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**Impact of the Economic Crisis on the Rights
of Persons with Disabilities in SPAIN**

by

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General Conditions for Accessing Disability Benefits



A modification to
**“The Dependent Care Act
39/2006”**,
the Spanish most important
Act regarding this issue,
was published last
31st December, 2011.

This Spanish Act included that the effectiveness of the right to the benefits would be provided progressively, according to a defined calendar starting from 1st January, 2007.

Each year, the benefits would be provided to the people with disabilities starting in 2007 and finishing in 2014, but now, this interval of time has been extended one year further, at least.

This Act states a minimum of services that must be provided by the Spanish Autonomous Regions, but some of them such as the ones dedicated to prevention and the ones dedicated to night cares are not available yet, even though this Act was drawn up in 2006.

Decrease in Disability benefits:

In Spain, the actual benefits are not provided by the Government which has transferred the legal capacity to its Autonomous Regions and because of this, people with disabilities do not receive the same assistance depending on their place of residence. Each Region has its own legislation.



For example, in the Region of Madrid, the annual benefits under the name of “Benefits for the Promotion of Personal Autonomy and Promotion of Accessibility for People with Disabilities” are supposed to be received in the first quarter of the year. In fact, during 2009 they were provided in May, in 2010 in August, and in 2011 in June.

Besides, these benefits are provided until the funding determined for the year is used up.

Also in Madrid there used to exist benefits under the name of “Housing Benefits”, that during 2011 were not given any longer.

A tragic example is The Region of Castille La Mancha where in 2011 the benefits were cut completely.

Something fair about these benefits is the fact that the personal income does count for the distribution.

In the beginning of February 2012 the cuts in mobility already started, as for example in Madrid where we used to have “Transport benefits” for people with reduced mobility.

For example, if a person with disability has been granted the possibility of having a place in a Home, then this person will not have access to the benefits of adapted transport.

Taking a taxi for people with disabilities is very expensive, because only some vehicles are adapted and when they reach the person, the taxi has already covered a long distance. Considering this fact, the cuts in this kind of benefits are aggressive for people with disabilities as they make more difficult for them to go outside their houses.

On the other hand, the Region of Madrid has created a blue card for people with disabilities to use public transport at a very low price. It is possible to get it if your income is not superior to 1500 € per month.

Spain has 17 Autonomous Regions



24st April, 2012:

**The BOE (Boletín Oficial de Estado
= Official State Gazette)
publishes the Real Decreto-Ley 16/2012
(Royal Decree-Law) that regulates the
health-care budget cuts for to guarantee
the sustainability of the National Health
System
with the aim to save 7.000.000 Euros.**

1st and general crisis measure:

BOE , 25th April, 2012 – starting from 1st July , 2012:

Pharmaceutical co-payment:

Before 30th June, the Autonomous Regions have to adapt themselves to the co-payment according to each person's income.

Active persons:

income 100.000 € or more p/year pay **60%**

income from 18.000 to 100.000 €: pay **50 %**

income lower than 18.000 €: pay **40%** of the medicine prices

Pensioners:

Income less than 18.000 € will pay **10%**, **limit per month: 8 €**

Income from 18.000 € to 100.000, **limit per month: 18 €**

Income higher than 100.000 €, **limit per month; 60 €.**



However:

The decree-law **most directly affects the persons with a physical disabilities** who need external prosthesis (wheelchairs, orthopedic devices for standing up and “walking”, artificial legs, etc.

for which the co-payment will be the same as for the medicines.

There is a catalogue in Spain that provides the

orthoprosthesis material

to which people with disabilities have access depending on their personal situation.

Except for 8 Autonomous Regions which included some things, **this catalogue has not been updated since the year 2000**, which means that the benefits that it states are usually very small considering the actual prices.

Only 3 have pay 100% of the product's price: Andalusia, Catalonia and Galicia.

CERMI (The Spanish Representative Committee of people with disabilities) **is fighting for this aim**, but yet there is no new catalogue.

Besides, this catalogue does not keep in mind the income of the people with disabilities and therefore pays the same amount of money to everyone.

It is necessary to point out that these benefits are being paid with at least a year and a half behind schedule.



Crisis measure:

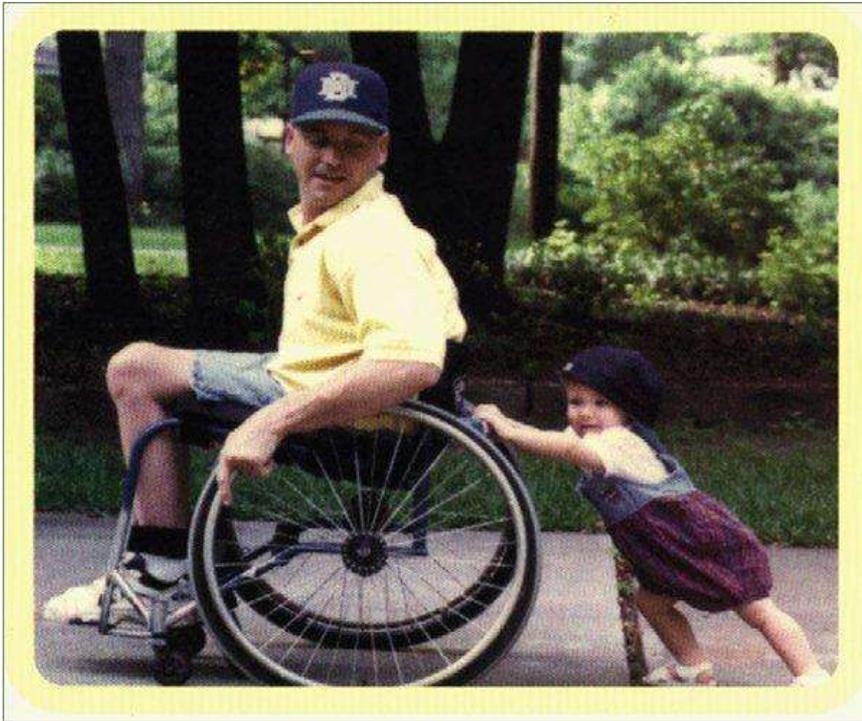
BOE , 25th April, 2012 – starting from 1st July , 2012:

Mobile prosthesis and not urgent sanitary transport:

The users of the Public Health System **must pay part of it (splints, crutches, wheel chairs).**

Dietary products and not urgent sanitary transports are considered as “supplementary services” and are subject to a payment contribution.

The percentage of the contribution “ is subject to the same regulations as the pharmaceutical allowance and for its calculation the final price of the product is taken as a starting point and there is no limit of quantity of this contribution.



Rosa Fernández, the Technical Secretary of the Spanish Federation of Orthotists and Prosthetists says:

“you cannot compare an aspirin box with a wheelchair and you don’t buy a wheelchair for the rest of your life.

So, instead of getting better we are getting worse.”

The orthoprosthesis devices are not the main part of the costs. About 400 artificial legs and around 150 artificial arms are sold per year in Spain.

However: the number of the much more expensive **wheelchairs** rises to several thousands per year.

It is well known that people with spinal cord injury should stand

up or “walk” for a while every day. The orthopedic devices, however, are expensive and therefore often not considered necessary by them.

Concerning their wheelchairs, however, they prefer small and light ones, which are a lot more expensive.

Young people claim modern and aesthetic prothesis.

A study made in Barcelona 5 years ago estimated that a person with disability, in order to live a normalized life with regard to the general population, needs per year 27.000 € more.



It's mainly the family that helps to support the well-being of its handicapped member in this crisis.

- The active population with any kind of disability is not very high.
- Out of 1.48 million affected persons in labour age, only 526.000 are prepared to work, according to the last inquiry made by the INE (Spanish Employment Institute).
- Unemployment affects them to a larger extent than the general population.

Therefore:

The new decree-law mostly affects the persons with physical disabilities, since the new measures for the pharmaceutical co-payment are valid for everybody.



Specific examples of financial contribution according to the orthoprosthesis catalogue :

Steel wheelchair: **300 €** (24 months)

Wheelchair with equipment for persons with cerebral palsy:
2.500 € (36 months)

Walking device for SCI: **3.500 €**
(36 months)

Protective cushion for SCI: **70-320 €**
(6 months)

Measures taken by the Government to reduce funding for job inclusion and training for persons with disabilities:

In Spain it is stated by law that a minimum of 2% of the staff in a private company and a minimum of 5% in the Public Administration must be reserved for people with disabilities.

What is happening lately is that there are no new contracts and no new public exams, so these figures are not being reached.

There were cuts in employment benefits that affected persons with disabilities:

On 10th February, there was a modification in the Spanish Regulation of Employment. These changes affect directly both people with and without disabilities.

The most important fact is that the measures for job inclusion for people with disabilities adopted the 31st of October of 2011 disappeared again, so these new advantages only existed for less than 3 months. Considering that, in fact, until the Autonomous Regions did not develop the way to implement those measures nobody could ask for them, and since no Region had yet done that, we can say that the mentioned “new” measures for people with disabilities have never existed in Spain.

Allowances for families and spouses/partners that provide care for adults and children with disabilities:

The benefits are being extended for at least one year further than what was thought in 2006.

On the other hand, in Madrid there is a municipal programme since 2004 for carers and families, which has not been removed.

Since 2004 this program has had a participation of 2500 people.

But again, this depends on the Autonomous Regions.



Up to here the information concerning the present situation for persons with disabilities in Spain.

There are quite a few other “crisis measures”, i.e. budget cuts in the Public Health Care System, just to give you another example about one of them:

Tecnologies and techniques that are not sufficiently proved as an efficient prevention measure, diagnosis, treatment, rehabilitation and recovery from illness , upkeep or improvement of the life expectancy, autonomy and elimination of pain and suffering.

You see, times will not become easier, but we will not give up!!

Thank you for your attention!