



# European Semester 2022-2023 country fiche on disability equality

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# European Semester 2022-2023 country fiche on disability equality

With comparative data Annex provided by EDE

## Spain

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European Disability Expertise (EDE) provides independent scientific support to the Commission's policy unit responsible for disability issues. It aims to mainstream disability equality in EU policy processes, including implementation of the United Nations Convention on the Rights of Persons with Disabilities.

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<sup>1</sup> For an introduction to the Semester process, see:  
<https://www.consilium.europa.eu/en/policies/european-semester/how-european-semester-works/>.

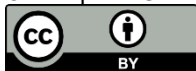
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## **1 Executive summary and recommendations**

### **1.1 Key points and main challenges for Spain in 2022**

#### **Disability and the labour market**

The employment rate of persons with disabilities is three times lower than that of persons without disabilities. The activity rate for persons with disabilities remains low as the inactivity rate remains very high. Women and those in rural areas are even more disadvantaged. Hiring of persons with disabilities has been negatively affected by the COVID-19 crisis, and there are more long-term unemployed people in this population group. They are typically hired under temporary contracts. More efforts should be made to detect non-compliance with job reservations laws for workers with disabilities in the ordinary market. Current reforms of the labour market that penalise temporary hiring may have a positive impact in this population group. New business opportunities in the care sector, the digital economy and in ecological transformation should be promoted.

#### **Disability, social policies and healthcare**

The pandemic and the war in Ukraine have negatively impacted the social situation of disadvantaged groups, such as those with disabilities. Older women with disabilities are more likely to be institutionalised. Accessibility issues persist, so accessible and affordable housing and environments should be promoted. More efforts should be made to recognise the dependency experienced by persons with disabilities and to provide related benefits. Violence and discrimination are also threats, especially among women with disabilities. Social benefits to compensate for the additional costs of disability should be implemented. The disability perspective should be incorporated into laws, regulations and studies, to make the situation of persons with disabilities more visible. Personal services and supports to access rights and participation in the community should be reinforced. Ensuring universal accessibility and healthcare services for all, in particular in rural areas and for women with disabilities, is needed. Mechanisms that respect the will, autonomy and informed consent of persons with disabilities must be implemented.

#### **Disability, education and skills**

There is a high percentage of early school leavers for persons with disabilities. They also have lower graduation rates from vocational training, tertiary studies and adult education. The percentage of students with disability in mainstream schools should be increased. Inclusive education must be guaranteed and bullying and discrimination due to disability must be prosecuted. More vocational training activities should be developed for this population.

#### **Investment priorities for inclusion and accessibility**

Inclusion at an early age should be ensured through the reinforcement of inclusive education and the assessment and control of exclusionary, discriminatory and / or harassment practices based on disability. Inclusion at working age should be promoted through strict monitoring of compliance with quotas for employment and in public competitions. Inclusion of dependent elderly people should focus on deinstitutionalisation and quality control of services in institutionalised services. To achieve all this, measures must be strengthened to guarantee accessibility (physical, architectural, urban and cognitive) inside and outside the home.

## 1.2 Recommendations for Spain

These recommendations are based on the evidence and analysis presented in the following chapters of our report and are along the same lines as the proposals included in the 2021 report. They also include a recommendation related to the social and economic emergency in which we find ourselves.

**Recommendation:** Fight against poverty in general and energy poverty in particular among vulnerable groups such as persons with disabilities. Efficient management of the provision of emergency aid in the coming months.

**Rationale:** The Country Specific Recommendation (CSR) underlines a need for ‘targeted support to households most vulnerable to energy price hikes’. Persons with disabilities are significantly overrepresented in this category due to both their increased risk of household poverty and the additional costs of living with disability.

**Recommendation:** Promote, support and monitor high-quality vocational training programmes, within the Recovery and Resilience Plan (RRP) framework, aimed at ‘sources of employment’ (e.g. green and circular economy) for students with disabilities.

**Rationale:** Early school leaving rates are very high in Spain. This situation is even worse for students with disabilities. Vocational training offers opportunities for inclusive education and for improving employability, which is aligned with international (e.g. UN Convention on the Rights of Persons with Disabilities (CRPD)) and national (e.g. Spanish Disability Strategy (SDS)) recommendations.

**Recommendation:** Ensure and monitor quality of healthcare and social services for dependent and disabled populations and promote deinstitutionalisation.

**Rationale:** Exclusion is multidimensional in nature. Quality requires alignment with principles of inclusion and quality of life. Consequently, it is associated with deinstitutionalisation, normalisation, removal of barriers, protection and ongoing monitoring. The UN CRPD, the RRP and the SDS provide the bases for these actions.

**Recommendation:** Promote sustainable, inclusive employment initiatives focused on the green and circular economy for persons with disabilities.

**Rationale:** The RRP provides support to promote the reconversion of centres with medium and long-term viability problems into circular economy centres.

## **2 Mainstreaming disability equality in the 2022 Semester documents**

### **2.1 Country Report (CR) and Country Specific Recommendation (CSR)**

The following key points highlight where a disability perspective was considered, or should be considered, in the CR/CSR. We address the most relevant of these in the next chapters.

The CR for Spain mentions (p. 50) that the share of people at risk of poverty or social exclusion (AROPE) remains among the highest in the EU and that the COVID-19 crisis further affected social cohesion. Persons with disabilities are considered a group particularly at risk. Meanwhile, social expenditure is rather oriented towards the older generations and social transfers (p. 50).

According to the Social Scoreboard (updated of 29 April 2022) by which Member States are classified, the disability employment gap ratio in Spain was above the average (see CR for Spain, p. 49).

In the CSR there is no specific mention of persons with disabilities. However, it is stated that the impact of the Russian invasion of Ukraine on Member States' economies has been felt through higher energy and food prices and weaker growth prospects. The higher energy prices weigh particularly on the most vulnerable households experiencing or at risk of energy poverty (p. 2). Therefore, it is recommended that targeted support to households be provided to those most vulnerable to energy price hikes who are experiencing or are at risk of energy poverty.

The CSR recommends deploying additional energy efficient social and affordable housing, to address the green transition and support vulnerable households.

Additional recommendations where a disability perspective should be considered are:

- proceeding with the implementation of the Recovery and Resilience Plan (RRP); and
- increasing recycling rates and promoting the circular economy.

Those recommendations can be opportunities for persons with disabilities.

### **2.2 National Reform Programme (NRP) and Recovery and Resilience Plan (RRP)**

The following key points highlight where the situation of persons with disabilities or disability policies is relevant to the NRP/RRP. We analyse the most relevant of these in the next sections.

The NRP mentions that the implementation began in 2022 of Royal Decree 42/2022 of 18 January,<sup>2</sup> which regulates the housing rental voucher for young people and the State Plan for access to housing 2022-2025, and which regulates aid programmes aimed at persons with disabilities, among other groups.

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<sup>2</sup> Available at: <https://www.boe.es/boe/dias/2022/01/19/pdfs/BOE-A-2022-802.pdf>.



The NRP mentions that the General State Administration has implemented several measures to promote the principles of the European Pillar of Social Rights, which complement those implemented by the Autonomous Communities and Local Entities within the scope of their competences. Some of the measures directly related to persons with disabilities are:

- Law 8/2021 of 2 June<sup>3</sup> on reforming civil and procedural legislation to support persons with disabilities in the exercise of their legal capacity;
- Royal Decree 368/2021 of 25 May<sup>4</sup> on positive action measures to promote access to employment for people with limited intellectual capacity;
- Law 6/2022 of 31 March,<sup>5</sup> amending the Consolidated Text of the General Law on the Rights of Persons with Disabilities and their Social Inclusion.

Additional measures relate to long-term care, more specifically:

- Order DSA/1199/2021 of 4 November<sup>6</sup> establishing the regulatory base and subsidies for the implementation of innovation projects in the prevention of institutionalisation, social exclusion and deinstitutionalisation and the development of community support services in the field of long-term care.

At regional level, the NRP mentions several initiatives aimed at persons with disabilities, such as a new model of social and vocational skills training services aimed at persons with disabilities in Castilla-La Mancha<sup>7</sup> and Catalonia has a pact for the rights of persons with disabilities. Mention is also made of actions in the Basque Country to promote the integration of persons with disabilities into the labour market in special employment centres. The importance of promoting the new Spanish Social Economy Strategy 2022-2030 is also highlighted as a way of favouring the labour and social inclusion of persons with disabilities.

The NRP also points out the contribution of the components of the Recovery Plan to the European Pillar of Social Rights and how Axis III, and more specifically the section on inclusion of persons with disabilities, is taken into account in the 'Shock Plan for sustainable, safe and connected mobility in urban and metropolitan environments'<sup>8</sup> and the 'Shock Plan for the care economy and the reinforcement of inclusion policies',<sup>9</sup> as well as in the 'New public policies for an inclusive market', the 'New public policies for an inclusive economy and strengthening inclusion policies' and the 'New public policies for a dynamic, resilient and inclusive labour market'.<sup>10</sup>

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<sup>3</sup> Available at: <https://www.boe.es/buscar/pdf/2021/BOE-A-2021-9233-consolidado.pdf>.

<sup>4</sup> Available at: <https://www.boe.es/boe/dias/2021/05/26/pdfs/BOE-A-2021-8749.pdf>.

<sup>5</sup> Available at: <https://www.boe.es/boe/dias/2022/04/01/pdfs/BOE-A-2022-5140.pdf>.

<sup>6</sup> Available at: <https://www.boe.es/boe/dias/2021/11/05/pdfs/BOE-A-2021-18129.pdf>.

<sup>7</sup> More information available at: [https://fondosestructurales.castillalamancha.es/sites/fondosestructurales.castillalamancha.es/files/2019\\_bbpp\\_eje2\\_centrosatpersdiscp.pdf](https://fondosestructurales.castillalamancha.es/sites/fondosestructurales.castillalamancha.es/files/2019_bbpp_eje2_centrosatpersdiscp.pdf).

<sup>8</sup> Available at: [https://cdn.mitma.gob.es/portal-web-drupal/prtr/documentos/16062021-Componente1\\_V2.pdf](https://cdn.mitma.gob.es/portal-web-drupal/prtr/documentos/16062021-Componente1_V2.pdf).

<sup>9</sup> Available at: <https://www.lamoncloa.gob.es/temas/fondos-recuperacion/Documents/16062021-Componente22.pdf>.

<sup>10</sup> Available at: <https://www.lamoncloa.gob.es/temas/fondos-recuperacion/Documents/16062021-Componente23.pdf>.

The Recovery, Transformation and Resilience Plan (RRP) of 29 April 2021<sup>11</sup> includes four main axes: (1) ecological transition, (2) digital transformation, (3) social and territorial cohesion and (4) gender equality. Although the RRP does not specifically mention persons with disabilities or vulnerable groups, the term ‘inclusive’ is used as a principle for the implementation of the different actions.

The Plan also sets out 10 lever policies, which should include measures for persons with disabilities:

1. Fight against depopulation, which is a key to guaranteeing physical accessibility and access to services in rural areas, under the same conditions as in urban areas.
2. Resilient infrastructures and ecosystems, which must also be accessible.
3. Energy transition, with measures aimed at preventing energy poverty and guaranteeing ecological transition for vulnerable groups.
4. Modern administration, where access to and use of technologies is truly inclusive.
5. Modernisation and digitisation of companies, recovery of tourism and promotion of entrepreneurship with specific aid for entrepreneurs with disabilities.
6. Reinforcement of the National Health System, guaranteeing the same services and aid throughout the country, especially for persons with disabilities in a situation of dependency.
7. Quality training at the different levels of the education system and in lifelong learning, with an educational offer in line with current employment opportunities and with measures aimed at financing access to learning technologies for vulnerable groups.
8. Care and employment with adequate funding for dependency and disability throughout the life cycle and with fair and inclusive active employment policies.
9. Promoting culture and sport and guaranteeing their universal accessibility.
10. Inclusive and sustainable tax system.

These ten lever policies include, in turn, 30 components or lines of action which provide the framework for the implementation of disability policies and actions.

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<sup>11</sup> Available at: <https://www.boe.es/boe/dias/2021/04/30/pdfs/BOE-A-2021-7053.pdf>.

### **2.3 Semester links to CRPD and national disability action plans**

It is important that Semester plans align with national disability strategy. In Spain, this refers to the Spanish Disability Strategy 2022-2030. In 2019, the UN Committee recommended Spain's adoption of an Action Plan for the previous 2014-2020 disability strategy. A new Spanish Disability Strategy 2022-2030 was approved in May 2022.<sup>12</sup> This addresses seven strategic challenges: (1) Active citizenship and full exercise of human rights; (2) Social inclusion and participation; (3) Personal autonomy and independent living; (4) Support for families; (5) Equality and diversity; (6) Universal design and accessibility; and (7) Territorial cohesion, data and statistics, governance and civil dialogue, leadership and cooperation, innovation and digitisation, and sustainable development. However, this national action plan is not mentioned in the 2022 NRP.

Relevant recommendations arising from participation in the United Nations Convention on the Rights of Persons with Disabilities (CRPD) are highlighted in the following chapters. The last UN CRPD Committee recommendations to Spain were in 2019 with the most recent submission by Spain in 2018 and the most recent response from the Committee being the 2019 Concluding Observations.

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<sup>12</sup> Available at: [https://www.mdsocialesa2030.gob.es/derechos-sociales/discapacidad/docs/Estrategia\\_Espanola\\_Discapacidad\\_2022\\_2030.pdf](https://www.mdsocialesa2030.gob.es/derechos-sociales/discapacidad/docs/Estrategia_Espanola_Discapacidad_2022_2030.pdf).

### 3 Disability and the labour market – analysis of the situation and the effectiveness of policies

In 2019, the UN CRPD Committee made the following recommendations to Spain:

[Article 27 UN CRPD](#) addresses 'Work and employment'.

'46. The Committee recommends that the State party develop open and advanced programmes to increase employment opportunities for women and men with disabilities.'

The most recent CRPD development is the 2019 Concluding Observations responding to the State's submission in 2018.

#### 3.1 Summary of the labour market situation of persons with disabilities

According to the Social Scoreboard indicator, cited in the Semester package, the disability employment gap in Spain is considered 'Better than average'.

Data from EU-SILC indicate an employment rate for persons with disabilities in Spain of 46.4 % in 2020, compared to 67.9 % for other persons. This results in an estimated disability employment gap of approximately 22 percentage points (estimated EU27 average gap is 24.5, see Tables 2-4) or an employment chances ratio of 0.7. Statistics published on the Eurostat database indicate a disability employment gap of 21.6 percentage points in 2020, using a slightly different methodology, but falling significantly to 15.9 points in 2021. It is important to note that while the employment gap narrowed to 12.8 for people classified as having some disability, the gap increased to 31.9 for people classified as having a severe disability.<sup>13</sup> The latter development in the indicator may require some caution or clarification in interpretation.

The same data indicate unemployment rates of 28.4 % and 18.9 % respectively in 2020 (see Tables 5-7) while the economic activity rate for persons with disabilities in Spain was 64.8 %, compared to 83.7 % for other persons (see Tables 8-10). These indications are broken down by gender and age in the respective tables in the Annex.

Due to the impact of the COVID-19 crisis on employment in 2020-2021, some caution is needed when interpreting trend data.

Concerning working-age persons with a disability certificate and their employment situation in Spain, and according to the Labour Force Survey, most persons with disabilities are part of the inactive population. Employment rates are much lower and unemployment rates are higher than the existing rates for persons without disabilities. Women and the youngest adults with disabilities are the most disadvantaged group.

Generally speaking, Spain is facing several issues that could have a negative impact on persons with disabilities. Thus, according to the 'Situation and outlook for the

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<sup>13</sup> Eurostat, Disability employment gap by level of activity limitation and sex (source EU-SILC), 2022, [https://ec.europa.eu/eurostat/databrowser/view/hlth\\_dlm200/default/table](https://ec.europa.eu/eurostat/databrowser/view/hlth_dlm200/default/table).

Spanish economy in 3Q22<sup>14</sup> (pp. 2-4), the GDP growth forecast for 2022 is maintained at 4.1 % but revised downwards from 3.3 % to 1.8 % in 2023. Household spending has been negatively affected. Low growth in productivity levels per worker persists. After the labour reform, job creation may be continuing but with a lower intensity of hours worked. Changes in regulations are reducing the weight of temporary employment. The main risk moving forward is now inflation. Both access to Next Generation EU (NGEU) funds and the stability of the cost of financing the Spanish economy could be jeopardised if the reforms agreed so far are not complied with.

The annual change in the Consumer Prices Index (CPI) as of August 2022 stands at 10.4 %. The annual rate of the leading indicator of core inflation increased by 0.3 percentage points to 6.4 %.

The *Disability labour market report 2022* (data from 2021)<sup>15</sup> shows that the majority of people with a disability certificate are part of the inactive population (65.66 %). Their activity rate is 34.3%, compared to the activity rate of 77.7% for non-disabled people, which is more than double. This differs somewhat from the headline estimates using EU-SILC data, which are based on a wider definition of disability and a slightly narrower age range.

If a person with disabilities is working, the typical profile is that of a worker in the services sector, performing jobs belonging to the elementary occupations group, as a salaried worker in a private company, with a temporary contract and full-time working hours. The main activities in which they are hired are related to services to buildings and gardening activities, office administration and other activities auxiliary to business. With regard to the interprovincial mobility of hiring, this group has a much lower mobility rate than the rest of the population.

While 6.3 % of the working age population has a disability certificate in Spain, the total number of such persons hired is 1.59 %.<sup>16</sup> Hiring of persons with disabilities has also been negatively affected by the COVID-19 crisis. Moreover, men with disabilities are hired more than women with disabilities and this gap has widened. This imbalance is greater than that between men and women without disabilities in this group.

The decrease in unemployed persons with disabilities in December 2021, compared to December 2020, was 12.55 %, which is less than the decrease experienced by the unemployed population as a whole, which decreased by 20.12 %. Moreover, there are more long-term unemployed people in this population group. More specifically, the long-term unemployed account for 63.99 % of unemployed persons with disabilities. After falling for five years in a row, their proportion returned to very high levels in 2020, increasing by 11.15 percentage points as a result of the effects of the health crisis (p. 61).

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<sup>14</sup> Report available at: [https://www.bbvaresearch.com/wp-content/uploads/2022/07/Editorial\\_Spain\\_Economic\\_Outlook-3Q22.pdf](https://www.bbvaresearch.com/wp-content/uploads/2022/07/Editorial_Spain_Economic_Outlook-3Q22.pdf).

<sup>15</sup> Available at: [https://www.sepe.es/HomeSepe/dam/SiteSepe/contenidos/que\\_es\\_el\\_sepe/publicaciones/pdf/pdf\\_mercado\\_trabajo/2022/Informe-Mercado-Trabajo-Discapitados-2022-datos2021.pdf](https://www.sepe.es/HomeSepe/dam/SiteSepe/contenidos/que_es_el_sepe/publicaciones/pdf/pdf_mercado_trabajo/2022/Informe-Mercado-Trabajo-Discapitados-2022-datos2021.pdf).

<sup>16</sup> Report available at: [https://www.sepe.es/HomeSepe/dam/SiteSepe/contenidos/que\\_es\\_el\\_sepe/publicaciones/pdf/pdf\\_mercado\\_trabajo/2022/Informe-Mercado-Trabajo-Discapitados-2022-datos2021.pdf](https://www.sepe.es/HomeSepe/dam/SiteSepe/contenidos/que_es_el_sepe/publicaciones/pdf/pdf_mercado_trabajo/2022/Informe-Mercado-Trabajo-Discapitados-2022-datos2021.pdf).

The Spanish Disability Strategy 2022-2030 (SDS)<sup>17</sup> provides relevant data on employment, including data on the current situation as of 2022 (with data mostly from 2020) and a specification of targets to be achieved by 2030. The SDS proposes biennial assessments of progress, as well as a final evaluation. In terms of employment, it indicates that the employment rate of registered persons with disabilities is 34.3 % in contrast to the employment rate of persons without disabilities which is 76.1 %. The target for the year 2030 is that the employment rate for persons with disabilities is 51 % (p. 99). It also points out that the unemployment rate for persons with disabilities is 22.20 % compared to 15.40 % for persons without disabilities. The target for 2030 is to reduce the unemployment rate to 18 %. The long-term unemployment rate is 64.8 % for persons with disabilities and 44.2 % for persons without disabilities. The target for 2030 is to have a long-term unemployment rate of 52 % for persons with disabilities (p. 100). It also aims to increase the percentage of detected non-compliance with job reservations laws for workers with disabilities (p. 101).

### **3.2 Analysis of labour market policies relevant to the Semester**

For reference, see the 2022 National Reform Programme, the Recovery and Resilience Plan for Spain and the Spanish Disability Strategy 2022-2030.

The data set out previously, in addition to those included throughout this document, highlight the disadvantaged situation of persons with disabilities in all the aspects analysed. They also endorse the relevance of the implementation of the Spanish Disability Strategy 2022-2030 (SDS), in order to provide a coordinated and comprehensive response to all these challenges.

In addition, they stress the particularly disadvantaged situation of people in rural areas and especially women. For example, the first lever policy of the RRP mentions the need to guarantee physical accessibility and access to services in rural areas. Furthermore, the recommendations of the UN Committee to Spain include paying more attention to women with disabilities in rural areas. The SDS itself (pp. 40-41, and p. 80) stresses the need to take action on the situation of persons with disabilities in rural areas. All these actions reflect several aspects that studies<sup>18</sup> have been pointing out for years, indicating that a large proportion of older women suffer from a significant lack of services which limits their opportunities for inclusion.

Echoing the difficulties faced by the country, the Royal Decree-Law 32/2021 of 28 December establishes urgent measures for labour reform, a guarantee of employment stability and the transformation of the labour market. This new labour reform changes the contractual arrangements that were in force to date. It reinforces permanent hiring by promoting 'permanent-discontinuous contracts' and penalises temporary hiring, establishing Social Security surcharges for contracts lasting less than 30 days.

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<sup>17</sup> Available at: [https://www.mdsocialesa2030.gob.es/derechos-sociales/discapacidad/docs/Estrategia\\_Espanola\\_Discapacidad\\_2022\\_2030.pdf](https://www.mdsocialesa2030.gob.es/derechos-sociales/discapacidad/docs/Estrategia_Espanola_Discapacidad_2022_2030.pdf).

<sup>18</sup> See reports on 'Persons with disabilities residing in rural areas' (2017), <https://www.observatoriodeladiscapacidad.info/wp-content/uploads/2017/12/DISCAPACIDAD-MEDIO-RURAL-OED.pdf>, and on 'Women and girls with disabilities in rural areas in Spain' (2019), <https://www.observatoriodeladiscapacidad.info/wp-content/uploads/2019/05/OED-MUJERES-CON-DISCAPACIDAD-MEDIO-RURAL.pdf>.

Concerning labour market policies, the SDS mentions action number 23 of the RRP on new public policies for a dynamic, resilient and inclusive labour market, as the framework to review the regulatory framework and update the formulas for access to employment for persons with disabilities through the social economy (i.e. special social initiative employment centres) (p. 61).

The SDS also raises the need to strengthen the mechanisms for inspection and control of compliance with the reserve quota for workers with disabilities when granting aid under the RRP (p. 63).

The SDS mentions the UN recommendations made to Spain in the field of employment and in relation to compliance with the CRPD and stresses the need to continue making legislative and policy changes to promote the employment of persons with disabilities, especially women with disabilities and in rural areas, through mandatory quotas. It also stresses the need to ensure that reasonable accommodation is applied in the workplace, especially in the case of work-related accidents resulting in disability (p. 24). The SDS sets out a series of strategic challenges related to social inclusion and participation which, in the field of employment, focus on: (1) Ensuring compliance with the reserve quota for jobs; (2) Drawing up a White Paper on employment and disability that includes the necessary legislative reforms and accentuates access to ordinary employment; (3) Strengthening access to employment for persons with disabilities through the social economy; (4) Boosting access to public employment and improving the application of the reserve quota; (5) Regulating reasonable accommodation to enable access to and permanence in employment for persons with disabilities and to improve the control and monitoring of situations of discrimination; (6) Promoting new business opportunities, entrepreneurship and self-employment in the care economy, established traditional professions, emerging economic activities in rural areas, opportunities in the digital economy and the ecological transformation (pp. 39-40).

#### **4 Disability, social policies and healthcare – analysis of the situation and the effectiveness of policies**

In 2019, the UN CRPD Committee made the following recommendations to Spain:

[Article 28 UN CRPD](#) addresses ‘Adequate standard of living and social protection’.

‘40. The Committee encourages the State party to ensure that an adequate level of funding is made available to effectively enable persons with disabilities: to enjoy the freedom to choose their residence on an equal basis with others; to access a full range of in-home, residential and other community services for daily life, including personal assistance; and to so enjoy reasonable accommodation so as to better integrate into their communities.’

[Article 19 UN CRPD](#) addresses ‘Living independently in the community’.

‘42. The Committee encourages the State party to expand resources for personal assistants to all persons with disabilities in accordance with their requirements.’

[Article 25 UN CRPD](#) addresses ‘Health’.

‘The Committee encourages the State party to prohibit forced institutionalization and treatment on the grounds of disability, ensure free and informed consent in all procedures; monitor violence and discrimination to which persons with disabilities, particularly women, are exposed; ensure accessibility and availability of health-care services particularly in rural areas; guarantee universal access to sexual and reproductive health-care services.’

The most recent CRPD developments are the 2019 Concluding Observations responding to the State’s submission in 2018.

##### **4.1 Summary of the social situation of persons with disabilities**

The ‘National strategy for the prevention of and fight against poverty and social exclusion 2019-2023’, published before the pandemic,<sup>19</sup> acknowledges the disadvantaged situation of persons with disabilities.

By 2020, 24.4 % of persons with disabilities were at risk of poverty, which is the highest figure in the historical series and much higher than the risk for persons without disabilities. The report, *The state of poverty. Monitoring of the poverty and social exclusion indicators in Spain 2008-2020*,<sup>20</sup> points out that these data mean that the Sustainable Development Goals (SDGs) included in the 2030 Agenda, which aspired to have reduced the poverty rate to 17.2 % for persons with disabilities, are now a long way out of reach. The data can be explained since there are many elderly persons with disabilities who receive a fixed pension. Thus, in times of crisis, incomes fall, which increases the AROPE rate and lowers the poverty threshold, which in turn

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<sup>19</sup> See:

[https://www.eapn.es/ARCHIVO/documentos/noticias/1553262965\\_estrategia\\_prev\\_y\\_lucha\\_pobreza\\_2019-23.pdf](https://www.eapn.es/ARCHIVO/documentos/noticias/1553262965_estrategia_prev_y_lucha_pobreza_2019-23.pdf).

<sup>20</sup> Report available at:

[https://www.eapn.es/estadodepobreza/ARCHIVO/documentos/Informe\\_AROPE\\_2021\\_DIANAS\\_DE\\_LA\\_POBREZA.pdf](https://www.eapn.es/estadodepobreza/ARCHIVO/documentos/Informe_AROPE_2021_DIANAS_DE_LA_POBREZA.pdf).



reduces the poverty rate among pensioners who have a fixed income. On the other hand, when incomes rise, the poverty threshold increases and, therefore, poverty among the general population is reduced, but poverty among the elderly population with disabilities (who are pensioners) increases. As this group is very large, poverty increases for the disabled as a whole (p. 30).

The difference between the income received by persons with disabilities and persons without disabilities has remained practically unchanged since 2016, with a difference of 7.5 % (data to 2020). The data also indicate that persons with disabilities have a much higher risk of poverty and / or exclusion than those without disabilities, and this is not a cyclical issue as it has been the case for more than 10 years (p. 27). The AROPE rate showed a significant increase in 2019 and 2020 and reached 33.8 % in 2020 for persons with disabilities, compared to 23 % for persons without disabilities (p. 27). Regarding women with disabilities, since many are over 65 and, as noted in this report (p. 27), since they mostly receive a fixed pension, their AROPE rate is more sensitive to changes in the poverty threshold. As for men with disabilities over 65, since there are fewer with a fixed pension, their AROPE rate is less stable because there are more young men who are more dependent on the economic situation. This explains why in 2019 men with disabilities had the highest AROPE rate since data have been available (35.9 %) compared to women with disabilities (29.9 %), and it was the largest difference between the sexes since data have been available. In contrast, in 2020, women with disabilities had the highest AROPE rate since 2008 (33.6 %) and both sexes are getting closer (34.1 % for men, in 2020) (p. 28).

The aforementioned document also points out the important weight of the older population in the generation of AROPE rates for persons with disabilities. Thus, although since 2014 the AROPE rate has been rising steadily in the group of persons with disabilities aged 65 and over, the AROPE rate in persons with disabilities aged 18 to 64 has experienced more fluctuations depending on the economic situation. In any case, the AROPE rate for persons with disabilities of working age has always been higher than the AROPE rate for persons with disabilities aged 65 or older (39.6 % vs 26 % in 2020) (p. 29).

It should also be noted that for all types of activity, whether employed, unemployed, or retired, poverty rates among persons with disabilities are much higher than for the rest of the population (p. 31). Therefore, as pointed out in the aforementioned document, work among this population does not save them from poverty either (p. 32). The severe poverty rate for persons with disabilities as of 2020 was 9.6 % compared to 8.2 % for persons without disabilities. In the group of persons with disabilities, there has been a slight but steady increase in this rate since 2008 which, unlike the non-disabled group, does not seem to have improved in recent years, suggesting that a significant percentage of the disabled population lacks adequate social protection (p. 32). Again, these data contradict the goals specified in the 2030 Agenda to halve poverty in all its dimensions, since among persons with disabilities it has not only not been reduced since 2015 but has increased and has not experienced any improvement since 2008.

As for the rate of severe material deprivation, among persons with disabilities it is 9.6 %, a figure four percentage points higher (72 % higher) than that recorded among persons without disabilities (5.6 %) (p. 33). Since 2018, this rate for men has increased

from 7.9 % to 10.5 %, while that for women has risen from 7.3 % to 8.9 %. These differences are explained because there are fewer men with disabilities over the age of 65 who are receiving a pension and, therefore, their income is more dependent on their economic situation. Also, in line with previously reported data, the rate of severe material deprivation in persons with disabilities aged 18 to 64 is 13 %, compared to the rate of severe material deprivation in persons with disabilities aged 65 and over, which is 5 %.

Since 2008, rates have been much higher for persons with disabilities compared to persons without disabilities in items related to consumption, such as delays in mortgage or rent payments (p. 36), delays in the payment of deferred purchases or other loans (p. 36), or in the percentage of people who cannot afford a meal of red meat, chicken or fish at least every two days (p. 37).

The low household employment intensity data is 24 % in persons with disabilities, following an increase in 2019 to 34 %. In persons without disabilities this percentage is 8.2 % and it has been experiencing a reduction since 2014.

In summary, and as the aforementioned report points out (p. 40), the population with disabilities presents an extraordinarily higher AROPE rate, poverty, severe poverty, severe material deprivation and low employment intensity than the rest of the population and these differences are maintained for all years. In addition, 2020 presents the largest gap in the AROPE and poverty rates between the populations with and without disabilities. In this last year, for the population with disabilities, the AROPE, poverty, severe poverty and severe material poverty rates have increased. In addition, the highest figures for AROPE, poverty and severe material poverty were reached in 2020. On the other hand, low employment intensity decreased to pre-crisis levels.

Data from EU-SILC indicate that the poverty risk rate for working age persons with disabilities in Spain was 25.2 % in 2020, compared to 18.8 % for other persons of similar age – an estimated disability poverty gap of approximately 6 percentage points (see Table 14). For people aged over 65, the disability poverty gap was 7.9 points (23.3 % for older persons with disabilities and 15.4 % for other persons of similar age). The tables in the Annex also indicate the respective rates of risk of poverty or social exclusion and break these down by gender as well as age. Recently updated data from Eurostat indicate that this relative risk fell for the working age disabled population (24.6 %) and for the older age group (20.7 %) in 2021.<sup>21</sup>

For persons with disabilities of working age in Spain (aged 18-64) the risk of poverty before social transfers was 48.1 % and 25.19 % after transfers. The in-work poverty rate for persons with disabilities in this age range was 12.4 % in 2020 and 13 % in 2021.<sup>22</sup>

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<sup>21</sup> Eurostat, People at risk of poverty by level of activity limitation, sex and age, 2022, [https://ec.europa.eu/eurostat/databrowser/view/HLTH\\_DPE020\\_custom\\_3348056](https://ec.europa.eu/eurostat/databrowser/view/HLTH_DPE020_custom_3348056).

<sup>22</sup> Eurostat, In-work at-risk-of-poverty rate by level of activity limitation, sex and age, [https://ec.europa.eu/eurostat/databrowser/view/HLTH\\_DPE050\\_custom\\_3501124/default/table](https://ec.europa.eu/eurostat/databrowser/view/HLTH_DPE050_custom_3501124/default/table).

Of interest for health policy are the data on self-reported unmet needs for medical examination (too expensive or too far to travel or waiting list). Disability equality gaps are evident here too and, on this basis, the rate for persons with disabilities in Spain was 0.9 %, compared to 0.3 % for other persons.

According to the European Economic Dashboard<sup>23</sup> which includes COVID-19-related indicators, the unemployment rate, bankruptcy declarations and government debt are much higher in Spain than the average for the EU.

The percentage of the population at risk of poverty or social exclusion has increased to 27.8 % in 2021.<sup>24</sup> We are in a situation of energy, economic, climate and social emergency, as stated in Royal Decree-Law 6/2022 of 29 March,<sup>25</sup> which adopts urgent measures within the framework of the National Response Plan to the economic and social consequences of the war in Ukraine,<sup>26</sup> and which has led to the publication of regulations to regulate prices and thus mitigate the impact of price rises on consumers. Examples of this are Royal Decree-Law 17/2021 of 14 September<sup>27</sup> on urgent measures to mitigate the impact of the escalation of natural gas prices in the retail gas and electricity markets; and Royal Decree-Law 23/2021 of 26 October<sup>28</sup> on urgent energy measures to protect consumers and introduce transparency in the wholesale and retail electricity and natural gas markets. This scenario is also being reproduced in the transport sector and similarly has negative repercussions on agricultural and fishing activities. For all these reasons, the legislation provides for aid not only to industry but also to vulnerable consumers, a category in which consumers with disabilities are over-represented.

Additional support in relation to the disadvantaged situation of persons with disabilities in the social domain is included in the SDS, which also includes improvement goals for 2030. Thus, according to the SDS (p. 30), older women with disabilities face many difficulties in accessing adequate housing, are more likely to be institutionalised and do not have equal access to social protection programmes. The SDS indicates (p. 101, 2019 data) that the percentage of the population with disabilities at risk of poverty and social exclusion is 48.90 %, compared to 23.60 % of the population without disabilities, and by 2030 the expectation is to reduce the rate of social exclusion in the population with disabilities to 32 %.

In the field of accessibility and inclusion, it is indicated that (p. 101, 2020 data) 34.04 % of the population with disabilities state that they have accessibility problems in their homes and this is expected to be reduced to 18 % by 2030. In addition (p. 102, 2020 data), 36.15 % of the population with disabilities report difficulties in getting around in public buildings and this percentage is expected to be reduced to 15 % by 2030. Furthermore, 40.33 % (p. 102, 2020 data) report difficulties in using public transport with the expectation for it to be reduced to 18 % by 2030. Regarding social protection (p. 103, 2019 data), 19.90 % of persons with disabilities receive a public disability benefit and this is expected to increase to 34 % by 2030. On the other hand, the

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<sup>23</sup> See: <https://ec.europa.eu/eurostat/cache/recovery-dashboard/>.

<sup>24</sup> See: [https://www.ine.es/prensa/ecv\\_2021.pdf](https://www.ine.es/prensa/ecv_2021.pdf).

<sup>25</sup> Available at: <https://www.boe.es/boe/dias/2022/03/30/pdfs/BOE-A-2022-4972.pdf>.

<sup>26</sup> See: <https://www.boe.es/boe/dias/2022/03/30/pdfs/BOE-A-2022-4972.pdf>.

<sup>27</sup> Available at: <https://www.boe.es/buscar/pdf/2021/BOE-A-2021-14974-consolidado.pdf>.

<sup>28</sup> Available at: <https://www.boe.es/boe/dias/2021/10/27/pdfs/BOE-A-2021-17458.pdf>.

percentage of people receiving only non-contributory benefits in relation to the total number of people receiving benefits (p. 103, 2020 data) is 2.85 % for persons with disabilities, compared to 26.40 % for persons without disabilities, and it is expected to increase to 14 % for persons with disabilities by 2030. In turn, the percentage of persons with disabilities in a situation of dependency recognised by the Dependency Law (p. 102, 2020 data) is 16.10 % and is expected to increase to 33 % by 2030. The percentage of persons with disabilities under the age of 65 receiving dependency-related benefits is also expected to increase from 28.2 % to 34 % (p. 103). A total of 27.45 % (p. 104, 2020 data) of the population with disabilities report having experienced discrimination and this percentage is expected to be reduced to 12 % by 2030; 11.84 % report having experienced discrimination at work and this is expected to be reduced to 5 %. The percentage of women victims of violence (p. 104, 2019 data) is 40.40 % in the case of disability compared to 31.90 % in case of no disability and the percentage is expected to be reduced to 24 % in 2030 for women with disabilities.

## 4.2 Analysis of social policies relevant to the Semester

For reference, see the 2022 National Reform Programme, the Recovery and Resilience Plan for Spain and the Spanish Disability Strategy 2022-2030.

The main relevant policies in 2022 relate to the progressive implementation of the measures outlined in the SDGs, in light of the above data, which reflect the significant disadvantaged situation of persons with disabilities. Thus, in the area of personal autonomy and independent living included within the strategic challenges related to Social Inclusion and Participation in the SDGs, the proposal (p. 41) is to reduce the high levels of poverty among persons with disabilities and, in particular, among women with disabilities, by strengthening social benefits so that they compensate for the additional costs of disability. In addition, concrete measures are proposed at national level, focusing on exploring the compatibility between social security pensions and benefits and employment, facilitating flexible transitions into and out of employment and from employment to inactivity (p. 72). Other measures focus on revising the regulation on persons with disabilities who require the Minimum Vital Income to take into account the additional cost of disability; extending the benefit for a dependent child or minor to people over 18 years of age with a disability equal to or greater than 45 %; establishing support measures in the different Autonomous Communities taking into account the additional cost of disability (p. 72).

It should be mentioned that, in response to poverty among this population, the 2014-2020 Fund for European Aid to the Most Deprived (FEAD) Programme, now integrated into the ESF+ programme, had almost 1.5 million beneficiaries in Spain, of whom 1.9 % were persons with disabilities.<sup>29</sup>

Another of the priorities established in the SDS is to promote accessible and affordable housing options for persons with disabilities, promoting through different formulas the emancipation and development of accessible and affordable housing for persons with disabilities, fostering emancipation and the development of an independent life and compensating for their special access difficulties. This includes various actions such

<sup>29</sup> See: <https://www.boe.es/boe/dias/2022/06/08/pdfs/BOE-A-2022-9426.pdf>.

as the promotion of social housing for this group, the reform of the horizontal property law to guarantee accessibility in common elements, and aid for accessibility improvements for users with disabilities (p. 73).

An additional objective set out in the SDS focuses on increasing the visibility of this group and their unequal status. Thus, it is proposed to incorporate an intersectional perspective in the analysis of the different situations of discrimination that occur and specifically in all situations of intersection with persons with disabilities (e.g. LGTBIQ+, migrants, refugees, those belonging to other ethnic groups, etc.) in support and response policies, procedures and resources, so as to redress their particular disadvantage (p. 76). To this end, the incorporation of the disability perspective into different laws and diagnostic studies, among other aspects, is proposed.

Another proposal focuses on adapting and strengthening support and response systems to enable persons with disabilities with high support needs to access all their rights and actively participate in the community (p. 77). This includes actions such as adapting personal services and supports (personal assistance, independent living support services, community participation support services, etc.); strengthening positive action measures (additional support to access and maintain employment, access to inclusive education and higher education and to enhance their social, political and institutional participation, etc.); providing financial support to compensate for the additional support needs of persons with disabilities with high support needs (p. 77), compensation for additional support needs and the additional cost of disability; and empowering and raising the profile of persons with disabilities with high support needs as active people. It is also proposed to incorporate the perspective of persons with disabilities with high support needs in the development and evaluation of policies and regulatory frameworks that affect them; to promote mechanisms for the coordination of services (social, health, etc.) for adequate care of persons with intellectual and developmental disabilities with mental health and / or behavioural problems; and to promote personal services and support (personal assistance, support services for independent living, support services for community participation, etc.) (p. 78).

Other objectives related to the social sphere that are raised in the SDS are to improve the response to the needs, expectations and demands of the child and youth population with disabilities (p. 78); to adapt and intensify supports to meet the needs of ageing and premature deterioration of persons with disabilities (pp. 79-89); to improve the response to the needs of persons with disabilities living in rural areas, for the access and enjoyment of their rights and basic services of health, social services, communication and transport (p. 80).

Axis 4 of the SDS focuses on the promotion of Universal Design and Accessibility, which in turn includes three objectives, each with different proposals.

In the area of health, the SDG (pp. 40-41) plans several objectives, namely, to make progress in ensuring universal accessibility and healthcare services for all persons with disabilities, in particular in rural areas and for women with disabilities: investing in accessible technologies and development, such as home care, that help people to remain in their environment and avoid being uprooted; advancing the coordination of the health system and the social services system; including early care for persons with

disabilities and their families; and including early care in the common portfolio of health and social services, in coordination with educational services. It also proposes promoting mechanisms that respect the will, autonomy and informed consent of the individual in medical and pharmacological treatments; reviewing the current regulations on internment and restraint, through the prism of human rights and ensuring alternative measures to these practices; guaranteeing universal access to accessible sexual and reproductive health services; and increasing the participation of persons with disabilities in the social, cultural and sporting spheres.

In this regard, some specific actions relate to the modification of LO 2/2010 on sexual and reproductive health and voluntary termination of pregnancy so as to guarantee all the necessary support to ensure that the sexual and reproductive rights covered by the law are effective for persons with disabilities. In the specific actions proposed, emphasis is placed on promoting universal accessibility to different services.

In order to respond to the objective of eliminating institutionalisation and forced treatment with special attention to the situation of minors, measures are proposed such as studying the possibilities of modifying Article 763 of the Civil Procedure Law in order to ensure alternative measures to forced institutionalisation and forced treatment on the grounds of disability. There is also a commitment to document cases of forced treatment, non-voluntary institutionalisation, and the use of mechanical restraints, forced medication and electroconvulsive therapy in mental health facilities. It is also proposed to abstain from adhering to the Additional Protocol to the Oviedo Convention drawn up by the Bioethics Committee of the Council of Europe, which aims to protocolise measures for involuntary admission and treatment. In fact, this measure was already adopted in June 2022 by the Committee of Ministers of the Council of Europe, which suspended the adoption of the Additional Protocol to the Oviedo Convention until the end of 2024.

Measures are also proposed to guarantee inter-territorial equity through the establishment of common guidelines for all the Autonomous Communities in the development of services and responses to persons with disabilities.

Finally, several recently passed laws show the progress that has been made in social policies and that emphasise respect for the rights of persons with disabilities, which is in line with the principles of the UN CRPD:

- Organic Law 2/2020 of 16 December,<sup>30</sup> amending the Criminal Code for the eradication of forced or non-consensual sterilisation of persons with disabilities who are judicially incapacitated;
- Organic Law 3/2021 of 24 March,<sup>31</sup> on the regulation of euthanasia, which takes into account the support that persons with disabilities may require to exercise this right;
- Law 8/2021 of 2 June,<sup>32</sup> which reforms civil and procedural legislation to support persons with disabilities in the exercise of their legal capacity. This law eliminates

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<sup>30</sup> Available at: <https://www.boe.es/boe/dias/2020/12/17/pdfs/BOE-A-2020-16345.pdf>.

<sup>31</sup> Available at: <https://www.boe.es/boe/dias/2021/03/25/pdfs/BOE-A-2021-4628.pdf>.

<sup>32</sup> Available at: <https://www.boe.es/boe/dias/2021/06/03/pdfs/BOE-A-2021-9233.pdf>.

- judicial incapacitation and emphasises the support needed by persons with disabilities to make decisions in different spheres of their lives;
- Organic Law 8/2021 of 4 June,<sup>33</sup> on the comprehensive protection of children and adolescents against violence. This law recognises the special vulnerability of persons with disabilities, particularly women with disabilities, and proposes measures for their protection;
  - Organic Law 6/2022 of 12 July,<sup>34</sup> complementary to the comprehensive Law 15/2022 of 12 July on equal treatment and non-discrimination, amending Organic Law 10/1995 of 23 November, the Criminal Code. This legislation covers the penalties associated with the violation of the principles of equal treatment and non-discrimination and the aggravating factors when they are carried out on the ground of disability;
  - Organic Law 10/2022 of 6 September,<sup>35</sup> on the comprehensive guarantee of sexual freedom, which emphasises the need to take into account persons with disabilities and their situation of special vulnerability;
  - Royal Decree-Law 6/2022 of 29 March,<sup>36</sup> adopting urgent measures within the framework of the National Plan of response to the economic and social consequences of the war in Ukraine. This document recognises the increase in inflation from 0 % to 5 %. The Plan addresses measures such as lowering energy prices for all citizens and businesses, supporting the most affected sectors and the most vulnerable groups, and strengthening price stability. This plan was set to be in force until December 2022 and to involve a budgetary contribution of more than EUR 9 000 million – some EUR 5 500 million in expenditure and EUR 3 600 million in reduced revenue from tax cuts.

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<sup>33</sup> Available at: <https://www.boe.es/boe/dias/2021/06/05/pdfs/BOE-A-2021-9347.pdf>.

<sup>34</sup> Available at: <https://www.boe.es/boe/dias/2022/07/13/pdfs/BOE-A-2022-11588.pdf>.

<sup>35</sup> Available at: <https://www.boe.es/boe/dias/2022/09/07/pdfs/BOE-A-2022-14630.pdf>.

<sup>36</sup> Available at: <https://www.boe.es/boe/dias/2022/03/30/pdfs/BOE-A-2022-4972.pdf>.

## 5 Disability, education and skills – analysis of the situation and the effectiveness of policies

In 2019, the UN CRPD Committee made the following recommendations to Spain:

[Article 24 UN CRPD](#) addresses 'Education'.

'44. The Committee reiterates that denial of reasonable accommodation constitutes discrimination and that the duty to provide reasonable accommodation is immediately applicable and not subject to progressive realization. It recommends that the State party:

(a) Increase its efforts to provide reasonable accommodation in education, by: allocating sufficient financial and human resources to implement the right to inclusive education; paying particular attention to assessing the availability of teachers with specialist qualifications; and ensuring that educational departments of local governments understand their obligations under the Convention and act in conformity with its provisions; (b) Ensure that the decisions to place children with a disability in a special school or in special classes, or to offer them solely a reduced-standard curriculum, are taken in consultation with the parents; (c) Ensure that the parents of children with disabilities are not obliged to pay for the education or for the measures of reasonable accommodation in mainstream schools; (d) Ensure that decisions on placing children in segregated settings can be appealed swiftly and effectively.'

The most recent CRPD developments are the 2019 Concluding Observations responding to the State's submission in 2018.

### 5.1 Summary of the educational situation of persons with disabilities

The EU-SILC 2020 estimates concerning educational attainment should be treated with caution due to relatively wide confidence intervals, but they consistently indicate disability equality gaps (an average of 2-3 years provides a more stable indication). Table 16 indicates early school leaving rates disaggregated by disability status in Spain. Young people with disabilities (aged 18-24) tend to leave school early significantly more than their non-disabled peers of the same age groups (and this is reinforced by widening the sample size to age 18-29). Table 17 shows completion rates of tertiary education disaggregated by disability and age group. Persons with disabilities (aged 30-34) are less likely to complete tertiary education than their peers (and this is reinforced in the wider age range 30-39).

The SDS includes several indicators on the educational situation of persons with disabilities. It indicates (p. 98, 2019 data) that the percentage of early school leavers among persons with disabilities is 37.1 % compared to 17.2 % for the non-disabled population and proposes a target reduction for 2030 of early school leavers to 24 %. On the other hand, the percentage of adults with disabilities participating in educational activities (p. 98, 2020 data) is 5.4 % compared to 11.5 % for the non-disabled population and the target for 2030 is to increase it to 8 %. The percentage of persons with disabilities graduating from vocational training (p. 98; 2019 data) in the population with disabilities is 7.5 % compared to 10 % in the population without disabilities and the target is to reach 9 % for the population with disabilities in 2030.

On the other hand, the percentage of young people who neither study nor work (p. 98, 2019 data) is 30.2 % for the population with disabilities compared to 17.1 % for the population without disabilities and the target for 2030 is to reduce the percentage to



24 % for persons with disabilities. Finally, in the academic year 2018/19, there were 82.40 % of students with disabilities in mainstream schools and the target is to increase this percentage to 87 % by 2030.

## 5.2 Analysis of education policies relevant to the Semester

For reference, see the 2022 National Reform Programme, the Recovery and Resilience Plan for Spain and the Spanish Disability Strategy 2022-2030.

The SDS echoes the international recommendations that organisations such as the United Nations have made to Spain in the field of education and which relate to (p. 24) the consideration of inclusive education as a right and the formulation of a comprehensive inclusive education policy accompanied by strategies to promote it; provision of resources for educational centres; guaranteeing participation in play and recreational activities for children with disabilities; determining the incidence of bullying and harassment due to disability.

In order to meet the strategic challenge of social inclusion and participation and, more specifically, in the field of inclusive education, the SDS proposes actions such as (pp. 38-39 ) implementing the regulatory provisions of the new law on education, the LOMLOE<sup>37</sup> to move towards an inclusive education model in line with the CRPD; training teachers and other professionals in the rights-based approach, inclusive education and universal design; regulating vocational training to ensure that it is inclusive; improving the inclusion of teachers and support staff with disabilities; addressing situations of discrimination and harassment in the educational sphere on the grounds of disability; and amending the regulations on language teaching to guarantee access for persons with disabilities.

The SDS also proposes several specific actions at both national and regional level (pp. 58-59) in which the above-mentioned proposals are specified. Some specific measures are related to the development of an inclusive vocational training offer or a review of the scholarship system to ensure that the needs of students with disabilities are met.

Recently published laws address various aspects highlighted in the SDS as well as in other official documents:

- Organic Law 3/2020 of 29 December,<sup>38</sup> amending Organic Law 2/2006 of 3 May on Education. This law places greater emphasis on inclusive education and the use of special education centres more as centres of reference and support; and
- Organic Law 3/2022 of 31 March,<sup>39</sup> on the organisation and integration of Vocational Training. This law addresses the training of students with disabilities and makes various proposals to guarantee access to this training.

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<sup>37</sup> Available at: <https://www.boe.es/boe/dias/2020/12/30/pdfs/BOE-A-2020-17264.pdf>.

<sup>38</sup> Available at: <https://www.boe.es/boe/dias/2020/12/30/pdfs/BOE-A-2020-17264.pdf>.

<sup>39</sup> Available at: <https://www.boe.es/boe/dias/2022/04/01/pdfs/BOE-A-2022-5139.pdf>.

## 6 Investment priorities in relation to disability

As stated in the Regulation (EU) 2021/1057 of the European Parliament and of the Council of 24 June 2021,<sup>40</sup> establishing the European Social Fund Plus (ESF+) and repealing Regulation (EU) No 1296/2013 (p. 22):

‘The ESF+ should contribute to the implementation of the SDGs by, inter alia, eradicating extreme forms of poverty (SDG 1); promoting quality and inclusive education (SDG 4); promoting gender equality (SDG 5); promoting sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all (SDG 8); and reducing inequality (SDG 10).’

All these goals are priorities for persons with disabilities.

The regulation is quite specific when it states that (p. 24):

‘The ESF+ should provide support for the improvement of the quality, inclusiveness, effectiveness and labour market relevance of education and training systems, including, by the promotion of digital learning, the validation of nonformal and informal learning and the professional development of teaching staff, in order to facilitate the acquisition of key competences, in particular as regards basic skills, including health literacy, media literacy, entrepreneurial skills, language skills, digital skills and competencies for sustainable development, which all individuals need for personal fulfilment and development, employment, social inclusion and active citizenship. The ESF+ should help progression within education and training and transition to work, should support lifelong learning and employability with a view to facilitating full participation in society for all, and should contribute to competitiveness, including through graduate tracking, and to societal and economic innovation by supporting sustainable initiatives that are capable of being scaled up in those fields and adapted to different target groups such as persons with disabilities. Such help, support and contribution could be achieved, for example, by means of online learning, work-based training, traineeships, dual education and training systems, and apprenticeships.’

The document adds that the ESF+ should:

‘reinforce links with non-formal and informal learning and facilitate learning mobility for all and accessibility for persons with disabilities. Synergies with Erasmus+ (...) in particular to facilitate the participation of disadvantaged learners in learning mobility, should be supported.’

It also states that these funds should be aimed at ‘promoting flexible opportunities for upgrading of skills and acquiring new and different skills by all, in particular entrepreneurial and digital skills... supporting in particular persons with disabilities’.

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<sup>40</sup> Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32021R1057&from=EN>.

Tackling poverty and discrimination against persons with disabilities and modernising social protection systems are also emphasised.

As also noted in the SDS (p. 106):

‘European funds are a key opportunity to expand the availability of financial resources for actions under the Strategy. In the case of the next programming period of the Structural Funds, 2021-2027, the European Social Fund (ESF+) and the European Regional Development Fund (ERDF) will be available for the next programming period 2021-2027. Those can programme types of action explicitly targeting persons with disabilities, as well as other types of action that are targeted at specific issues, e.g. accessibility, which have a strong impact on this population group. In addition, funds from the European Recovery Instrument (Next Generation EU), through the allocations of the Recovery and Resilience Framework which, in the specific case of Spain, are included in the different components of the Recovery, Transformation and Resilience Plan.’

The SDS goes on to state that ‘the financing of the actions included in the progress report that are not linked to European funds will be conditional on budgetary availability’ (p. 106). That emphasises the relevance of these funds to implement the different actions.

The RRP includes three groups of measures in which it is possible to set some priorities. Firstly, measures related to the green transition and in particular to the improvement of buildings, transport and the circular economy should offer additional support to persons with disabilities and ensure access to information and support. The green transition is also an opportunity to develop training schemes that empower persons with disabilities and provide them with good employability opportunities. This in turn will lead to improvements in economic and social resilience.

Secondly, measures related to the digital transition and investment in digital skills training and digitisation of businesses, services and education should also have special funding streams for this group. Third sector companies should also be supported in making this transition. Persons with disabilities should be given priority when it comes to receiving training (compulsory, tertiary, vocational and adult) in these new ways of accessing employment. As above, this will lead to improvements in economic and social resilience.

In terms of additional measures to improve economic and social resilience, sustainable and adequate pensions must be ensured, taking into account the additional costs of disability and the additional costs of the post-pandemic and war years in Ukraine, with soaring energy prices affecting the shopping basket and the purchase of other products (healthcare, hygiene, etc.) that are essential for many of these people.

So far, within the framework of the Recovery, Transformation and Resilience Plan, measures related to digital transformation are being implemented and the programme for issuing digital vouchers for vulnerable groups has been launched.<sup>41</sup> Measures related to social inclusion are also being implemented, such as subsidies for the

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<sup>41</sup> See: <https://www.boe.es/boe/dias/2021/11/17/pdfs/BOE-A-2021-18817.pdf>.

development of social inclusion itineraries with people benefiting from the Minimum Vital Income, and persons with disabilities are considered one of the priority groups.<sup>42, 43</sup> Continuing with the RRP and focusing on the educational field, vocational training programmes have also been set up in which accessibility for persons with disabilities must be guaranteed,<sup>44</sup> as well as professional qualification or requalification programmes in which workers with disabilities are one of the priority groups.<sup>45</sup> Also within the framework of the RRP and in this case related to social rights and the 2030 agenda, grants have been launched for the development of projects focused on accessibility,<sup>46, 47</sup> modernisation of social services and care models<sup>48</sup> and prevention of institutionalisation and deinstitutionalisation in long-term care.<sup>49</sup> In the field of industry, commerce and tourism, and within the framework of the RRP, grants have been launched to support commercial activity in rural areas<sup>50</sup> and to promote tourism.<sup>51, 52</sup>

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<sup>42</sup> See: <https://www.boe.es/boe/dias/2021/10/27/pdfs/BOE-A-2021-17464.pdf>.

<sup>43</sup> See: <https://www.boe.es/boe/dias/2022/05/18/pdfs/BOE-A-2022-8124.pdf>.

<sup>44</sup> See: <https://www.boe.es/boe/dias/2022/04/07/pdfs/BOE-A-2022-5596.pdf>.

<sup>45</sup> See: <https://www.boe.es/boe/dias/2022/03/22/pdfs/BOE-A-2022-4559.pdf>.

<sup>46</sup> See: <https://www.boe.es/boe/dias/2022/08/02/pdfs/BOE-A-2022-12935.pdf>.

<sup>47</sup> See: <https://www.boe.es/boe/dias/2021/12/11/pdfs/BOE-A-2021-20480.pdf>.

<sup>48</sup> See: <https://www.boe.es/boe/dias/2021/12/11/pdfs/BOE-A-2021-20481.pdf>.

<sup>49</sup> See: <https://www.boe.es/boe/dias/2022/04/01/pdfs/BOE-A-2022-5229.pdf>.

<sup>50</sup> See: <https://www.boe.es/boe/dias/2022/06/22/pdfs/BOE-A-2022-10333.pdf>.

<sup>51</sup> See: <https://www.boe.es/boe/dias/2022/01/11/pdfs/BOE-A-2022-417.pdf>.

<sup>52</sup> See: <https://www.boe.es/boe/dias/2021/12/08/pdfs/BOE-A-2021-20257.pdf>.

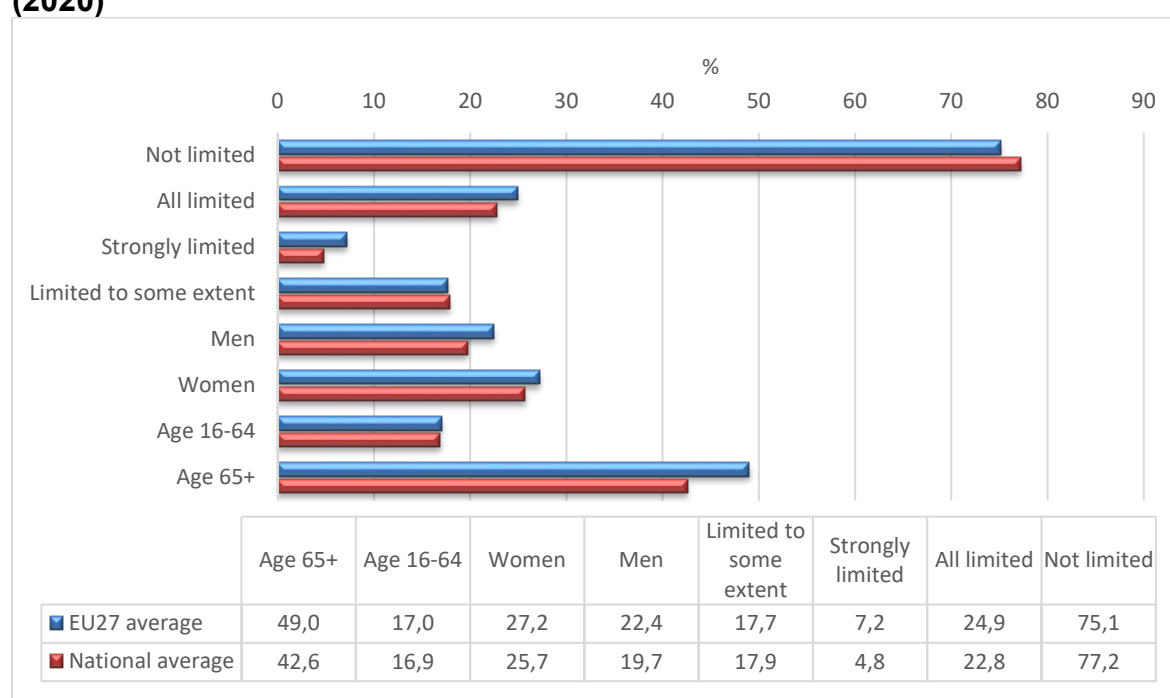
## 7 Annex: disability data relevant to the Semester

See also disability data published in the Eurostat database<sup>53</sup> and statistical reports.<sup>54</sup>

Unless specified, the summary statistics are drawn from the most recent EU-SILC data available to researchers from Eurostat. The EU-SILC sample includes people living in private households and does not include people living in institutions (congregative households). The sampling methods vary somewhat in each country.

The proxy used to identify persons with disabilities (impairments) is whether ‘for at least the past 6 months’ the respondent reports that they have been ‘limited because of a health problem in activities people usually do’.<sup>55</sup>

**Table 1: Self-reported ‘activity limitations’ as a proxy for impairment / disability (2020)**



Source: EU-SILC 2020 Release April 2022

In subsequent tables, these data are used to indicate ‘disability’ equality gaps and trends relevant to the analytical chapters – for the labour market, social policies and healthcare, and education – by comparing outcomes for persons who report and do not report ‘activity limitations’.<sup>56</sup> National estimates for Spain are compared with EU27 mean averages for the most recent year.<sup>57</sup>

<sup>53</sup> Eurostat Health Database: <https://ec.europa.eu/eurostat/web/health/data/database>.

<sup>54</sup> Eurostat (2019) Disability Statistics: [https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Disability\\_statistics](https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Disability_statistics).

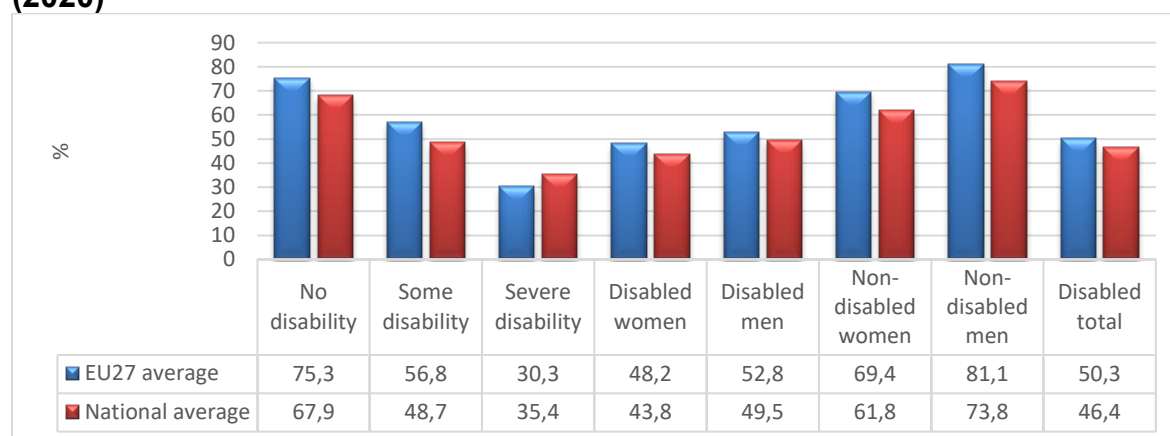
<sup>55</sup> The EU-SILC survey questions are contained in the Minimum European Health Module (MEHM), [https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Special:WhatLinksHere/Glossary:Minimum\\_European\\_Health\\_Module\\_\(MEHM\)](https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Special:WhatLinksHere/Glossary:Minimum_European_Health_Module_(MEHM)).

<sup>56</sup> This methodology was developed in the annual statistical reports of ANED, available at: <http://www.disability-europe.net/theme/statistical-indicators>.

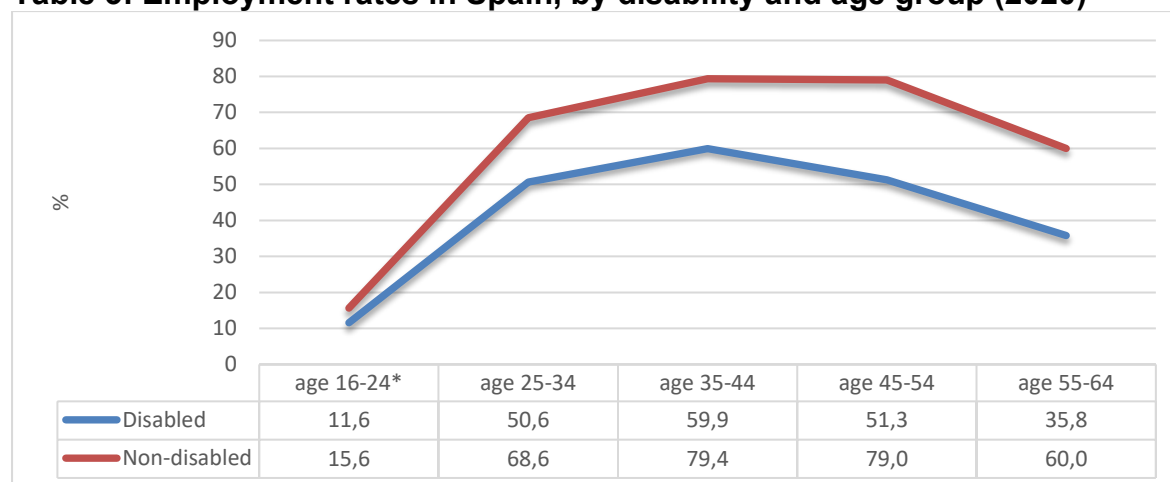
<sup>57</sup> The exit of the United Kingdom from the EU changed the EU average. EU27 averages have also been affected by time series breaks in other large countries, such as Germany.

## 7.1 Data relevant to disability and the labour market

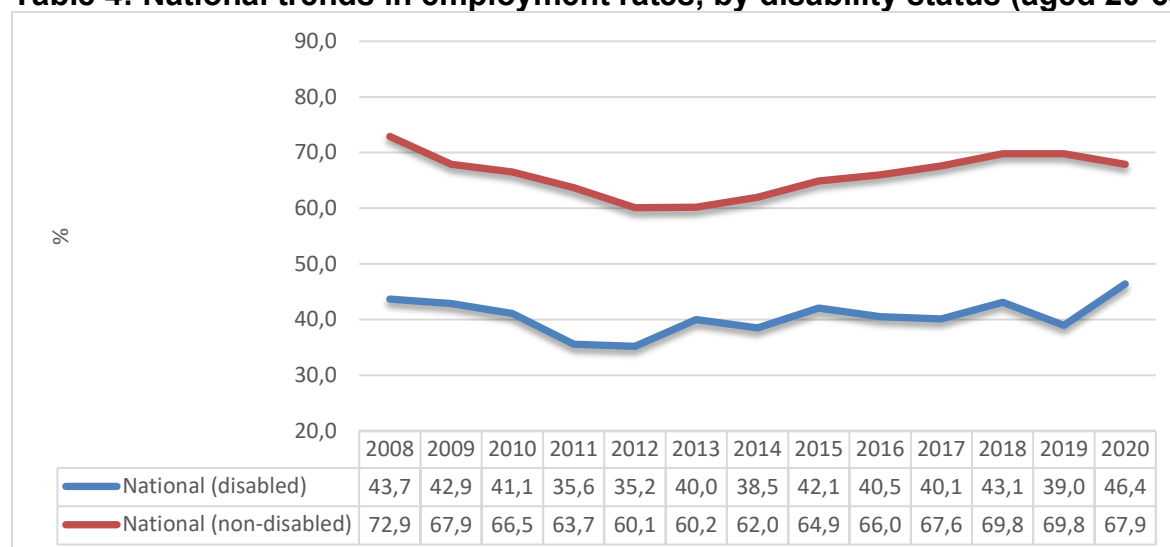
**Table 2: EU and Spain employment rates, by disability and gender (aged 20-64) (2020)**



**Table 3: Employment rates in Spain, by disability and age group (2020)**



**Table 4: National trends in employment rates, by disability status (aged 20-64)**

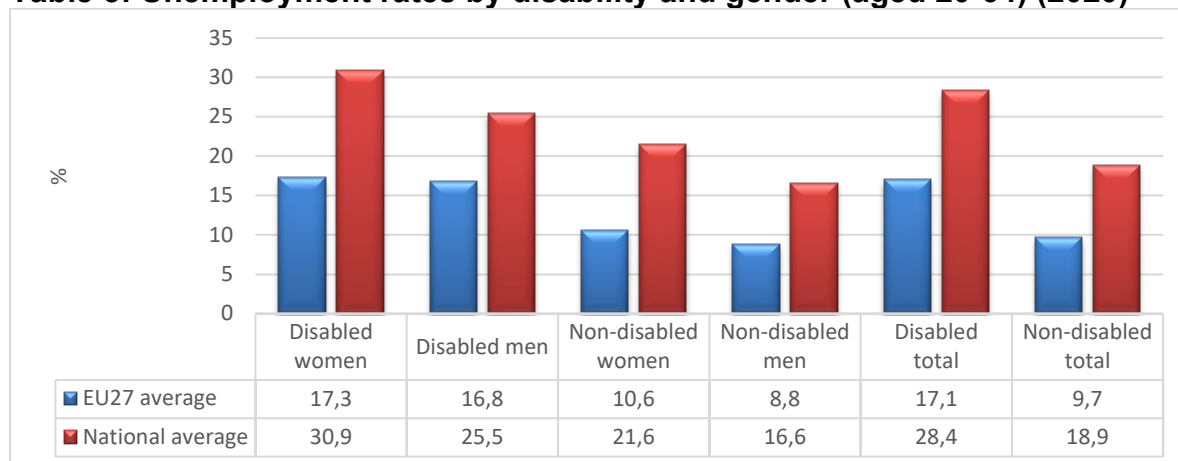


Source: EU-SILC 2020 Release April 2022 (and preceding UDBs)

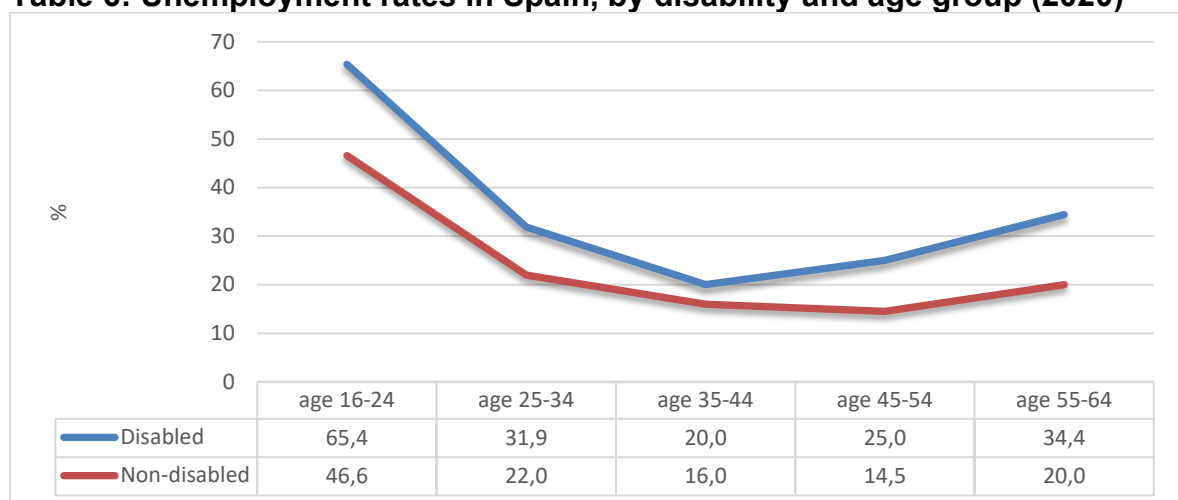
Note: Microdata concerning employment status was not available for Germany and Italy in this data release, which affects the EU27 average (which is therefore estimated).

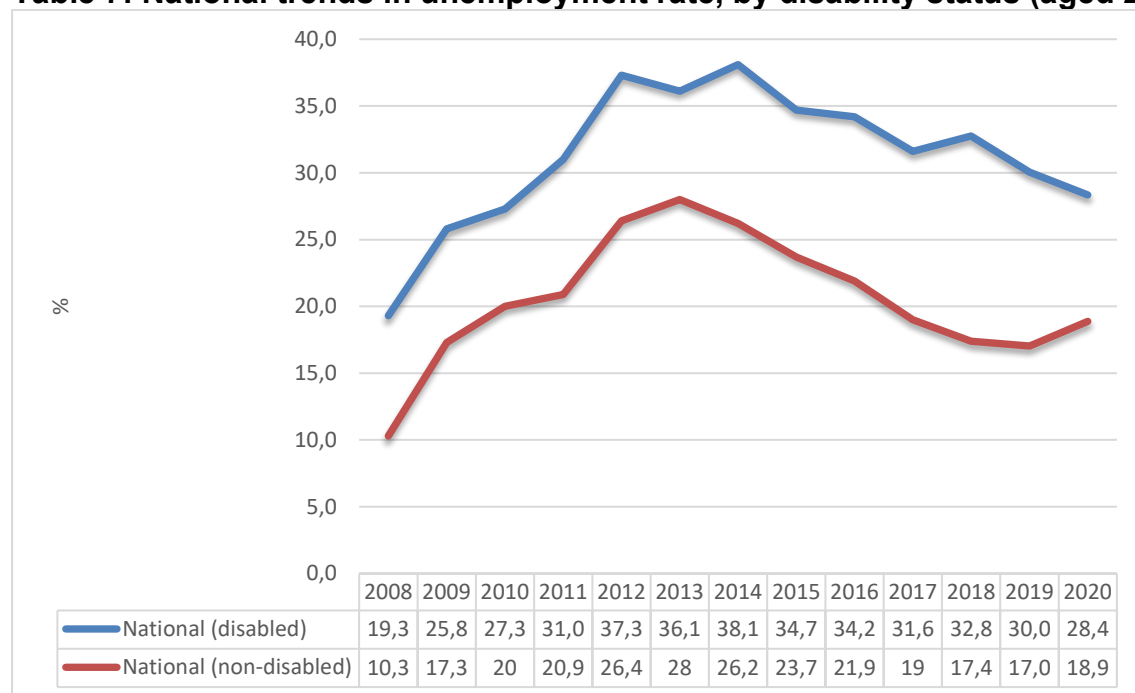
### 7.1.1 Unemployment

**Table 5: Unemployment rates by disability and gender (aged 20-64) (2020)**



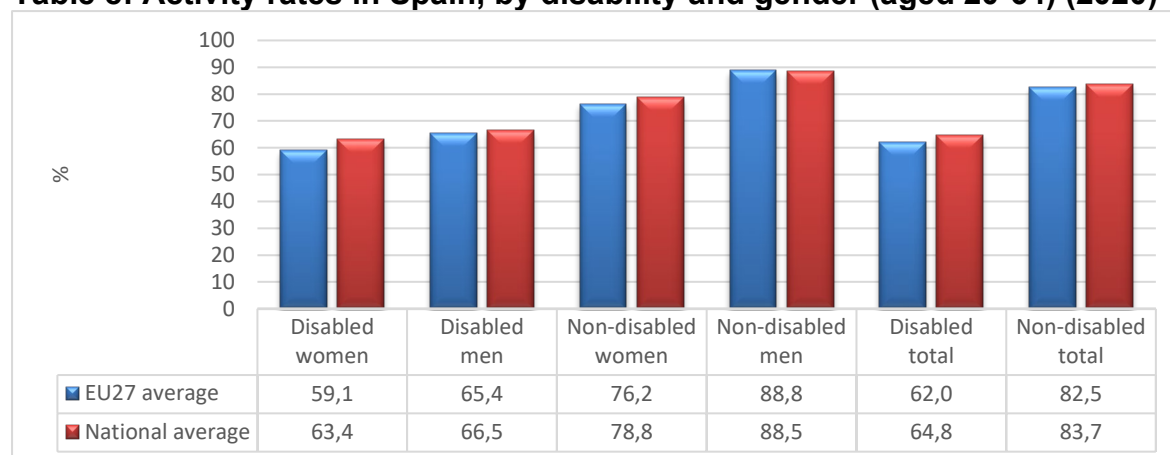
**Table 6: Unemployment rates in Spain, by disability and age group (2020)**



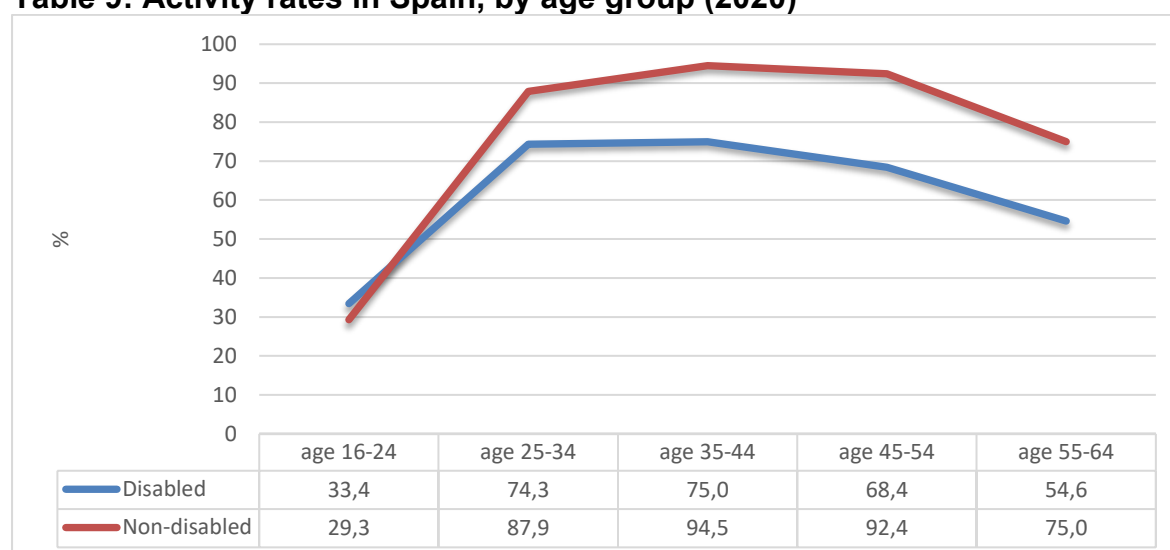
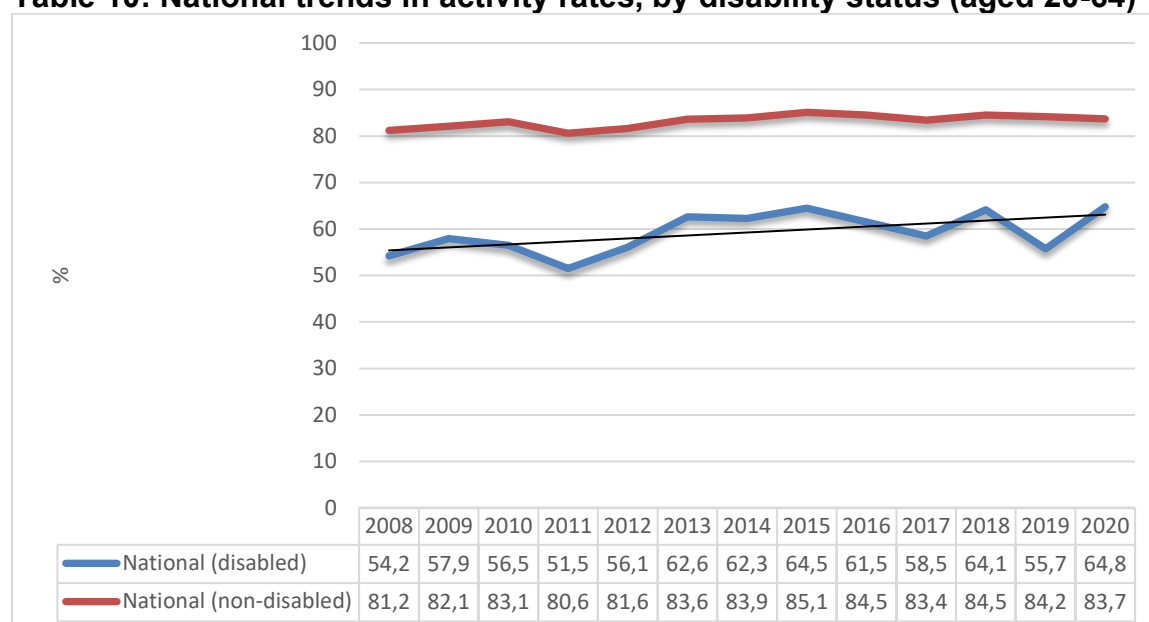
**Table 7: National trends in unemployment rate, by disability status (aged 20-64)**


Source: EU-SILC 2020 Release April 2022 (and preceding UDBs)

### 7.1.2 Economic activity

**Table 8: Activity rates in Spain, by disability and gender (aged 20-64) (2020)**




**Table 9: Activity rates in Spain, by age group (2020)****Table 10: National trends in activity rates, by disability status (aged 20-64)**

Source: EU-SILC 2020 Release April 2022 (and preceding UDBs)

### 7.1.3 Alternative sources of labour market data in Spain

Disability data are not yet available from the core European Labour Force Survey but labour market indicators for Spain were disaggregated from *ad hoc* modules conducted in 2001 and 2011. These can be found in the Eurostat disability database.<sup>58</sup>

The national Disability Labour Market Report 2022 is referred to in Section 3, including data from the Employment of People with Disabilities 2020 (INE).<sup>59</sup>

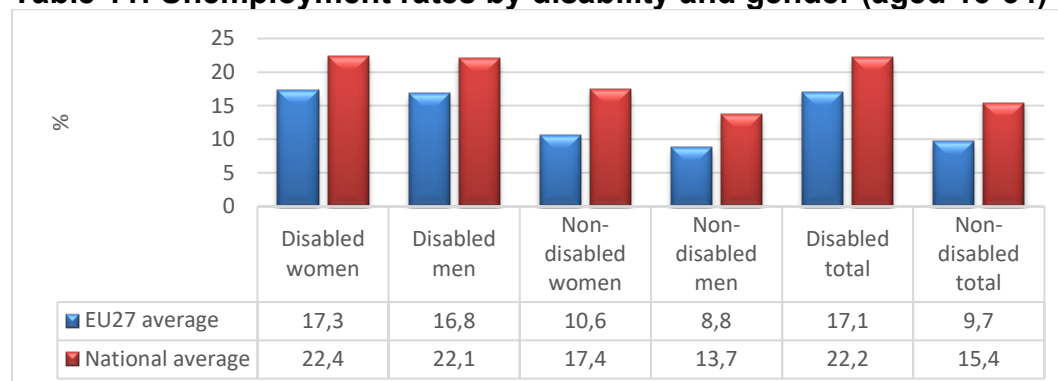
<sup>58</sup> Eurostat Health Database: <https://ec.europa.eu/eurostat/web/health/data/database>.

<sup>59</sup> Available at: [https://www.sepe.es/SiteSepe/contenidos/que\\_es\\_el\\_sepe/publicaciones/pdf/pdf\\_mercado\\_trabajo/2022/Informe-Mercado-Trabajo-Discapacitados-2022-datos2021.pdf](https://www.sepe.es/SiteSepe/contenidos/que_es_el_sepe/publicaciones/pdf/pdf_mercado_trabajo/2022/Informe-Mercado-Trabajo-Discapacitados-2022-datos2021.pdf).

The National Institute on Statistics (INE) publishes a yearly report on the employment of people with disabilities,<sup>60</sup> based on the Labour Force Survey. The following charts have been made based on the data provided in these reports from 2016 to 2020.

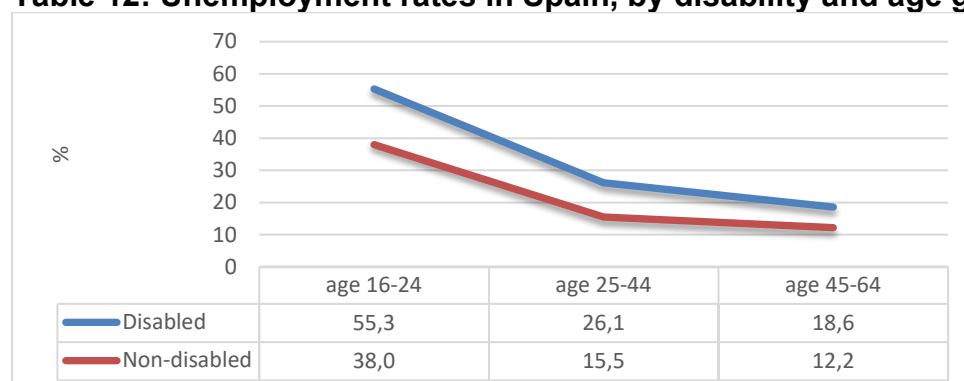
It is important to distinguish between the general population of persons with disabilities (self-reported in SILC) and the administrative category of persons ‘with a disability certificate’, as appear in the INE statistics (i.e. registered persons are a sub group with more significant needs and worse outcomes).

**Table 11: Unemployment rates by disability and gender (aged 16-64) (2020)**



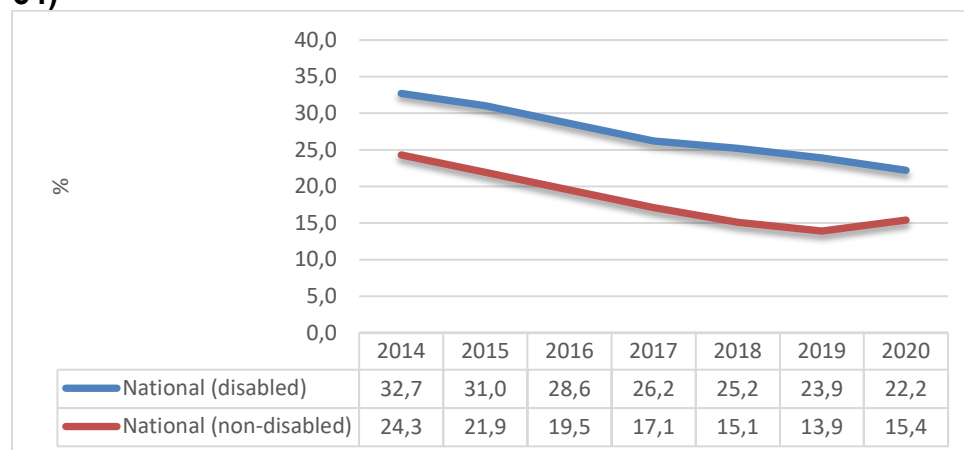
Source: Spanish data from *Employment of people with disabilities (2020)*, [https://www.ine.es/prensa/epd\\_2020.pdf](https://www.ine.es/prensa/epd_2020.pdf).

**Table 12: Unemployment rates in Spain, by disability and age group (2020)**

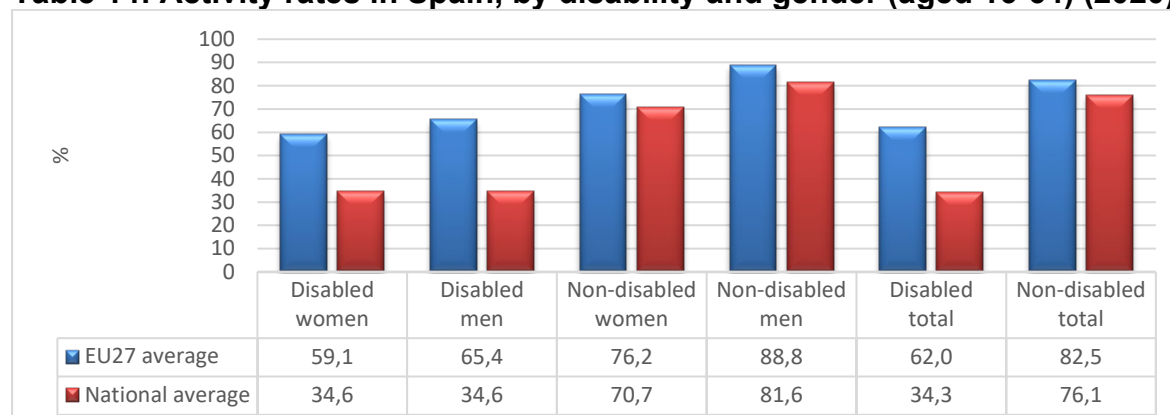


Source: Spanish data from *Employment of people with disabilities (2020)*, [https://www.ine.es/prensa/epd\\_2020.pdf](https://www.ine.es/prensa/epd_2020.pdf).

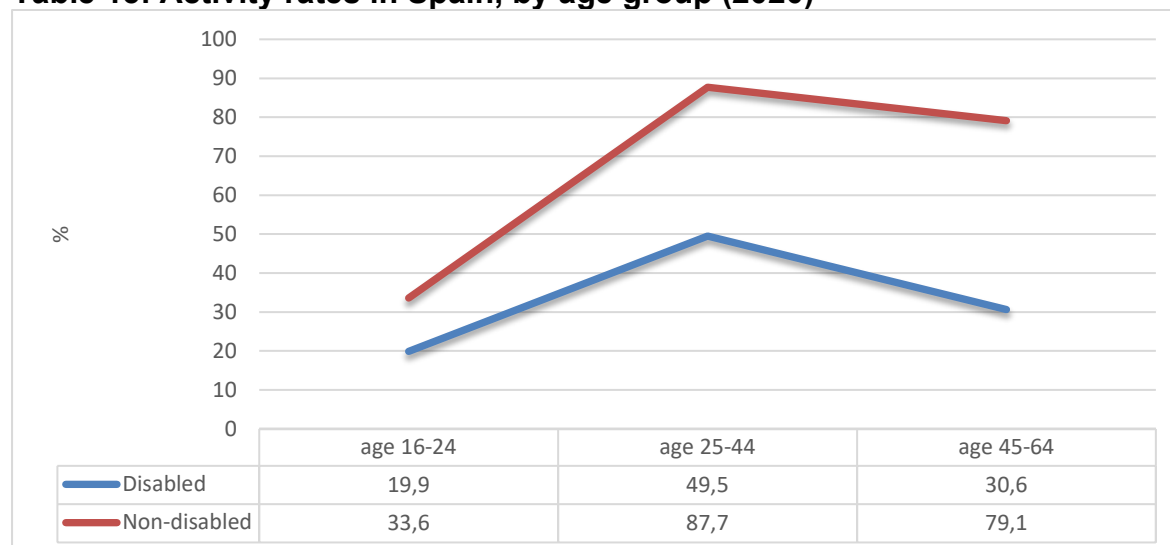
<sup>60</sup> See: [https://www.ine.es/prensa/epd\\_2020.pdf](https://www.ine.es/prensa/epd_2020.pdf); [https://www.ine.es/prensa/epd\\_2019.pdf](https://www.ine.es/prensa/epd_2019.pdf); [https://www.ine.es/prensa/epd\\_2018.pdf](https://www.ine.es/prensa/epd_2018.pdf); [https://www.ine.es/prensa/epd\\_2017.pdf](https://www.ine.es/prensa/epd_2017.pdf); [https://www.ine.es/prensa/epd\\_2017.pdf](https://www.ine.es/prensa/epd_2017.pdf).

**Table 13: National trends in unemployment rate, by disability status (aged 16-64)**


Source: Spanish data from *Employment of people with disabilities (2020)*, [https://www.ine.es/prensa/epd\\_2020.pdf](https://www.ine.es/prensa/epd_2020.pdf).

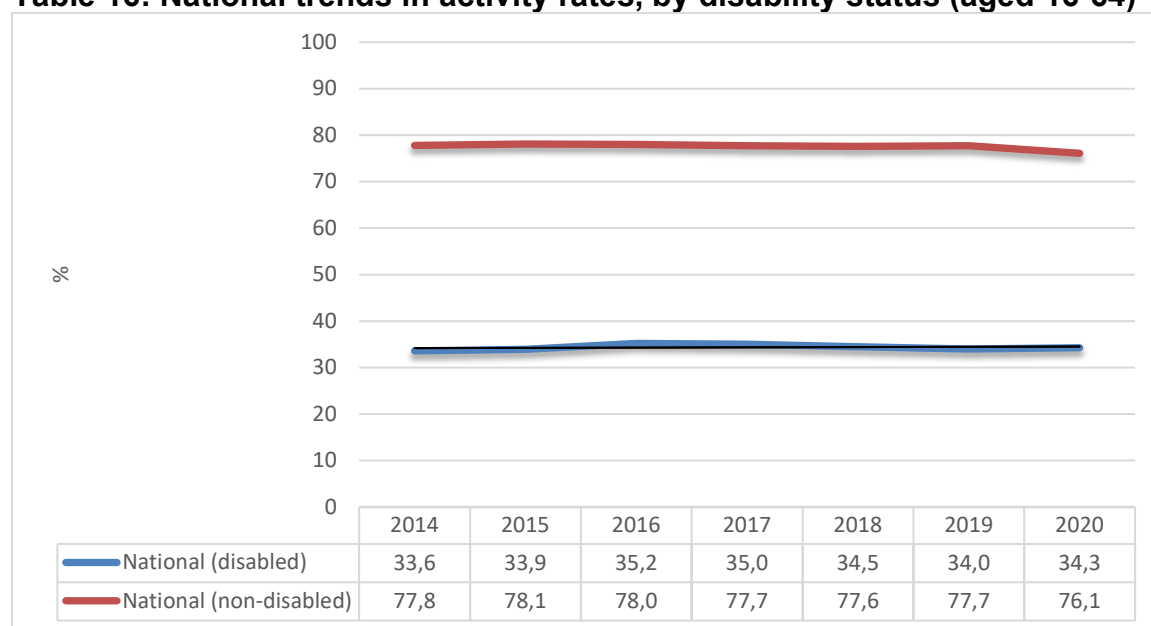
**Table 14: Activity rates in Spain, by disability and gender (aged 16-64) (2020)**


Source: Spanish data from *Employment of people with disabilities (2020)*, [https://www.ine.es/prensa/epd\\_2020.pdf](https://www.ine.es/prensa/epd_2020.pdf).

**Table 15: Activity rates in Spain, by age group (2020)**


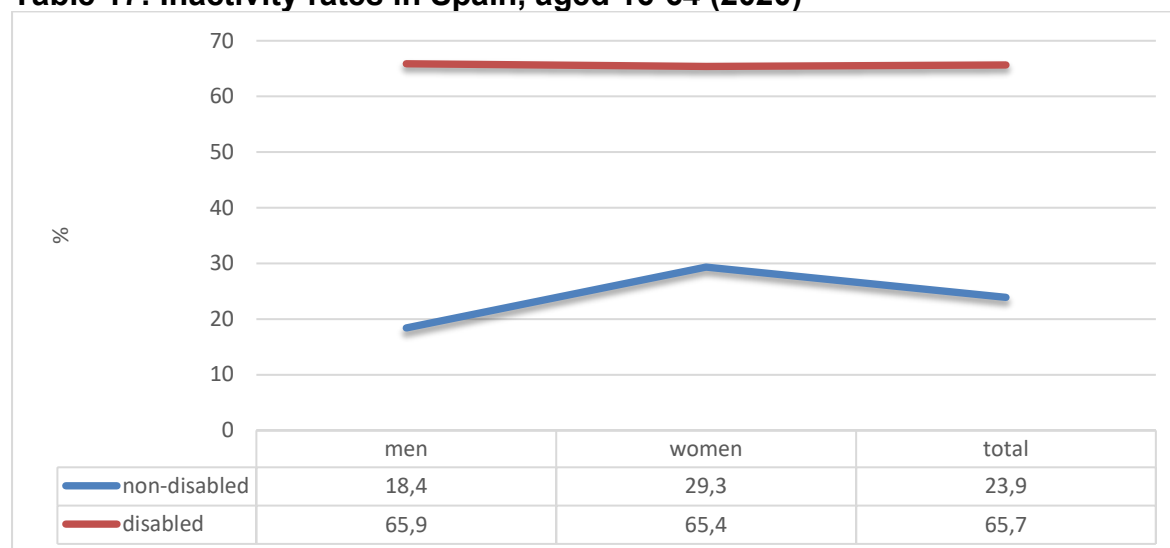
Source: Spanish data from *Employment of people with disabilities (2020)*, [https://www.ine.es/prensa/epd\\_2020.pdf](https://www.ine.es/prensa/epd_2020.pdf).

**Table 16: National trends in activity rates, by disability status (aged 16-64)**

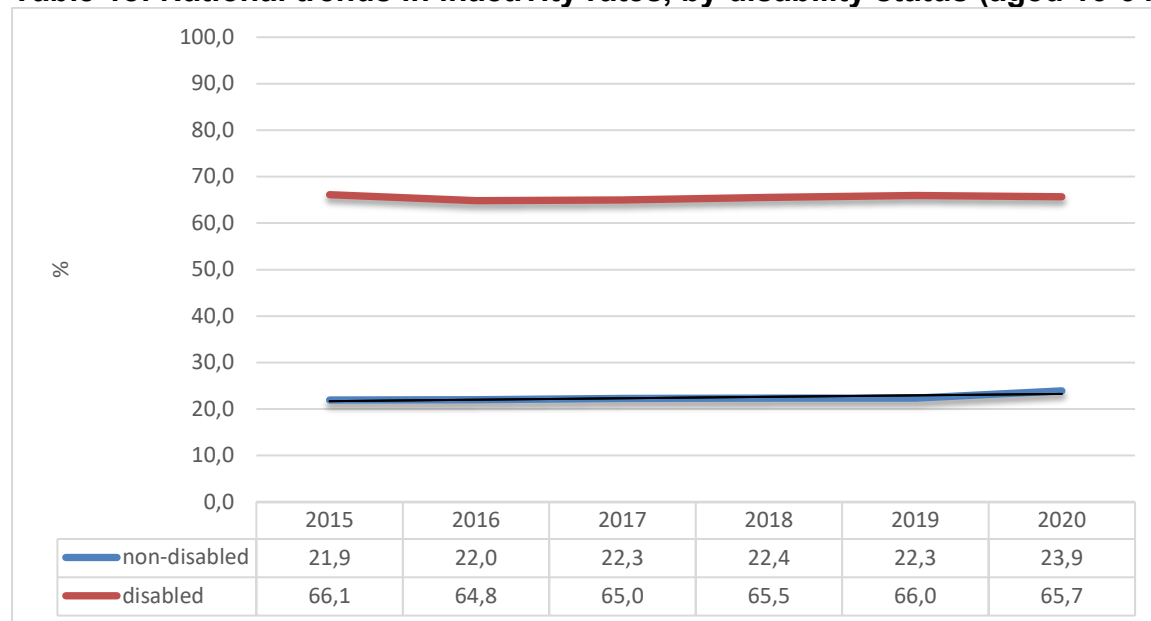


Source: Data from *Employment of people with disabilities (reports from 2016 to 2020)*

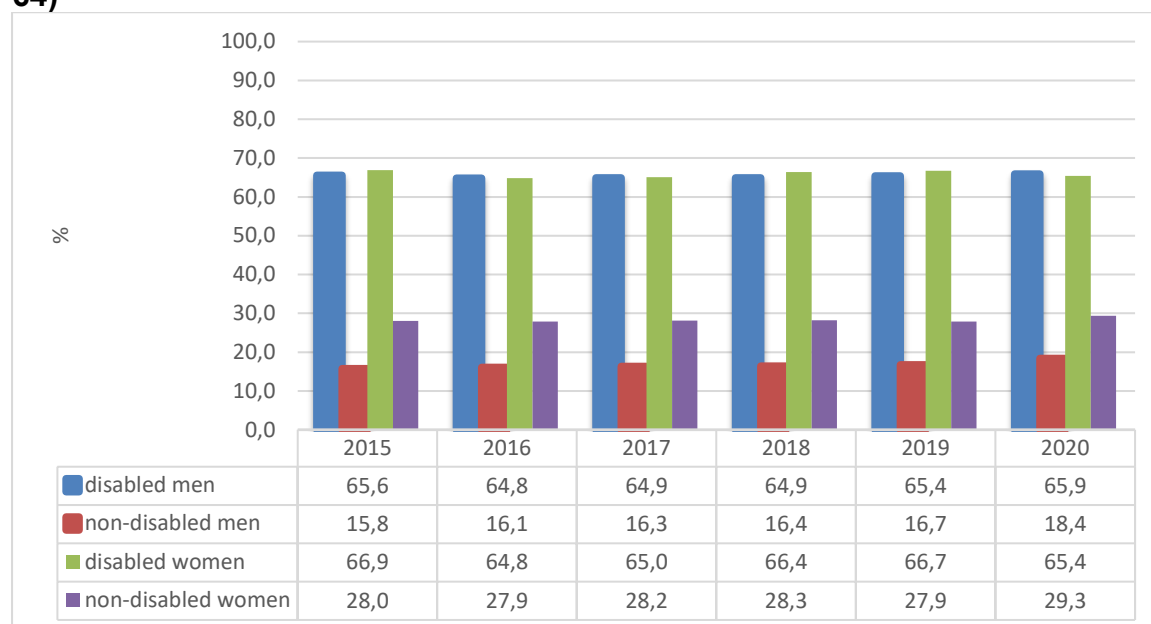
**Table 17: Inactivity rates in Spain, aged 16-64 (2020)**



Source: Spanish data from *Employment of people with disabilities (2020)*, [https://www.ine.es/prensa/epd\\_2020.pdf](https://www.ine.es/prensa/epd_2020.pdf).

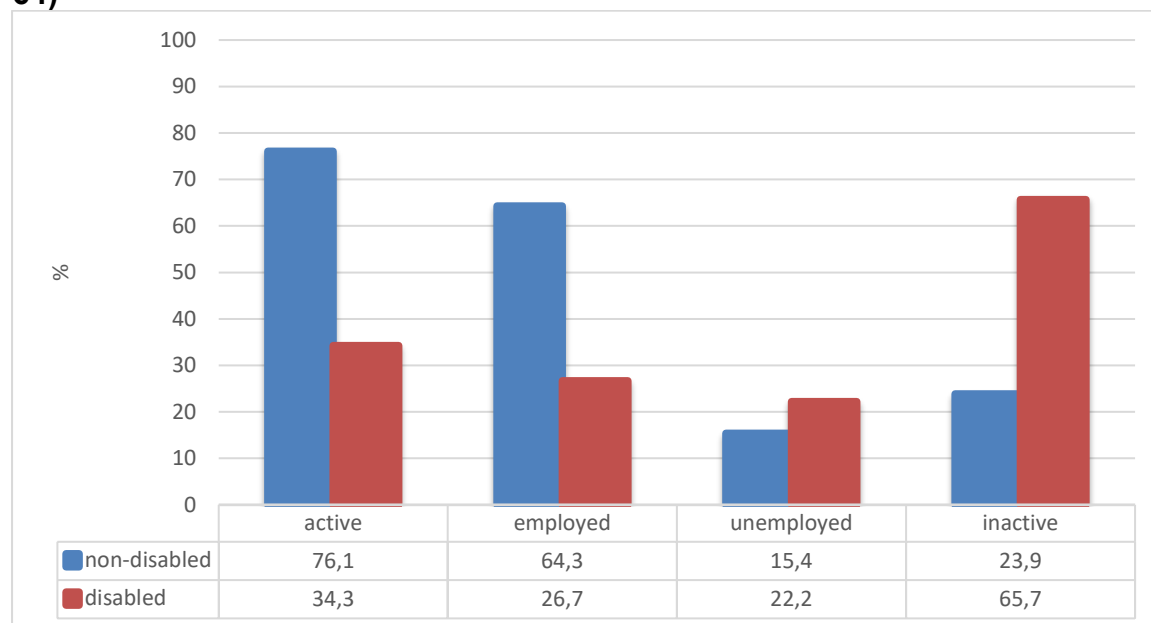
**Table 18: National trends in inactivity rates, by disability status (aged 16-64)**


Source: Data from Employment of people with disabilities (reports from 2016 to 2020)

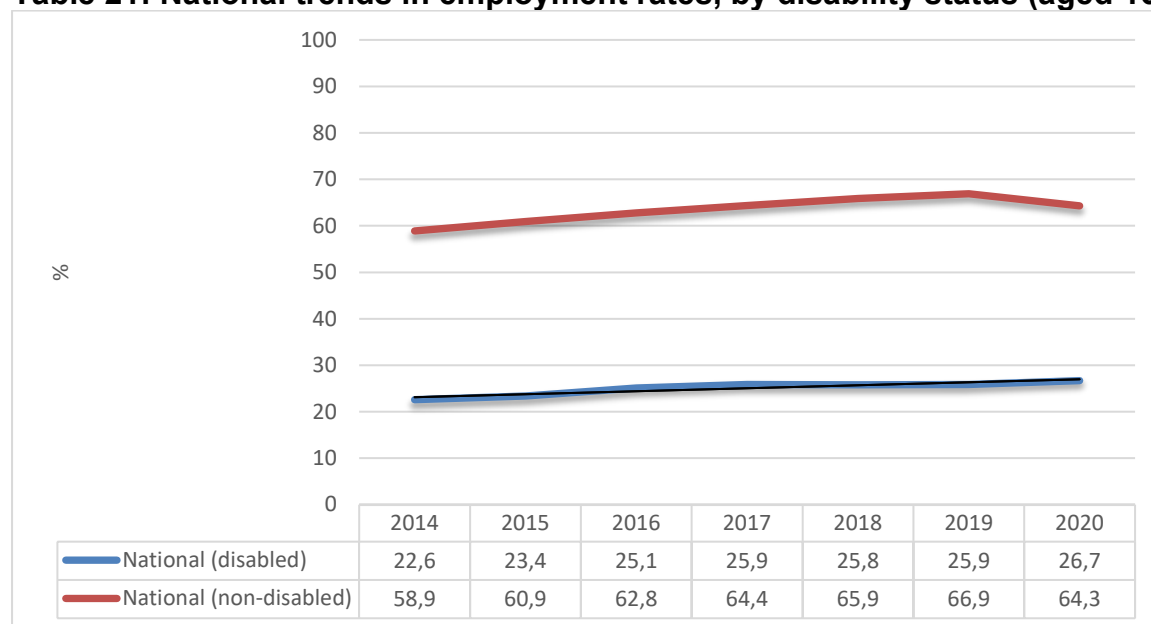
**Table 19: National trends in inactivity rates, by disability and gender (aged 16-64)**


Source: Data from Employment of people with disabilities (reports from 2016 to 2020)

**Table 20: Summary, Employment situation of persons with disabilities (aged 16-64)**



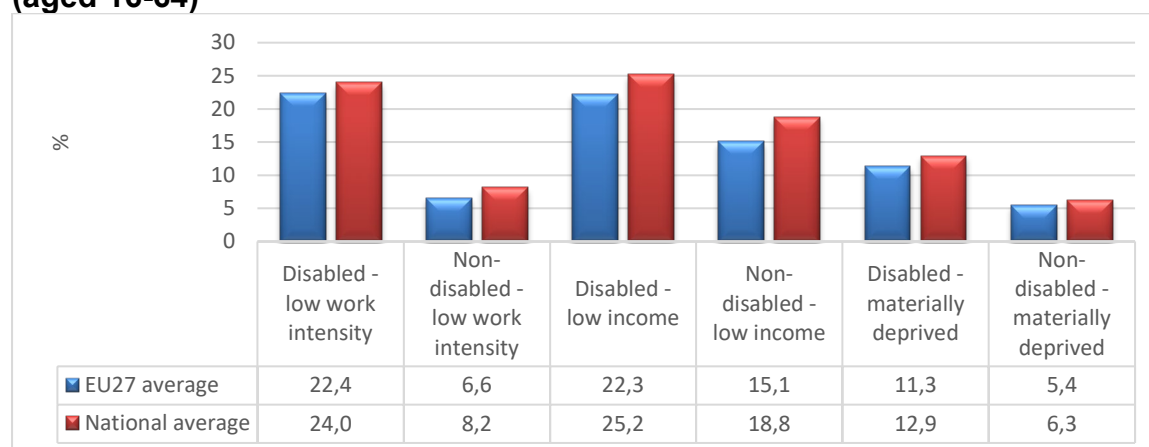
**Table 21: National trends in employment rates, by disability status (aged 16-64)**



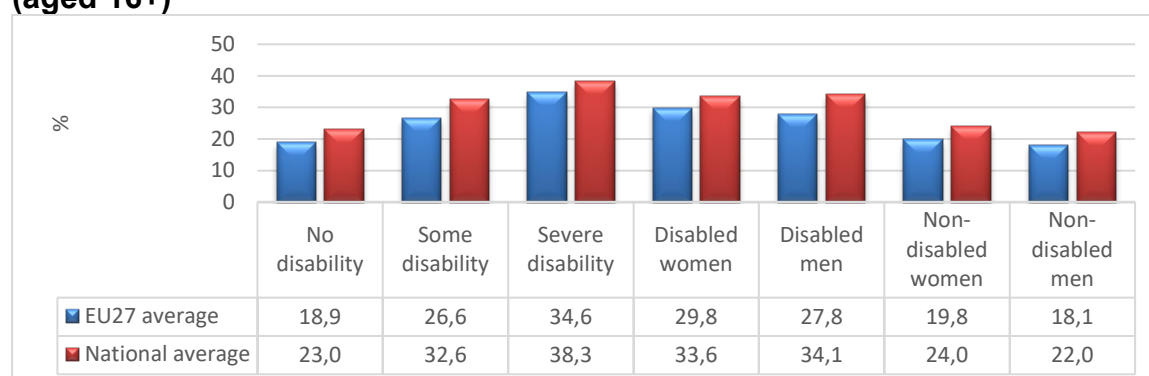
Source: Data from *Employment of people with disabilities (reports from 2016 to 2020)*

## 7.2 EU data relevant to disability, social policies and healthcare (2020)

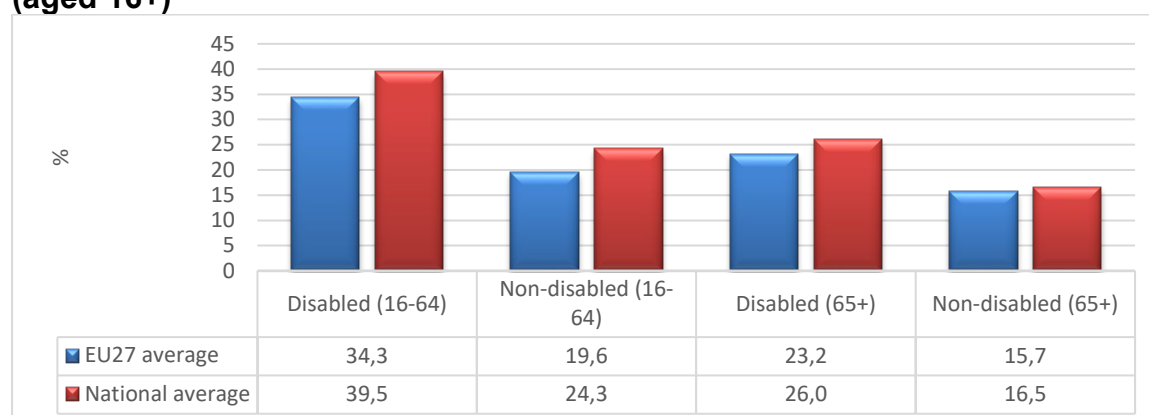
**Table 21: People at risk of poverty or social exclusion, by disability and risk (aged 16-64)<sup>61</sup>**



**Table 22: People at risk of poverty or social exclusion, by disability and gender (aged 16+)**

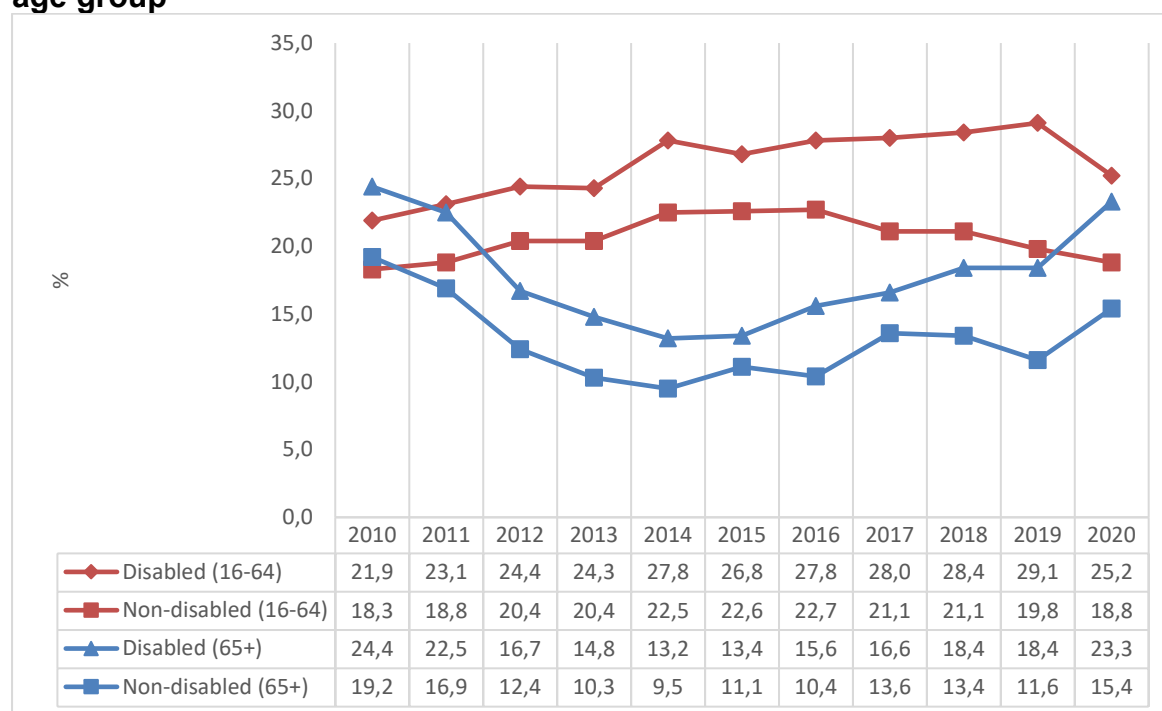


**Table 23: Overall risk of household poverty or exclusion by disability and age (aged 16+)**



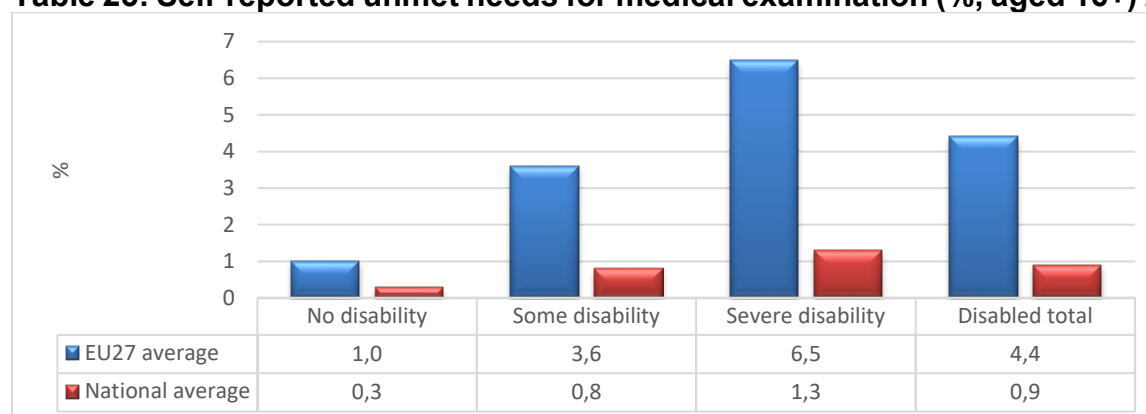
Source: EU-SILC 2020 Release April 2022 (and previous UDB)

<sup>61</sup> Aged 16-59 for Low work intensity.

**Table 24: Trends in the risk of poverty after social transfers, by disability and age group**

Source: Eurostat Health Database [hlth\_dpe020] – People at risk of poverty

Note: This table shows national trends in financial poverty risk, rather than the general AROPE indicator (which is not as comparable between age groups due to the effect of paid employment); the survey does not distinguish 'activity limitation' for children under 16.

**Table 25: Self-reported unmet needs for medical examination (% , aged 16+) 2020**

Source: Eurostat Health Database [hlth\_dh030] – 'Too expensive or too far to travel or waiting list'

Note: EU mean averages are also skewed by high values in a minority of countries within disability groups but median averages for the total disability and no disability groups in 2020 are consistent with the three-year mean values.

### 7.2.1 Alternative sources of poverty or healthcare data in Spain

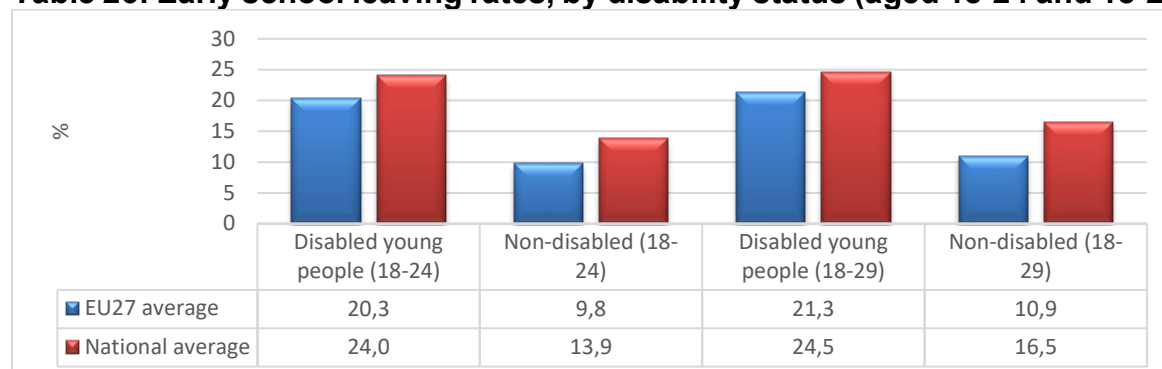
The EU-SILC data provide a comprehensive and reliable source concerning poverty or social exclusion rates. In addition to the summary tables presented so far, the Eurostat disability database also contains breakdowns concerning disability and poverty before and after social transfers, as well as in-work-poverty.<sup>62</sup>

<sup>62</sup> Eurostat Health Database: <https://ec.europa.eu/eurostat/web/health/data/database>.

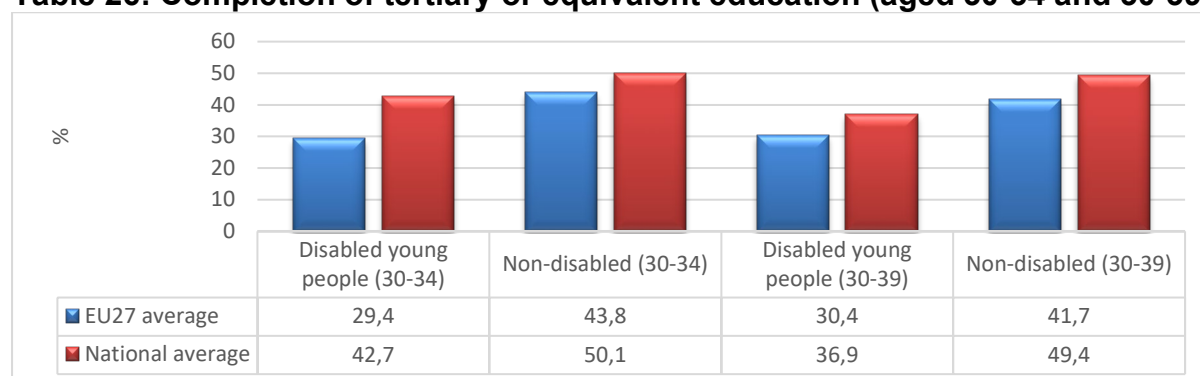


### 7.3 EU data relevant to disability and education

**Table 26: Early school leaving rates, by disability status (aged 18-24 and 18-29)<sup>63</sup>**



**Table 26: Completion of tertiary or equivalent education (aged 30-34 and 30-39)**



Source: EU-SILC 2020 Release April 2022 (and preceding UDBs)

Note: Confidence intervals for the disability group are large and reliability low (due to the small sample size in the target age group). An average of several years may be needed to establish trends or to compare breakdowns by gender.

#### 7.3.1 Alternative sources of education data in Spain

There are no alternative sources of education data.

<sup>63</sup> There was a change from ISCED 1997 to ISCED 2011 qualification definitions in 2014, although some Member States continued to use the older definition after this time.

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