
2018 Annual Report

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- 1,152 resolutions were sent to the Administration, to include recommendations, suggestions, reminders of legal duties and notices
- The Ombudsman’s Office is demanding initiatives and reforms to improve the quality of public services, such as healthcare, education, care for the elderly and dependent persons, and subsidized housing

Madrid. 11/06/2019. The acting Ombudsman, Francisco Fernández Marugán, has today handed over the 2018 Annual Report to the president of Congress, Meritxell Batet, and the president of the Senate, Manuel Cruz.

Last year, the Ombudsman’s Office handled 17,697 cases, to include complaints (16,998), “ex officio” investigations (372) and applications to file an unconstitutionality appeal (327). In addition to this figure are citizens who received personal assistance, 17,923, of whom 2,481 received assistance in person and 15,442 through a call centre. Furthermore, it forwarded to the Administration a total of 1,152 resolutions, of which 329 were recommendations, 318 reminders of legal duties and 10 warnings.

Complaints were received from residents of Madrid, Andalusia, Valencia and Catalonia, in this order. Last year, there were still complaints evidencing that it is necessary to improve the quality of public services provided to the general population. Fernández Marugán has pointed out that “with the improved economic scenario we have now, it is time to design different economic policies, to invest in public policy”.

Consequently, the Ombudsman believes that initiatives and reforms are urgently required, as well as more staff and material resources, in healthcare, education and care of the elderly and dependent persons. Furthermore, he has also asked for more subsidized housing.

Below are the highlights of the Ombudsman’s Office during 2018:

Housing

Last year, complaints were received in relation to the award of subsidized housing, financial aid for housing, or the sale of subsidized housing to the private sector.

Throughout the economic crisis and further to the austerity measures that began to be adopted in 2010, Spain's housing policy suffered a setback; the result is that Spain is one of Europe's countries with the least social protection, despite its basic importance.

In the Ombudsman's opinion, "a housing policy has been absent", which is why right now the Administration has insufficient housing to immediately respond to our most urgent social needs, such as **evictions of families with underage children**.

The Office has promoted a change of housing policy, as it is urgent to establish public housing supply, offering low-income leases, addressed to those groups who have most suffered from the economic crisis, such as families with underage children or disabled persons in their care; single women with family obligations; families whose members are unemployed or receive low wages; young people unable to leave home; and women suffering from gender violence.

In this context, the Ombudsman has asked the Administration to assign sufficient resources and to find new faster and more effective ways in which to handle social emergency situations, particularly when there are minors involved. These cases demand an immediate solution, as there is a greater need for immediate housing.

The Office has also made recommendations in order for Spanish regions and town councils to establish a **single database, coordinating and associating various Public Registries of Housing Applicants**, thus taking advantage of existing synergies.

Furthermore, in 2018 the Ombudsman began an investigation with the Spanish Ministries of Development and of Justice, due to not following **recommendations from the United Nations (UN) in low-income housing matters and evictions**. The Office has demanded that both departments complete an in-depth and coordinated analysis of the Opinion of the UN Committee on Economic, Social and Cultural Rights, which in 2017 determined that Spain has infringed the right to housing of a family with underage children, who was evicted in 2013 without being provided with alternative housing. Moreover, the Ombudsman has requested that both individual recommendations and the general ones provided by the Committee be taken into account.

Furthermore, the Office is particularly concerned about the consequences of the **sale of subsidized housing to the private sector**. This is why it has requested that specific procedures be put in place to award subsidized housing to the parties affected.

Healthcare

The reduced quality of healthcare due to certain human and material shortages, particularly in smaller hospitals, and the difficulties associated to scattering or geographical location and issues related to **healthcare transport**, both scheduled and emergency, were also the subject of citizen complaints.

In addition, complaints were received about the **shared cost of pharmaceutical products**, particularly from patients who, despite their high degree of social and

economic vulnerability, were assigned the same pharmaceutical co-payment rate as employed workers.

It should be pointed out that some persons have a very high disability level- even greater than 90%- but, under current legislation, are obliged to pay for 40% of their required medication, despite having negligible income. In 2018, the Office followed up on the recommendations made on the matter.

In turn, of interest are the steps taken by the Ombudsman regarding **waiting lists** and **primary care**, mainly due to the lack of physicians, both paediatricians and general practitioners

Such complaints reflect concerns of healthcare professionals about their working conditions, particularly as regards insufficient human resources and short-term employment, in addition to other structural and organisational issues. These circumstances have already existed for a few years, without the Public Administration accordingly responding to them, despite being well identified, which is why some problems are now chronic and endanger the quality of the public healthcare system.

In the Office's opinion, it is essential for all the Administrations involved to jointly propose **acceptable working conditions for the entire staff providing assistance at health centres, walk-in clinics or emergency services not requiring hospitalization**, encouraging better incentives to attract different groups of professionals, in formative and career terms.

With respect to universal access to the National Health System, and although a new legal framework was approved in 2018, there are still doubts on whether to acknowledge a right to healthcare in certain cases, such as the relatives of Spanish ascendants or EC residents, or persons who are temporarily in Spain (such as foreign students).

The elderly

The ongoing investigation with all of Spain's Regions, on the assistance provided at **homes for the elderly**, indicate that there is insufficient accommodation (fully or partly subsidized). Consequently, in the Office's opinion, a higher budget needs to be assigned.

In order to improve the quality of this assistance, the ratio of staff providing direct care should be revised. The Territorial Council must delve into the needs of old people's homes, caring for people with dependency levels II and III, and examine the possibility of an upward adjustment in the minimum ratios agreed. It is also necessary, in the Ombudsman's opinion, to establish ratios by professional category, distinguishing between geriatrics assistants and other groups, to ensure that there is adequately qualified staff for the job.

Furthermore, the Office believes that regulations on homes for the elderly should be updated and harmonized, with better devices for data collection to generate reliable statistics on available accommodation resources, both regionally and nationwide.

The Ombudsman also considers it necessary to pass an organic act to define extraordinary circumstances associated to health and the physical and mental impairment of the elderly, who may have limited means to uphold and exercise their fundamental rights, particularly as regards the care provided at homes.

Thus, the law should combine the reinforcement of the rights of older citizens who have lost their ability to consent, due to psycho-physical or mental impairment, with the necessary speed in applying required means of protection, which should not be hindered either as a result of lengthy procedures and court litigation.

This state law should also seek to reduce restraints to the minimum and offer certainty in exceptional and occasional cases where such restraint is inevitable (when alternative measures do not exist or have been exhausted). Restraints should always be prescribed by a doctor, should be subject to informed consent and should be essential to protect the patient's health or safety, or that of third parties.

Other steps taken by the Office in relation to the wellbeing of the elderly are associated to transportation and communications. The Office is concerned about the **beneficiaries of telecare at home**, who are usually very old, and who need a guaranteed and incident-free telephone service. The complaints received relate both to a lack of telecare and the need to urgently resolve incidents. In these cases, the Ombudsman duly notifies the operator and Administration, which usually find a resolution for the problem raised and proceed with payment to compensate downtime.

In turn, many elderly persons who are not in psycho-physical condition to drive depend on **public transport** for their day-to-day activities. In this context, for instance, a suggestion was made to a Town Council to re-establish a bus service to an old people's home. For the Ombudsman, budgetary issues may be a hindrance but never an impediment, as the possibility always exists of the Town Council receiving support from other Administrations through the cooperation instruments foreseen by law.

Education

Once again this year, the Ombudsman has insisted on the "inevitable need to reach a State Compact for Education, to endow our educational system with the stability it has been demanding". Fernández Marugán considers that "a good educational system is not improvised; it requires time for its implementation and perfection".

Over 2018, more complaints were received on the healthful conditions or habitability of certain teaching centres. Citizens have also denounced the disturbance occasionally caused by the execution of works to build, extend or renovate **school facilities**.

In turn, particular attention has been paid to **specific tutorial needs** of students at different educational stages and levels. Thus, "ex officio" steps were taken to find out which measures various educational administrations intended to adopt in relation to the Committee's recommended actions on the rights of handicapped persons, in the Spain report published in 2018, which questions their enrolment in special schools or the

arrangement of special classes in regular schools, on the grounds that this is incompatible with the Convention.

The Office is not competent to question the Committee's conclusions. However, in the Ombudsman's opinion, without prejudice to inclusivity, the educational system may incorporate specialised schooling formulae to handle the educational needs of students depending on their specific needs, particularly when a reasonable adjustment is insufficient to enable their regular schooling.

Furthermore, the Office considers that the freedom of creation should be guaranteed in schools, further to the need to uphold constitutional principles and obligations derived from the Convention on the rights of the disabled.

In turn, complaints have been received regarding **ideological neutrality** in schools, which constitute a public space where no political indoctrination should be allowed. Fernández Marugán considers that the term "indoctrination" "should not be tagged to or even be close to other voices such as education, learning or teaching".

Thus, during a session in Congress on the matter, the Ombudsman already assured that "the presence of or acts related to indoctrination at schools cannot be justified on the grounds of ideological freedom, or its specification as the freedom of thought and speech, or academic freedom".

In his Annual Report, Fernández Marugán has also issued a wake-up call regarding the use of educational facilities, space and centres to make political claims. "There are other more adequate spaces and places for this type of activity, something that should be considered by those instigating or authorising it, holding political and educational responsibilities, whether the Administration, political parties, associations of any kind or the educational community", he assured.

Minors

Some of the measures taken in 2018 relate to the reasoning and notification of resolutions declaring the unprotected status of minors, incentives for foster families, assistance for minors who come of age, the protection of fostered minors when relocating to another region, and the operation of some centres.

Early care services for disabled minors have also triggered the Ombudsman's intervention. In the Region of Madrid, the Administration has recognised that the high number of applicants, along with a slow turnover in available spots (which are granted to minors requiring long-term treatment due to their level of impairment), means that there is still a user waiting list.

In the Office's opinion, the difference between receiving or not receiving early care may result, for instance, in the ability or inability to walk, the ability or inability to speak. This is why it recalls that Regions are responsible for providing resources and speeding up procedures to ensure that there is fast and effective access to these services.

With respect to **unaccompanied foreign minors**, many complaints have been received on the proceedings filed to determine the age both of undocumented

foreigners and others holding documentation to confirm their underage status. The Office has requested that the Comprehensive Act to Protect Children against Violence include a chapter regulating this age confirmation procedure.

In turn, the Ombudsman has reiterated his concern about the inaccurate data held at the Central Registry of Unaccompanied Foreign Minors. In Fernández Marugán's opinion, "this Registry is one of the most effective instruments to protect a minor's prevalent interest, which is why it must be thoroughly updated without further delay".

Proceedings have also continued related to delays or a failure to process a residence permit for unaccompanied foreign minors, as wards of the state. Furthermore, many complaints have been received about the irregular status of these minors' documentation when they come of age.

The socio-employment difficulties faced by unaccompanied foreign minors, over 16 years old, worry the Ombudsman in particular. The main tool for effective integration is to allow this group to access the job market.

Thus, again in 2018, a recommendation was reissued to the State Secretariat for Migration, for the granting of work permits, which was dismissed. For the Ombudsman, a failure to mention in these minors' identity cards that they are authorised to work constitutes discrimination and a difference in treatment with other minors, over 16, both Spanish and foreign, who are legally authorised to work with no further step being necessary.

Gender violence

Once again, the Ombudsman has confirmed his unconditional support to the female victims of gender violence and their children. Thus, in the Annual Report, he is demanding more involvement from the Administration to end gender violence and recalls that the Office is currently following up on the State Agreement on Gender Violence.

Fernández Marugán has again insisted that "an abuser can never be a good father"; to ensure child protection, he has requested that when a restraining order is issued against a man, with respect to a woman, his children's visitation rights also be suspended. Furthermore, in his opinion, when the police is appraising the risk further to reported abuse, this should include an individual and specific appraisal of the risk to which any children are exposed.

For the Ombudsman, "fast and effective protection must be granted to the children of female victims of gender violence in order to avoid any more murders of underage victims by their abusive fathers".

In turn, Fernández Marugán considers that it is essential to comply with the Victim Statute in its entirety, to mitigate the deficiencies detected in the judicial treatment of victims, upholding the right to privacy; it is also necessary to improve

coordination and communications between domestic violence courts and specialised comprehensive assistance services.

The Ombudsman also considers it indispensable for new measures to be adopted by the Government Delegation for Gender Violence, in order to promote and coordinate the public administrations involved in the fight against gender violence. He thus believes that possible instructions should be considered, in order for Family Meeting Points to inform units to fight domestic violence, the courts and the Public Prosecutor's Office, of any risk detected that may affect women and children.

In his Annual Report, the Ombudsman has also denounced the fact that although Organic Act 1/2004, on comprehensive protection measures to fight gender violence contemplated the creation of comprehensive foreign evaluation units throughout Spain, some provinces still lack them. Consequently, he urges that they be fully implemented in order to cover all courts.

Migration

The Ombudsman considers that there are three migration issues that still require urgent intervention from the Administration: delays in processing nationality applications, the high number of outstanding international protection requests, and the accommodation of persons trying to reach Spain by illegal means.

On the matter, Fernández Marugán considers that a migration policy is necessary to cover the situation in its entirety, and advocates coordination between different public administrations that are competent in the matter.

The delayed processing of **nationality applications** is still unresolved and during 2018 the situation has gotten worse. Following the entry into force of the new nationality procedure, foreign applicants must pay a fee and complete integration exams, as well as confirming a sufficient knowledge of Spanish. Hundreds of thousands of applications filed under this new procedure are still pending, without the Administration informing which resolution measures it plans to take.

The number of **international protection applications** registered in Spain during 2018 is the highest ever since data began to be collected. More than 54,000 applications were registered, of which more than 20,000 are from Venezuelan citizens. 2018 ended with 78,000 international protection applications awaiting a resolution from the Asylum and Refugee Office.

The Ombudsman trusts that the measures adopted this year at the Asylum and Refugee Office, endowing it with more material and human resources, will enable the office's situation to be resolved in the medium term. However, the same progress is not apparent in matters related to the asylum available for international protection applicants.

During 2018, the necessary drastic measures have not been adopted to avoid a large number of asylum seekers applying for adequate accommodation, at various times of the year. These include refugees not entitled to seek asylum because an appointment for their application was not granted and those who, once all the

timeframes have expired, have not received a response yet to their international protection request, despite expiry of the legal timeframe.

In the Ombudsman's opinion, the distribution of competencies in international protection matters between the Home Office and the Ministry of Employment and Migration requires urgent action to mitigate this lack of coordination.

Finally, in 2018, more than 64,000 people have been intercepted trying to **illegally enter Spain**, mainly by sea. This number even exceeds the number of people who arrived in the Canary Islands in 2006 and 2007. Such a high increase has evidenced that structural measures need to be taken to improve the assistance given to these immigrants.

During the last quarter of 2017 and throughout 2018, unannounced visits were made to the main boat arrival points. Both deprivation of freedom and the condition of these facilities were analysed.

Fernández Marugán made an appearance before the Joint Committee (Congress-Senate) for institutional relations, in February 2018, to report on these visits. Several recommendations were made in an attempt to improve the conditions in which these immigrants are assisted and sheltered, as well as measures to be adopted for the effective detection of persons entitled to international protection, underage immigrants and the victims of human trafficking.

Victims of human trafficking

The need to improve statistic data on human trafficking in Spain is one of the Ombudsman's concerns. Progress has been acknowledged in the matter, as collected data include a breakdown by sex, nationality and type of trafficking. However, there are still huge discrepancies between official data provided by the Centre of Intelligence to Fight Terrorism and Organised Crime and the General Public Prosecutor's Office.

The Ombudsman considers that more cooperation and collaboration is necessary amongst the various authorities with competencies in the matter, and that measures to improve victim identification procedures should be prioritized.

Electricity

The regulatory framework still does not guarantee electricity supply, required by Spain's social reality and constitutional requirements. Many households still suffer energy poverty, or need to make an economic sacrifice to the detriment of other basic needs, such as water, food, clothes or housing, in order to pay their electricity bills.

Nevertheless, the Ombudsman believes it is positive that work has commenced to draw up a **National Strategy to Fight Energy Poverty**, announced in Royal Decree-Law 15/2018, on urgent measures for an energy transition and consumer protection. One of its most relevant measures is **cancellation of the electricity self-consumption toll fee**, which the Office has been insisting upon.

Steps continued over 2018 to ensure that social vouchers were adequately regulated and applied, in order to reach all potential beneficiaries. In the Ombudsman's opinion, adequate operation of the social voucher system will not be possible unless all administrations are actively involved, not just pertaining to the State but also in each region and town council.

"Ex officio" measures have also been taken to promote measures towards **adequate consumer awareness**. One of these measures seeks to inform citizens as to whether their contracted electricity supply is on the free or regulated market.

Als

Also of interest, "ex officio" and currently underway, are steps to fight **deceitful commercial practices for a change of distributor**, based on individual complaints (particularly from the elderly) of people misled, or even deceived, by practices encouraging them to contract detrimental terms of supply.

Tax

Personal Income Tax (**IRPF**) was the one generating the most problems in 2018, along with taxes on the increased value of urban land (**Municipal Capital Gains**) and **Stamp Duty** (IAJD).

Thus, complaints were received from citizens who find it difficult to confirm that a property they own is their regular residence. This is why the Ombudsman repeated its recommendation to the Spanish Tax Authorities (AEAT), for more leniency and the need for an open-ended list of evidence that taxpayers may submit. In addition, the Office is currently involved in several proceedings to ensure that all taxpayers, upon request, may receive AEAT assistance when filing their IRPF statement.

In turn, in 2018, the Office filed an "ex officio" complaint to find out how the IRPF exemption would be applied to maternity benefits, and requested information from the Tax Authorities when such maternity benefits were denied to a male-only married couple. Furthermore, it made a suggestion for a woman- who had been unfairly dismissed and later reinstated by the court- not to lose her maternity deduction during the period transpiring between her dismissal and reinstatement at work.

As regards Municipal Capital Gains, following a Constitutional Court ruling that repeals two articles of the Local Finance Act and provides that this tax is not payable if property is sold at a loss, many complaints have been received due to a lack of legal certainty on tax obligations. Given the number of disputes this tax is generating amongst citizens and local entities, it is indispensable, in the Ombudsman's opinion, that the Legislative Power amend the Act in order to adapt it to the Constitutional Court's judgment. This is why he reiterated the recommendations made in 2015.

Financial services

Of interest are the steps taken to combat a lack of response from the **Claims Department of the Bank of Spain and Investor's Office of the Spanish Securities Market Commission (CNMV)**, to claims brought against financial institutions. The

Office followed up on the recommendations and notices made by the Bank of Spain to financial institutions, to improve Customer Assistance, and about the draft bill regulating the out-of-court settlement of financial customer disputes. Along these lines, the Ombudsman recommended that out-of-court solutions be considered for investors harmed by the sale of Banco Popular.

As regards customers affected by **floor clauses**, although Royal Decree-Law 1/2017, of 20 January, on urgent measures for consumer protection in floor clause matters, was demanding that credit institutions create a flexible system to return amounts unduly received, some financial institutions did not reply to their customers' claims.

For the Ombudsman, an out-of-court claim may be voluntarily filed by consumers but all banks are obliged to reply. If banks are required to handle all claims, then they must process client claims and issue an acceptance or dismissal.

Justice

The **slowness of the justice system** is a matter that particularly concerns citizens. This is why the Ombudsman has analysed all complaints related to court delay and has issued proposals in an attempt to improve the current judicial system. Thus, the Office recalled in its annual report that a court procedure is just one of the means available to settle legal disputes and considers that the public powers should encourage the appropriate regulation of other out-of-court settlement systems. The Ombudsman advocates greater mediation, arbitration and conciliation as instruments for the out-of-court settlement of disputes.

In turn, the General Council of the Judiciary (CGPJ) has reported structural difficulties in many jurisdictional bodies: excessive workload, insufficient staff, ignored proposals to create other bodies, etc. Consequently, the Ombudsman considers it necessary to revisit the demarcation and size of the judicial staff in order to cover new needs, establishing the necessary priorities further to a multi-year plan for the creation of new bodies.

Recently, the CGPJ and Ministry of Justice have signed a protocol to approve non-structural reinforcement measures each month. The Ombudsman has positively appraised this protocol and considers that it may be extended to Regions managing staff at the service of the Administration of Justice.

In order to reactivate current investigations on the “**stolen babies**” cases, a drama affecting thousands of people in Spain, in 2018 the Ombudsman made recommendations to the Ministry of Justice, Home Office and Ministry of Employment, Migration and Social Security and to the General Public Prosecutor's Office to speed up investigation processes and to forward petitions received from victims associations.

Prisons

The Ombudsman considers that the primary duty of the Prison Administration is to preserve prisoner life and integrity, which is why it pays particular attention to deaths and abuse. In 2018, 40 “ex officio” cases were initiated for prison deaths.

Once again this year, the transfer of **prison healthcare** to regional healthcare services is still pending. Furthermore, during 2018, the healthcare provided to detainees took place against the growing lack of own healthcare staff and the absence of agreements with regional healthcare services. The Ombudsman considers that until the transfer process materialises, regional agreements should be renewed to ensure greater legal certainty and guaranteed assistance.

In 2018, a study was conducted on **mentally disabled** prisoners. When completing this work, the three existing modules or special departments were visited (Segovia, Estremera and Quatre Camins) and two discussion meetings held with experts in the matter.

The Ombudsman has recommended regulatory changes to improve this group’s situation. Thus, he has asked to consider introducing into the Spanish Criminal Code the possibility of transforming deprivation of freedom into security measures, for inadvertent mental disability, and has advocated allowing Prison Regulations to adequately regulate special departments for the mentally disabled.

In turn, he has recommended that new areas be specifically designed for mentally disabled prisoners, which are currently insufficient, and has claimed more training for the staff handling these inmates.

Environment

The **noise** generated by all kinds of transport traffic and/or leisure, food & drink establishments or public shows, was the main object of the complaints received. Citizens consider that the Administration does not act speedily and decisively in cases of noise pollution.

The Ombudsman intervened last year in matters related to atmospheric pollution generated by road traffic in large cities, industrial pollution in certain areas of Spain, and the **pollution** caused by industrial port activities, basically related to the outdoor storage of bulk cargo. In the Office’s opinion, the measures applied to combat this type of pollution are not always well understood or sufficiently explained to the population, which is why the Public Administration should make an effort to reverse this situation.

Over-exploitation of the Doñana aquifer, forest fires or the legal regime of invasive exotic species, were also examined by the Office.

Thus, the Ombudsman has analysed the information sent by the Ministry of Agriculture and Spain’s Regions, as part of an “ex officio” procedure to find out if the Administration is ready to prevent and combat **forest fires**, with a greater risk in the summer months. Based on official statistics, north-western Spain is the area where most fires take place and where the most damage is caused, particularly in Galicia,

Asturias and northern León. Amongst the consequences of these fires is basically climate change and rural depopulation.

Although nearly all Regions have forest fire-protection plans in place, their structure, content and terminology are not homogenous and there is also a lack of coordination as regards information on collaboration agreements to fight forest fires, signed amongst the various Administrations.

In turn, the new regulations passed in **invasive exotic species** matters triggered a suggestion to the Ministry of Ecological Transition to amend the royal decree regulating the Spanish Catalogue of this type of species, seeking to better protect autochthonous animals and plants and processes to consult interested parties (including non-governmental organisations) and to provide public information.

Public service

In 2018, public job vacancies have been normalised in order to ensure that the number of persons providing services in the Public Administration do not continue to spiral downward, as has been the case in previous years. The Ombudsman considers that this normalisation is a positive thing, but recalls that Spain is the third EU state with the oldest public staff, which is why, in the next few years, the Public Administration requires huge organisational effort to guarantee that budgetary targets do not affect the quality of public services.

Complaints were received claiming transparency in selection processes, particularly in relation to exam sittings by other candidates and the court's valuation criteria, as well as the right to obtain a copy of the question leaflets of the exams held.

The Office considers that the publicity of exam questions should follow the general principle of transparency in all administrative activities. This is why the Office has insisted to the examining administrations that the necessary measures be adopted to allow candidates to keep or access the leaflets containing their exam questions, in similar terms to the published template used to correct these exams.

DEMOGRAPHIC CRISIS

Last year, in addition to the management report the Office submits on an annual basis, the Ombudsman provided Parliament with another volume, examining the consequences of the economic crisis in Spain's society. In 2018, Fernández Marugán has wished to highlight another issue of great concern: the current demographic crisis in Spain and the effects it may have in the near future.

The study reflects on various events that have triggered a demographic crisis; in the Ombudsman's opinion, "we need to start acting to avoid a detrimental impact on society".

Fernández Marugán has pointed out Spain's **reduced fertility** and has advised that although measures have been taken to ensure a balance between work and family life, women are still bearing most household chores.

He also considered as positive **the low levels currently registered in child mortality** rates, and the fact that **life expectancy** in Spain's society is one of the **longest** in the world. Due to these positive factors, Spain today has an aged population, which is why the Ombudsman is demanding that the Administration adopt public policies to adapt to this new reality.

Fernández Marugán has also referred to **pensions**. The study points out the impact that the economic crisis had on the Social Security System, and is requesting that the system be reformed, particularly as regards its funding; the greatest possible consensus should always be reached, as "this is an issue that affects us all".

The Ombudsman has also highlighted the "worrying" **depopulation of part of Spain**. In his opinion, an inequality gap is arising with citizens residing in these areas, which is incompatible with constitutional principles of solidarity and equality. "First and second-class citizens should not be allowed. The problem of an "empty Spain" must be confronted for what it is, a matter of rights and freedoms", he concluded.

Finally, Fernández Marugán pointed out the **positive impact of migration** to fight depopulation and believes it is indispensable to welcome immigrants as a structural part of Spain's population, consolidated in territorial and social terms.

In his opinion, "immigration laws do not seem to have taken into account the importance of migration in Spain's reality". Thus, he pointed out that "the difficulties to access legal documented status, the ease with which migrant workers may subsequently become illegal or the requirements imposed to bring their relatives to Spain, are just some examples of this chasm between the laws regulating Spain's migration and what actually happens". For the Ombudsman, immigration laws must be harmonised with the job market".

Fernández Marugán, who has pointed out the "open and supportive" attitude generally shown by Spanish society towards new foreign arrivals, considers that "the fact that immigration has not become a weapon for political confrontation does not exclude the fact that, over the last few months, certain signs have become apparent as a cause for concern".

This is why, in order to curtail xenophobia, he considers that Spain's institutions should continue proposing that the European Union adopt a supportive approach to the matter. Thus, he advocates a proposal for joint action in Europe, articulating a cooperation policy as part of a greater strategy to promote development in Africa.