **Social protection**

Key features of the national system include (including adapted items from the [MISSOC](#) database December 2008):

Disability benefits

Welfare payments are funded through the contributions of employees and employers (MISSOC, 2008)

There are two main benefit systems:

The first system compensates people whose working capacities have been reduced or annulled, for loss of income. Eligibility depends a minimum length of employment, accident or occupational illness). Payments are based on previous salary.

The second system applies to people certified with a handicap of 65%, who have no (or very little) income and cannot benefit from the first system. The recipient is paid a fixed amount, which is intended to guarantee a minimum subsistence level.

The different systems lead to huge differences in terms of the amounts of money received, which also do not take into account costs related to disability.

Parents of children with disabilities may apply for specific subsidies. There is a variable range of tax benefits and reductions, which depend on the level and type of disability (Disability Network Report, [2007](#)).

The Act [Ley 39/2006](#), established the National Dependency System (SND), to provide care services (home assistance, telecare, day and night centres, technical assistance, and residential care), as well as financial assistance. Data from [IMSERSO, \(2009\)](#) shows that most financial help corresponds to financial assistance for family care.



Concerning non-contributory invalid benefits, the profile is that of a female, aged 70-74, married, with a psychological disability and levels of handicap between 65-74%. ([IMSERO, 2008](#))

Regarding financial and social benefits for disabled people derived from the Act 13/82 (LISMI), data from [data from IMSERSO \(2008\)](#) shows that total beneficiaries were 41.777 people, of which, 70.75% have physical disabilities; 18.96% psychological disabilities, and 10.28% sensory disability. The typical profile is of individuals aged more than 80, with physical disabilities.

#### Rehabilitation and re-training

The following issues have been identified by the [International Disability Rights Monitor, 2007](#):

Rehabilitation aims to assist people's functioning. This has been criticized because it only addresses recovery and not long term needs for living (Cayo, [2006](#)).

The right to integral rehabilitation, was established by the LISMI in 1982 but has not been developed. One problematic issue is: "its dispersion between different Departments; Health, Education, Employment and Social Affairs and the different Public Administrations that are competent; State and Autonomous Communities" (Cayo, [2006](#) p.35). Additional shortcomings concern improved training of health professionals and establishment of common criteria for disability training.

The National Health Service lists basic and common orthoprosthesis products that must be provided across the country and the Autonomous Communities can enhance this and determine the payment system, which is sometimes based on reimbursement for costs (Real Decreto, [2006](#)). However since 1996, financial constraints have caused a decline in provision (Laloma, [2005](#), cited in [International Disability Rights Monitor, 2007](#))

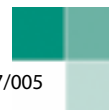
#### Preferential employment and quotas

Since 1982, public or private companies with more than 50 employees have had to employ 2% workers with disabilities. From 2000, companies that have not met the quota have been able to implement other measures such as purchasing services and products from sheltered workshops.

While there is not much data on the quota, it is accepted that it has not been very effective.

The Public Administration has committed to a minimum quota of 5% subject to applicants passing selection procedures ([International Disability Rights Monitor, 2007](#)).

Spain adopted the European Directive 2000/78 for equal treatment in employment in 2003. However, definitions of direct or indirect discrimination and reasonable accommodation are not part of the Workers Law, but the LISMI (Social Integration of the Handicapped Law), leading to a lower level of awareness. Prohibition of discrimination is linked to ability to perform the job rather than essential functions of



the job (Estatuto de los Trabajadores, updated, [2008](#)) and obligations concerning vocational training have not been completely adopted.

Financial incentives, including a reduction in costs for social benefits / fringe benefits, operate for companies employing persons with disability, varying according to the type of employment contract (International Disability Rights Monitor, [2007](#)).

#### Long-term support and care

Economic subsidies are regulated by the social security system, are under common law and centrally managed. However, [regions](#) are completely responsible for managing and financing social care services in their areas and there is wide variation in service coverage and delivery. ([Durán, Lara & van Waveren, 2007](#)).

Community care services do not differentiate between specific groups of disabled people (e.g. by impairment) ([Durán, Lara & van Waveren, 2007](#)). Non-economic services include home care (visits and tele-care) and intermediate services (day care, housing, temporary residence in social care centres).

Most people who need assistance receive this from family members. ([Costa-Font & García González, 2007](#)). Of the total number who receive personal support, 76.64% obtain this from the family, 6.7% through private support, and only 3% from social services (International Disability Rights Monitor, 2007: statistics from 1999). In 2004, the number of the population covered by some kind of home care service (whether domiciliary or telephone assistance) was 377,717; 33 709 attended day care; and 275 13 received residential care. (Sancho Castiello 2005, cited in [Durán, Lara & van Waveren, 2007](#)).

The EU report [Included in Europe](#) (Freyhoff et. al., 2004) identified 42 residential institutions in Spain. Figures were available for 12 of these. They ranged in size from places for 32 – 1,416 residents, with a mean number of 145. A total population of 11,535 people living in institutions is provided as an indicative figure. Most of those living in institutions were people with intellectual disabilities.

#### **Additional information**

Useful sources of more detailed information about the situation of disabled people, and the policies and support available, include:

Observatorio Social ([Banco de Datos](#)): This web page includes online statistics information on social issues from Spain and the rest of European Countries