



Exit from and non-take up of public services

A comparative analysis: France, Greece, Spain, Germany, Netherlands, Hungary

[EMERGENCE OF "NON-TAKE-UP" THEME IN SPAIN]

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SUMMARY

The emergence of NTU in Spain

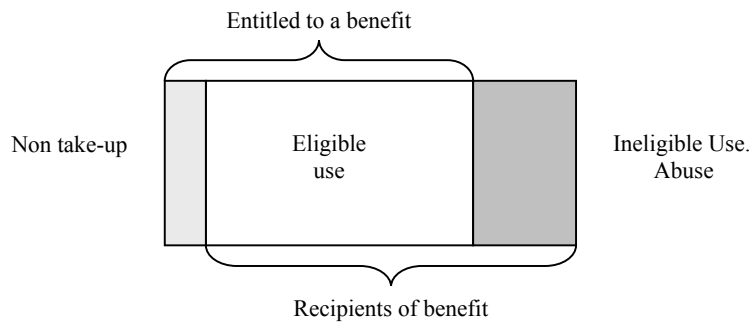
There is no explicit and social consensus in Spain around the concepts of *non take-up* and *exit from rights*, as they have been defined in the EXNOTA Program. There is not even an agreement, among the experts in social policies, around precise concepts to refer to such phenomena. These are the reasons why we had to conceptualize them specifically for the current study. However, it is frequently found in the literature an implicit mention to topics related the *non take-up* and *exit from rights*. Sometimes, these concepts are expressed specifically, even under different names for them, as we will explain.

It is commonly supposed that those who have the right to receive a public service will end up using it indeed, or otherwise, if they do not use it, it is because it is not worth for them, or they have a most attractive alternative, as may happen when choosing a private school or private health assistance. There is an assumption of the existence of a *rational subject*, subject that would know how to choose among the diverse public services.

Meanwhile, there is abundant literature around *abuses* in benefiting from public resources and services. People who earn unemployment wages without fulfilling the requisites or that simply do not deserve them because they do not make an effort to search for work. Abuses around politicians and company owners that traffic with certain benefits in order to obtain votes or to put down their workers (minimum benefits, agrarian workers subsidies), hoax suits in Justice courts, and more.

Finally, there are also references to the *non-use* of public services, but probably with much less frequency than those referring to *uses* and *abuses*, as is shown in diagram 1. For the public administration, it is more gratifying to propose the *use* that is done of the public services and the growing tendency of *users* than to refer to the unpleasant issue of the people who do not access or simply have no knowledge of the existence of these resources. Below is a short summary of the way in which this is captured in the literature and in the interviews the *non-use* of public benefits, the smallest square of the diagram:

Diagram 1
EMERGENCE IN THE POLITICAL AND SCIENTIFIC DISCOURSE OF THE CONCEPTS "USE", "ABUSE" AND "NON-USE" OF THE PUBLIC RESOURCES



Among the most used concepts to refer to the non-use of public services, we can emphasize three, *exclusion*, *non take-up* and *impact*. The first of these concepts –*exclusion*– is the most used in official speeches about poverty and inequality, and is the opposite of inclusion. The non-use of public services would be, in this sense, a way of exclusion (not to receive education, health assistance, pensions, economical benefits, etc.) but exclusion covers much more things, for example, being unemployed or the lack of a personal attitude and aptitude to overcome difficulties.

The concept of *coverage* (and the *non take-up*) is applied to a number of public benefits, especially for unemployment allowances, but also for health assistance, pensions and other benefits. Nevertheless, most of the times "coverage" refers to the existence of a *legal frame* to access or not those benefits. Therefore, the

controversy is about the how wide or narrow is the range and clarity of laws and regulations in order to cover, more or less, better or worse, the rights and needs of the people.

About the concept if *impact* or *non-impact* of public policies, this precise concept is the one which approximates more to the EXNOTA Program definition, as it refers to the degree of knowledge, usage and satisfaction of public benefits from the perspective of the potential users. In this sense, it has been specifically utilized by the "Dirección General de Acción Social del Ministerio de Trabajo" (Labour Ministry's Department on Social Action), in a research project on the impact of Social Services on the population that (apparently) is being researched after a number of surveys in Andalusia. In any case, the *impact* concept includes, besides the use or not use of the benefit, other aspects such as the knowledge of the resource, the opinion that one has on it, and the degree of satisfaction of the actual users.

The explicit references to *non-use* of public resources as expressed in the EXNOTA program appear principally in three following ways.

- ❑ **Frictional non take-up.** In the case of pensions and unemployment benefits, the average time of processing until the above mentioned resources are received is known (it is around three months in both cases). In the area of health it is very present in the public opinion the existence of "waiting lists" for getting appointments to see medical specialists or for surgery in hospitals, as well as in regards to bureaucratic delays in the granting of benefits for disabled people or those that have incomes below the poverty line, etc. In the area of the judicial system it is also well know and denounced, (particularly in the reports of the Peoples Ombudsmen), judicial delays that are the cause, among other things, of the high proportion of prisoners on remand while awaiting trial (23% of the 54.000 prisoners in June of 2003).
- ❑ **Exit from because of use of private benefits.** The most common areas of exit from in Spain are in private educational and health services that are preferred to the corresponding public services - particularly in the case of families with greater purchasing power. At times there is a duplication of coverage, particularly in the health services, and in other cases the public sector finances the services but externalises the management of these through private enterprises, (as in the case of private schools financed by public funds). This mixed coverage also exists in the pension system; where along with the obligatory payments for employees, there exists since the 1980s a private pension system with voluntary payments. Almost half of all employees are now included in this latter scheme (Pension funds). Finally it is important to point out the existence of "no coverage" of public services either because the services do not exist or because they only exist for a minority (public housing, residencies for the elderly, mental health services or dental services, etc.) implies that the population must turn to private services.
- ❑ **Non take-up in relation to potential users.** This form of categorizing the no utilization of public services is that which most corresponds to the definition established by the project EXNOTA, although it is the least used in Spain. It appears clearly in the annual reports elaborated by the Spanish Government as mandated by the European Commission in order to evaluate employment and the fight against exclusion. (*Plan de acción para el empleo del Reino de España, 2002* y *Plan nacional de acción para la inclusión social del Reino de España, 2001-2003*). In these reports the annual evolution of potential users of the various measures and services aimed at promoting employment or combating exclusion are compared with the real number of beneficiaries, and thus the number of persons not covered is calculated. This form of analysing the "no.-coverage" also is applied to specific sectors, such as the two collectives least covered by the universal health services (homeless and undocumented immigrants) or handicapped persons who do not make use of the resources that exist for them.

Causes of non take-up

In the cases of *non take-up* studied there are found a number of factors that explain the non use of resources. Among these the most frequent are:

- **Lack of information regarding the existence of the resource**, and with two different aspects. On the one hand the lack of information is due to the ignorance that many potential users have of their rights. On the other hand it can be attributed to the lack of adequate training of personnel who are responsible for administering these public services and resources. A survey among 1.504 civil servants in the Spanish Social Security System who are responsible for dealing with the public

detected that 90% of them had "received no specific formation of any kind in relation to their job, in spite of the important institutional and legislative changes carried out in the Social Security System"¹

- **Slowness and bureaucratic problems.** The frictional *non take-up* that affects many benefits and public services is due in great part to the slowness of administrative procedures, which is at the same time influenced by infrastructure and personnel problems. We have already mentioned the problem of long waiting periods in the health services and judicial system, to which we have to add the slowness in granting or delivering certain documents (such as residence permits for foreigners) or in handling requests for certain benefits. (In 2002 the office of Madrid Autonomous Community that grants the "Renta Mínima de Inserción" -Minimum Insertion Income-did not process, due to lack of administrative personnel, more than 20% of the requests that had been submitted). In relation to the bureaucratic problems the bibliography consulted emphasises two in particular; the legal uncertainty in regards to some rights and benefits, such as in the case of employment for foreigners, and discretionary administration, to which is added the problem of obstacles to lodging demands for rights to be respected. "The lack of adequate judicial mechanisms for revising administrative decisions also has direct effects on access to social rights"².
- **Budget cuts related to benefits and services.** The level of coverage of some benefits depends at times on budget limits or ceilings established by the public administration. This question has been studied in Spain in relation to the Minimum Insertion Income of the Basque Country and the Madrid Autonomous Community (RAYA 2000 and COLECTIVO IOÉ 2001).
- **Requirements difficult to comply with.** The perception exists that certain public benefits are conditioned by demands to comply with obligations that are difficult to meet or imply a sense of humiliation on the part of the receiver. The most studied case in Spain is that of benefits for temporary agricultural workers, that demand a minimum of contracts or number of days of work each year, or they must carry out "community work" (such as repairing streets or roads) that can result in feeling humiliated in the eyes of neighbours. Similarly, the Minimum Insertion Income for persons with problems of basic survival needs, and the active insertion incomes for long time unemployed over 45 years old, demand requirements that limit the access to these very benefits.
- **Difficulties in paying required monetary contributions or problems due to extreme poverty of potential users.** Some benefits require the payment of a part of the service (medicines, public housing, in-home aid services, residencies for dependent elderly, etc.) that impedes access for the poorest families. In the most extreme cases, such as access to Minimum Insertion Income payments for homeless or indigent people, an important part of them do not succeed in receiving this aid. In the Autonomous Community of Madrid it was seen for example that in 1992 only 15% of the homeless received the Minimum Insertion Income, which lead to formulating new techniques for enhancing access, as well as simplifying the procedures. Thanks to these changes the access of homeless persons to the Minimum Insertion Income had risen to approximately 58% in 2001.

Political context of the Spanish welfare system

To conclude we are going to include some global considerations regarding the Spanish social policy framework in which the questions related to the level of coverage of public services must be inserted. In the first place it must be kept in mind the budget limitations of the Spanish social model whose volume of spending in relation to the Gross National Product is the second lowest in the European Union, after Ireland³. Spain is below the UE average in almost all areas of social expenditure, and particularly noteworthy is in the area of family benefits (10 times less than the average UE expenditure) and in housing benefits (five times lower than the UE average).

Secondly, it is necessary to look at the changes from the model of the welfare state, which was introduced much later in Spain in comparison with Europe, to a neo-liberal social economic model that implies important reductions in labour and social rights. Phenomenon such as increased precariousness of employment (temporary employment represent over 30% of total work contracts) or the privatisation and mercantilism of many public enterprises and services that have led in many areas to a dual system of social coverage, related

¹ NUÑO 1985, page 95.

² ABRAMOVICH 2002, page 105.

³ The Spanish percentage in 2000 is 20,1, the Greek 26,4, the Dutch 27,4, the German 29,5 and the French 29,7. EUROSTAT, *The Social Situation in the European Union*, 2002, in GARDE 2003.

to people's purchasing power (public and private health and education, public and private pension systems, public social services for the poor and private service networks for the rich, etc.). In general the relative deterioration of universal public services (education, health, basic social services, judicial tutelage, etc.) are accompanied by new benefits directed to specific excluded or disadvantaged collectives, leading to a major fragmentation of public resources, with the consequent problems already referred to of disinformation, legal uncertainty and discretionary administration. Instead of promoting a preventive policy in relation to poverty and social exclusion, favouring employment, professional advancement and dignified working conditions, employment is made more precarious, policies of minimum benefits are adopted and repressive procedures are intensified against deviant behaviour of the poor (the number of persons in prison, in the vast majority from the most margin sectors of the population, has multiplied by four in the last 30 years.)

On the other hand, it is important to take into account that, except in the case of general and local elections, there is a scarce institutional development of *the right of citizens' participation*. This might be a way to explain the non-existence or low level of fulfilment of many other population rights, as the people have very little incidence or bargaining power to try to achieve solutions to their needs.

Lastly, it is important to note the influence of the European context, both in the social policy measures introduced in Spain in the last decades, as well as in the most recent decisions in regards to promoting employment and combating exclusion. The Spanish democracy born out of the Constitution of 1978 had as its principal political horizon the inclusion in the European Union. This came about in 1986, and gave way to a race to make comparable Spain's labour, social services and economic institutions to those of the Europe. The diverse existing models (the Nordic-redistributive, the Continental-insurer, the Anglo-Saxon liberal and the Latin-Mediterranean one) are giving way to a slow but continuous process of convergence of minimums in the area of social policy. And as long as the priorities are guided by macro economic and monetary objectives of a neo-liberal orientation, the social agenda and the plans for combating exclusion and for promoting employment will be more rhetorical than effective (RODRÍGUEZ CABRERO 2002).

1. THE SOCIAL POLICIES IN SPAIN. A BRIEF INTRODUCTION

To understand the main features of the Spanish social policy it is necessary to consider historical transformations in the economy, politics and coexistence institutions along the last decades (section 1.1). In that framework, we offer a description of the main current systems of public benefits (section 1.2). Then we will explore the non take-up and exit from those systems (section 2).

1.1. Historical context and current trends

In an historical perspective of long term, which we are not going to develop here, the first structure of a public social policy in Spain was the effect of the social tensions –already generated since the XIX century- among the traditional landowner oligarchy, the incipient bourgeoisie and the labour and rural organizations. Their confrontation of interests found in the State a way for fragile and unstable conciliation. At the same time, there were social transformations in other European countries as Great Britain, Germany or France, where industrialization and urbanization were more advanced. The Bismark policy of labour insurances started in the decade of 1880, which is considered the beginning of the modern social policy (AMBROSSIUS and HUBBARD 1992).

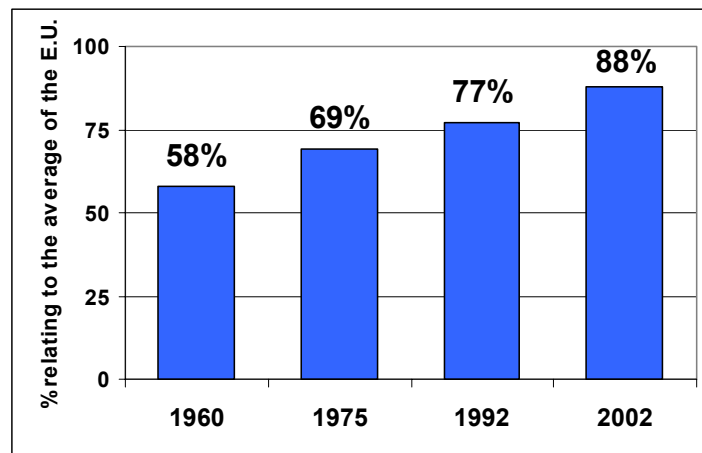
Spain was introducing some laws (industrial accidents 1900, elderliness 1909) and insurances systems into the voluntary adscription concept (retirement 1919, accidents 1922, unemployment 1931), until the second Spanish republic (1931-36). The advances in social matter were spoiled by the civil war (1936-39) and the dictatorship of General Franco (1939-75).

Between 1960 and 1975 a great economic development took place in Spain creating the bases of a blossoming welfare and consumer society. The Gross National Product was duplicated widely during those years, and the distances with the rest of Europe were reduced (the Spanish per capita income grew from 58% to 70% of the EU-15 average). The year that Franco died (1975) more than half of the population lived in urban areas, received wages including health and social services and began to massively access compulsory education. The Law of Bases of the Social Security System dates from 1963 and the General Law of Education from 1970. Against what it is believed, it was during the Franco's regime when the bases of the Welfare State were established, the democratic forms were later (GALÁN 1999).

In the middle of 70's, when in the centre of Europe the crisis of the social and economic model of post-war period began, Spain released a regime of parliamentary

monarchy that would be reinforced in 1986 with the entrance in the European Community. At the beginning, there was a transference of incomes towards the lowest income social sectors, by reinforcing public services and social benefits. Nevertheless, the international recession cycle affected the Spanish economy, and there was a crisis from 1976 to 1985 ended in an important productive restructuring. The economic growth was recovered from 1986 to 1991, returned to down until 1994, and there has been a new expansive cycle since then. The GNP growth is smaller than it was before 1975, but above the average of the EU-15 –the same thing than the other countries of the European periphery: Greece, Portugal or Ireland-. The per capita income relating to the EU-15 average was raising to 77% in 1992 and 88% in 2002 (see Graph 1), although with important regional differences⁴.

Graph 1
SPANISH PER CAPITA INCOME
RELATING TO THE AVERAGE OF THE EU-15



Source: Foundation BBVA and EUROSTAT.

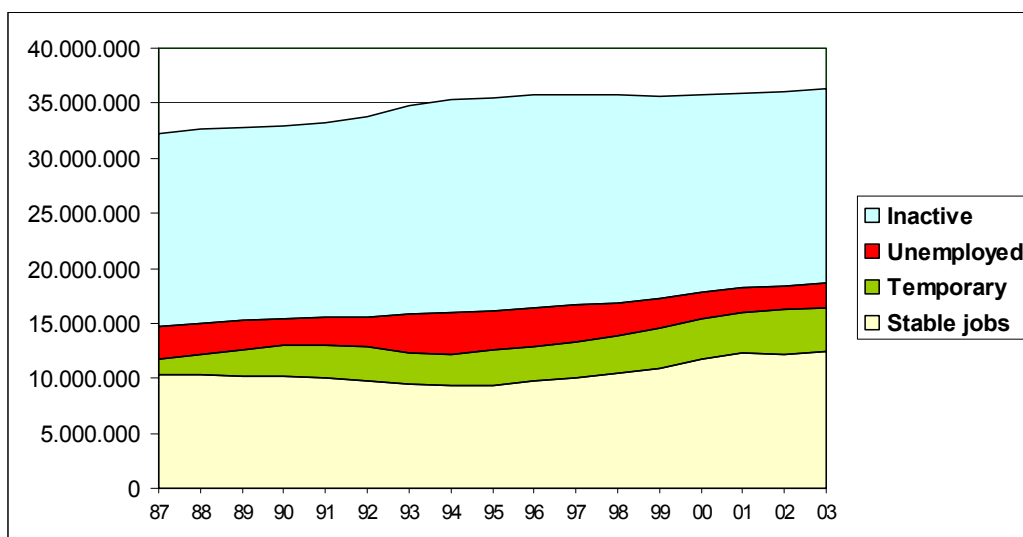
Along this period (1975-2003) public medical care has brought into a general use, education is compulsory up to 15-year-old kids, and the pension system, social benefits and public services have been extended.

The structure of the employment has also changed. Between 1975 and 2002 the employment decreased from 22% to 6% in agriculture, from 27% to 19% in industry, from 10% to 12% cyclically in construction, but it grew constantly from 41% to 63% in

⁴ The per capita income is above the average of the EU in 5 of the 17 Autonomous Communities (Madrid, Baleares, Navarra, Cataluña and País Vasco) and it is below of 70% in 3 of them (Murcia, Andalucía and Extremadura).

service sector (Survey on Active Population). An important number of women shut away, according with the patriarchal family model, have taking part in the labour market. However, the rate of women being on active is still lower than the European average⁵, and their employment rate is worse. Unemployment and labour precariousness (temporary jobs) are structural into the Spanish labour market, with large oscillations depending on each economic joint. Spain has been during many years the European country with the highest rates of unemployment and temporality. As we can observe in the Graph 2, there is a relatively expansive stage: steady and temporary employment is growing and unemployment is falling, although the proportion of inactive people in 2003 is still very high (63% of people over 15, and 51% of those in working age between 16 and 64).

Graph 2
LABOUR SITUATION OF SPANISH POPULATION OVER 15 YEARS OLD
(1987-2003)



Source: *Encuesta de Población Activa* -Survey on Active Population-
(annual average and First Trimester 2003)

Social policy is the least developed area by the EU and each country can develop its own benefits system. However, it is used to say there are three models: the Nordic-redistributive model in Sweden, Denmark and Finland, the continental-insurer model in Germany, France, Holland, Belgium, Luxemburg and Austria, and the Anglo-Saxon

⁵ The female active rate in Spain was the third lowest of the E.U. in 2000 (39,2%). Below of it there were the Greek (38,7%) and Italian (35,7%) rates. MINISTRY OF LABOUR AND SOCIAL AFFAIRS, 2001.
Contract n°: HPSE-CT-2002-5002 – EXNOTA TN – Spanish Final Report

liberal model in the United Kingdom and Ireland (ESPING-ANDERSEN 1990). Some authors add to those models the Latin-Mediterranean one that would be characteristic of the countries of the south of the European Union (Portugal, Spain, Italy and Greece). The main characteristics of the Latin-Mediterranean model would be as follows (ADELANTADO Y GOMÀ 2000):

1. Social security system centralized and based on the contributions of workers, it is managed by independent public institutions and it is very fragmented, as some users are well covered (unemployed, health, pensions, etc.) and other users are not.
2. Universalized systems on education, health and basic social services, spending per capita less than the EU average. There are important private health and education systems for the highest income social sectors.
3. Family is a very important care institution for people who are old, sick or unemployed, with weak public roles on social exclusion area, in spite of new public basic income and social services network.
4. Collective negotiations offer a good coverage, but the union affiliation rate is low. This is more significant in Spain than in other European countries; because of the wide clientelism and paternalism on welfare administration (some political and union leaders have a patrimonial concept of the State).
5. There is a north/south division, especially in Spain and Italy. There are lots of political and budgetary tensions among those regions (the agrarian benefits in Andalusia and Extremadura, the National Hydrological Plan in Aragon-Catalonia and the Mediterranean East Cost, etc.).
6. The European cohesion and social policies have an important impact in comparative terms quantitatively (Structural Funds) and qualitatively (adjustment to social policies and EU measures, Regional and National Plans against social exclusion by the European Council in Niza December 2000).

The low levels of social spending in Latin-Mediterranean countries should not be interpreted as an explicit assumption of the liberal model but neither it is clear that they represent a continental-insurer's first embryonic stage, (CASTLES 1995 supposes it). It would be necessary to present a fourth model with different characteristics (ABRAHAMSON 1995, SARASA AND BROWN 1995). Anyway, the current models in Europe are in a slow but continuous convergence process toward a common social policy. The EU policy has given priority to the economic and monetary objectives, but it has also contributed to the development of other areas as free circulation, gender equality, labour health and incomes. However, the most pessimistic people think that white and green books, social agendas and plans against the exclusion are more rhetorical than real and their main effect is to reinforce in the EU a residual-liberal policy of minimums (RODRÍGUEZ CABRERO 2002).

In countries such as Spain, social policies evolution during the last decades has happened in the context of an important change of regime, from Franco's Authoritarianism to Parliamentary Democracy. The Spanish 1978 Constitution has established all citizens' equality and their *right to participate in social life's organization*. This implies a basic right that may be the guarantee for other many rights, instead of the lack of liberties defining the previous regime. In spite of this, practically both the Political transition from "Franquismo" (the Franco Regime) to Democracy and the institutional configuration after it, were performed throughout pacts staged by power elites from different social powers. There was a subordination of the important popular participation that had happened during the process of the political transition, in which "pacts and agreements were offered as an outcome of a process in which citizens witnessed as mere spectators... this could explain the participative apathy of the population, which has only been taken into account when voting" (DEL ÁGUILA y MONTORO 1984, pages 218 and next).

In fact, 1978 Spanish Constitution proposes in general the participation of citizens but actually limits it to channels that are corporate and with internal hierarchies, such as political parties. About other channels of popular participation, other than the individualized access to vote every now and then, are severely conditioned. For instance, the popular legislative initiative, that has to be backed up by over half a million signatures, has to be proposed by a Parliamentary force, cannot refer to fundamental matters of the legislation, nor to Taxes, nor to international issues. Besides, its proponents cannot debate the popular initiative in Parliament, and in the case that it would lead to a referendum, the Government should previously authorize it, and its outcome is not binding. This way, we can talk of *no coverage* of a basic right of the people, the Citizen's Participation, in spite of being endorsed as a general right in the Spanish Constitution, is later "not allowed and denaturalized" by the law system and by the political practice. (TORRES DEL MORAL, 1986).

1.2. Main benefit systems

As we have already seen, the public system of social benefits experienced a remarkable growth in the last stage of the Franco's regime, but its modern institutional configuration is based on the democratic Constitution of 1978 and its later legislative development. A very important characteristic of the Spanish public system is that many of the competences are transferred from the central State to the 17 Autonomous Communities (regions which enclose one or more provinces) and some competences are also transferred to the provincial delegations and the city councils (peripheral administration of the State).

Next we do a brief presentation of the main public benefits. We differentiate between those associated to the previous payment of contributions, taxes or quotas by workers, called contributive benefits, and those for population in general (Beveridge type), called universal. Within the universal benefits we distinguish *general benefits* for all the citizens, and the *specific benefits* for some sectors of the population (children, women, old people, social excluded, etc.).

a) Contributive benefits

- **Contributive benefits for unemployed:** the unemployed workers are entitled to receive it when they have paid Social Security under the legislated conditions. *Unemployment coverage*, (proportion of unemployed receiving the benefit) has change depending on the legislative reforms. The Law of Unemployed Protection in 1984 said that the minimum period paying Social Security was six months, and the duration of the benefit was extended from 18 to 24 months and indefinitely for those over 55 years old. However, the called "decretazo" in 1992 said it is compulsory to pay Social Security for twelve months, and it reduced the duration of the benefit. At the present time, only 30% of unemployed receive this benefit and other 17% receives an unemployment dole (Survey on Active Population and Social Security, First Trimester of 2003⁶).
- **Contributive pensions for retired, widows, disabled and orphans:** the number of people receiving these pensions in Spain has increased from 4,8 millions in 1982 to 6,5 millions in 1992 and 7,8 millions in 2003. The contributive pensions costs has increased from 6% to 9% of the GNP in the last 20 years. Several reforms were made in order to get a feasible pensions system. The Pensions Law in 1985 and the Toledo Agreement ("Pacto de Toledo") in 1995 have hardened the requirements for public pensions (more years paying Social Security and the amount received depends of a longer period); on the other hand, the Pensions Funds Law in 1987 has favoured the private pensions for companies and workers. Those funds are one of the greater capital stock for the private financial system.

b) General universal benefits

- **The right to Education:** The constitution of 1978 acknowledges this right as a right which the public authorities must guarantee to all citizens. Basic education is

⁶ We use data from the Survey on Active Population because are more real than those from the Employment National Institute (INEM) relating to registered unemployment. The government is used to use the registered unemployment data from the INEM, but we have to take into account that to be registered depends on the will of unemployed persons.

compulsory and free from 6 to 15 year old children, and almost all kids are schooled. Furthermore, 95% of children between 3 and 5 years old are registered at school, 85% between 16 and 17, 61% between 18 and 20 years old, 33% between 21 and 24 (Ministry of Education, 2002). The management of the Education system is transferred to the Autonomous Communities and approximately one third of the non university level is in hands of the private sector, with an important share of faith-based schools (mostly granted by the state while education is compulsory).

- **The right to Health:** Acknowledged also by the 1978 Constitution, it was developed in the Health General Law of 1986. The right to Health has recently turned universal, because before it was associated with the workers paying the Social Security. In 1966 Public Health coverage reached 63% of the population, increased to 82% in 1980 and to more than 98% nowadays (immigrants not registered in the municipality are not included, although they have access to the emergency services). However, as it occurred in Education, there are Health parallel networks of private entitlement representing some more of a quarter of the total Health expenditure. The Health system transference process to the Autonomous Communities has yet concluded.
- **The right to Participation:** The Spanish Constitution (1978) states that public powers are supposed to facilitate the participation of all citizens in the political, economic, cultural and social matters. According to its article 23, "The citizens have the right to take part in the public matters, directly or by means of representatives freely chosen in periodic elections by universal suffrage". Nevertheless, in Spain direct participation has not been promoted, but legally impeded and debilitated in practice. The main roles are held by the political parties, as parties occupy almost all the participation gaps.
- **The right to the Administration of Justice and Security:** The public order and the effective judiciary tutelage and without undue dilations is also envisaged in the 1978 Constitution as being a fundamental rights of all Spanish citizens. This implies, among other public benefits, the existence of personal and material resources intended to ensure the tutelage of the economic, social and cultural rights throughout the police, judiciary and penal policy. However, although each year Justice Tribunals pass more than one hundred thousand sentences, judiciary delays in Spain are quite frequent and 22% of the prisoners are preventive (waiting for a judgement).
- **Basic Social Services:** The Constitution of 1978 recognizes "for all citizens the assistance and social benefits sufficient in face of situations of need". However,

the development of this principle has been in charge of the Autonomous Communities throughout the corresponding laws on Social Services. On the other hand, the Local Regime Law of 1985 establishes competencies for municipalities of more than 20,000 inhabitants in matters of Social Services benefits, promotion and social reintegration. The smaller municipalities have bigger problems of coverage, although they can be associated in commonwealth for the management of certain services. In the practice, the majority of the municipalities and commonwealth municipalities have been welcomed to a Concerted Plan of Basic Social Services Benefits, allowing for a joint and concerted financing between the central, the autonomous and the municipal administration, social services of primary health cover diverse goals; among these goals, "the information and orientation to access and use the social resources and prevent inequalities" is highlighted (MINISTRY OF LABOUR AND SOCIAL AFFAIRS, 1997).

c) Specific universal benefits

- **Social Housing:** Although the Spanish Constitution establishes that "all Spanish people have the right to enjoy a dignified and adequate housing" (Art.47), the social housing or official protection housing provision has decreased very much during the last decades. The period of mayor intervention took place in the 60's, in the full Franco period. Then around 90% of the new houses were of official protection, although of private promotion in the majority of the cases (the state subventions were directed towards the building companies). >From the democratic transition onwards (in the middle of the 70's) the housing policy was meant to give fiscal benefits and low interest credits to the purchasers, meanwhile the financial market and the housing rent market were liberalized. (Boyer Law, 1985) Until then, the saving banks were obliged to facilitate credit at a very low interest rate. This new orientation resulted in a failure from the social point of view: the demand was always superior to the offer, which produced a steady increase of the prices, above the yearly inflation. Whereas there is a deficit of more than 700.000 houses for families with low purchasing power, the (speculative) investment in second houses and empty houses represents 30% of the total housing sector. The public expenditure in housing during the 90's was one of the lowest of the European Union (0,91% of the GDP for direct support and fiscal deductions between 1989 and 1996). The official protection housing was 54% of the total housing between 1980 and 1989 and decreased to 23% between 1990 and 1998 (these data were compiled by ADELANTADO Y GOMÁ 2000). Many of the competencies relating to housing are transferred to the Autonomous Communities.

- **Income support policy:** The purpose of these economic benefits is to help individuals or families in special fragility or precarious situations. Among them, we stress the following benefits:
 - *Non contributive pensions:* the benefits are directed to those retired and disabled persons under 65 who not receive contributive pension and not sufficient income. In 2003 these not prepaid pensions reached half million people.
 - *Unemployment subsidies:* directed to individuals in special circumstances established by the law when their period receiving a prepaid unemployment has finished. During the first months of 2003, 380.000 Spanish unemployed are subsidised (the 17,4% of the total number of unemployed).
 - *Benefits to the eventual agricultural workers:* they are directed to those eventual workers who are unemployed during the mayor part of the year. There are 205.000 beneficiaries in 2003, the major part of them are in Andalucía and Extremadura.
 - *Minimum Income for Integration:* this basic income depends on the Autonomous Communities which started to be applied in 1989 in the Basque Country. The law presents some nuance characteristics from each territory. Although in all the cases it is directed to families in extreme poverty situation (having an income under 30% of the Community per capita income average). This "benefit" is considered as a right (it could be requested) only in some Autonomous Communities, but even in these cases it is a "conditioned" right (it is not enough to be in severe poverty to obtain this benefit, some other requisites must be complied with, and these requisites are personally established with each beneficiary).

- **Employment policies:** in their theoretical formulation they treat to cover two objectives: to increase the employment in Spain (reducing the unemployment rate) and to improve the employment quality (reducing the temporary contracts and making the personal qualification higher). From 1995, these objectives are planned and evaluated every year by the National Plans of Employment, the last one corresponding to the year 2002. The employment policies were conditioned firstly by the collective agreements between employers' organizations and trade unions, which are renewed each year. Spanish collective agreements cover 82% of the employees. They are also conditioned by general state policies and by the directive and financial support of the European Union (European strategy of Employment, initiated in 1997, and resources proceeding from the Structural Funds). Regarding the management, a big part of theses competencies have been translated to the Autonomous Communities and the city councils, with the central government support. In order to ensure the coordination of the interventions, The

SISPE project (Information System of the Employment Public Services) is been implemented from many years ago, with capacity to treat in a real time the information on public services for employment (State and Autonomous Communities) as well as the information on the flux of offers and demands for employment coming from these services. The main active employment policies gathered in the *Action Plan for the employment of the Spanish Kingdom for 2002* are:

- *Bonuses to the Social Security or benefits* for the managers who contract women, people over 45 years old and disadvantaged social groups, that are unemployed. Special advantages are given to those who make indefinite contracts.
 - *Professional training plans* to recycle of workers, particularly the unemployed. These permanent professional training with public financing have reached in 2002, 2,6 million workers (18% of the total workforce) and 506.000 unemployed (23% of the total). A major part of these courses is directed to training in new technologies (with a million of students, in which 125.000 are unemployed).
 - *Particular measures* related to *spaces with more employment problems* (regions with higher unemployment rates, which are coincident with the poorest regions). Plan of impact in municipalities with more than 50.000 inhabitants; plans to promote the women equality in the access to employment (discriminated nowadays). Plans to favour part-time employment, etc...
- **Policies targeting those social sectors with specific problems:** In this section we gather the very diverse benefits directed to institutions and particular communities given by the whole public administration at the state, autonomous and local level. In some cases the source of financing is taken from the European Union (Objectives 1 and 3 of the Structural Funds with a budget for Spain of 505 and 230 million of Euros respectively for the period 2000-2006). Without intending to be exhaustive we can highlight those specific policies that seem to us more important:
 - *Family and population segments according to their age and gender* (children, youth, women and elderly): There are several systems of benefits, which are frequently managed or in collaboration by entities of the so named "third sector". In Spain, the policies of family assistance are very limited in relation to the rest of Europe. This also happens regarding the dependent elderly, their care is in major part of the cases a task of their own families and private institutions. At the state level, also in several Autonomous Communities there

- are *Plans for the Equality of the Youth, Women and the Elderly* (Gerontology Plan), which try to coordinate the actions and public benefits in these issues.
- *Persons with physical, psychological and sensorial disabilities*: 3,5 million Spaniards (9% of the whole population suffer from disabilities. Public measures intend to facilitate their medical and functional care and occupational rehabilitation, having access to prepaid pensions and specific not prepaid pensions (which we formerly mentioned). From 1997 to 2002 the first *Action Plan for persons with disabilities* was developed, it is nowadays in a phase of evaluation and revision.
 - *Immigrants and ethnic minorities*: The Gipsy community (around half million people) has been traditionally attended by public Social Services and sometimes also by specific policies of education, housing, etc.... With regards to the foreign immigrants, its growth during the last year (more than 1,5 million has been taken in the 2001 census) has given place to diverse measures at the state and autonomous level in order to facilitate their social and labour integration.
 - *Other sectors with problems of social exclusion*, those affected by drug usage (including alcoholism), homeless people, prisoners and ex-prisoners, are also targeted by diverse specific public administration policies.

2. EXPLORING ON THE TREATMENT OF NON TAKE-UP / EXIT FROM IN SPANISH SOCIAL POLICIES

This approach has been made throughout gathering documentation about the main public benefits systems presented in the previous section⁷. We have also performed one-to-one interviews to documentalists and experts in Social Policy issues, allowing us to check the information gathered and to develop certain points⁸.

We only develop those aspects directly or indirectly related with our research aim. In those few studies which deal with non take-up and exit we highlight them on charts, explaining the methodology used.

On section 3 we will assess globally Spanish Social policy from the point of view of how much different agents (public officials, researchers and the general public) care about the impact of public benefits.

⁷ Annex I: documentation centres.

⁸ Annex II: list of interviews.

2.1. Unemployment benefits (from contribution and welfare plans)

In the case of Spain, the unemployment benefits are very important, as for many years Spain has been the country with the higher unemployment rate in the European Union. This can also explain the fact that within the 11 chapters on social protection of the SEPROS system⁹, the chapter related with the unemployment is the only one where Spain appears above the European Community average.¹⁰ In relation to this benefit in many countries the concept of “unemployment coverage” has been formulated to refer to the rate of unemployed receiving unemployment benefits. Nevertheless, this concept of coverage and its corresponding non-coverage does not have the same meaning given in the program EXNOTA, the concept does not refer to those entitled to and don't use this right, but to the *unemployed who are not entitled to use it*. Therefore this concept refers to a vacuum or judicial gap and not to non take-up and exit.

In the studies focused on unemployment benefits in Spain, it is understood that those being entitled to that right *always take it*. Only one form of *frictional non take-up* is mentioned: the delays or the time elapsed between ceasing to work and the recognition of the right to receive the benefit (which can last several months). However, somehow frequently, those “*abusing*” that right are pointed out, basically for two reasons: because they received unemployment benefits while working in the black market, or they are not actively searching for a job, or they even renounce to job offers because they prefer to receive all the benefits until the time of their right is over. A law approved on 2002 broadens as a reason for infraction those receiving benefits which “do not comply with the requisites of the *agreement of activity*, including not proving their active job searching”¹¹.

Unemployment benefits, as the term is meant in Spain, has broad bibliography¹² and its evolution is directly related with the changes in the labour legislation: with the coverage improvement after a General strike in 1988, it is getting worse after the reforms of 1992-1993. We are talking about legal coverage, in other words about the requirements for entitlement are widened or narrowed, not about whether people with the right to use current benefits use them or not.

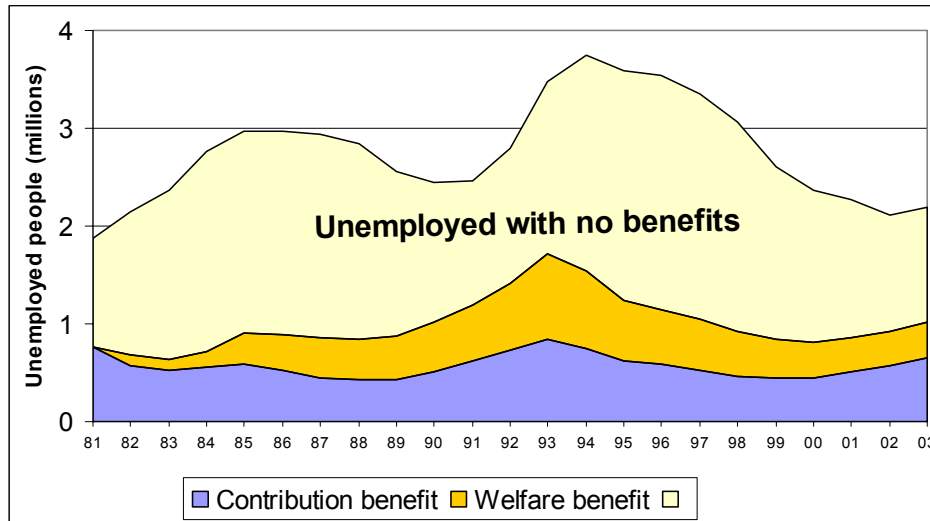
⁹ The SEEPROS system is used by EUROSTAT in order to compare the accounting on expenditure in the social policies within the European Union.

¹⁰ Between 1980 and 1994 it was the only budget item always above the average of E.U. per capita expenditure. See BOSCA, HERNANDEZ Y TAGUAS 1997, page 65.

¹¹ Royal decree-law 5/2002 art.5.1.c See RON LATAS 2002.

¹² See CEBRIÁN and others 1996, and TOHARIA 1997.

Graph 3
UNEMPLOYMENT BENEFITS COVERAGE IN SPAIN (1981-2003)



Source: for the number of unemployed, INE, *Encuesta de Población Activa*; for the number of people receiving contribution and welfare unemployment benefits, MINISTRY OF LABOUR AND SOCIAL SECURITY, *Boletín de Estadísticas Laborales - Labour Statistics Bulletin*.

Another aspect researched related to the unemployment benefits is the *intensity of coverage*, which refers to the amount of money received by the unemployed. In general, the protection intensity of the contribution plans benefits is similar to the European average, although it has been reduced after several reforms of the labour market particularly after the legislative changes of 1992. Starting that year, it became more difficult to receive benefits from a contribution plan. Moreover, the benefit itself was reduced in 10 points of percentage (from 80% to 70% of the salary covered by the worker). To compensate for this decrease, contribution and social welfare benefits were increased. This resulted in a dualism of the unemployment benefits which run parallel to an increase in the employment market segmentation: "Silently a phenomena of double segmentation has been generated: both in the work market and in unemployment protection. Together with the active workers of the secondary sector, occupying poorly paid jobs to the extent to which the latter does not prevent them from a needy situation (relative poverty), it originates an unequal treatment on the unemployment social protection: the workers with a precarious job (unstable and poorly paid employment, and in fact with worst work conditions in general, since they cannot be under contract conditions to discuss the contract terms, not even to comply to Law) will

join the queues of social welfare benefits with a compensation role near to the relative poverty line" (MONEREO, 1996, page 207).

2.2. Contribution and welfare pensions

The pension system is the main source of income for all retired persons. According to the 2001 Population Census in Spain there were 6.8 million people over 64 years-old, same amount than the retirement and widow and widower pensioners for that same year. 6.5 million received contribution benefits (4.5 millions on retirement and 2 millions on social welfare benefits). Furthermore, on the same year 2001 the public pensions system took care of one million people in their working age (788,000 with a contribution plan and 206,000 with a social welfare plan).

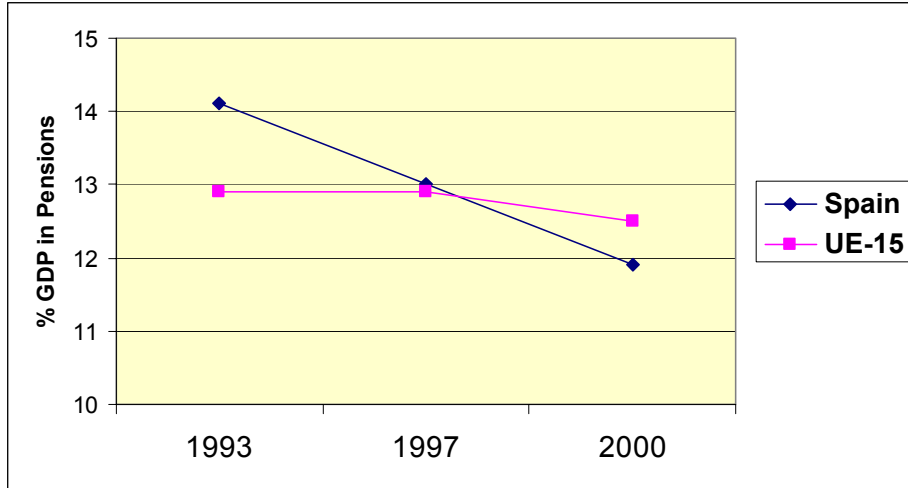
The pension system cover therefore is virtually universal, 96% of the existing have a contribution component and 4% of the rest is of social welfare. Apart from the *frictional take up* -time spent on procedures previous to receiving a benefit (in Spain it is around 3 months)- the major problem in Spain is *the amount or intensity of the benefit*, which as an average amounts to 542 Euros a month for contribution plans and 206 Euros for the Welfare pension¹³. In regards to the contribution plan pensions there is also a strong discrimination in regards to *pensions for widows and widowers* (most of them widows), who only perceive 45% of the amount their spouses were earning. This has pushed the government to establish a complementary system to guarantee all persons a minimum subsistence (an amount fixed each year that is benefiting 2.4 million pensioners with very low level benefits).

The number of pensioners has greatly increased last years, given the increase of elderly population. This has produced a major expense in the Social Security public system, which has given place to a certain alarm about the financial viability of the pensions system. Nevertheless, various authors have proved a more ideological trait, that real in this alarmism, at least at the short and medium term. (See ETXEZARRETA 1996 and GONZALEZ CALVET 1997). A recent EUROSTAT study showed that in relation to the Gross DP the expenditure in pensions in Spain was reduced from 14.1% in 1993 to 11.9% in 2000 (ABRAMOVICI, 2003) (see Graph 4). The trend on the whole European Union between these years was of a slow expenditure reduction (-0.4 points), which was more intense in the case of Spain (-2.1 points). According to this report, the Spanish expenditure in pensions was distributed on the following way: 75.6 % in retirement pensions (as the European average), 17.9% in pensions fro people with disabilities (twice as much as the European average), 5.9% pensions for survival or

¹³ Official data corresponding to the month of February 2003. See www.mtas.es/estadisticas

social welfare pensions (half than the European average) and 0.6% for other benefits (4.9% the European average).

Graph 4
EVOLUTION OF THE EXPENDITURE IN PENSIONS
IN RELATION TO THE GDP (Spain and EU-15 average, 1993-2000)



Source: ABRMOVOCI, G., *Social Protection: expenditure on pensions*, EUROSTAT, 2003

The last legislative reforms related to the pensions (Law on Pensions in 1985 and the Toledo Pact of 1995), together with the increasing precariousness of the labour contracts (33% of temporality among waged employment) forecasts the same as occurred with the unemployment benefits: the social duality in the pensions system will be strengthened, the contribution pensions will tend to diminish -in number and amount-whereas the social assistance pensions will increase (for precarious employments or black market) and private pensions will be strengthened for those persons with better jobs and higher income. The employment structure and evolution will mostly affect to the nature and protection intensity of the pensions. It is expected that the increase in the precariousness of the work market during the last years will affect decreasing the pensions, from now until twenty or thirty years, given the fact that the years paid and the amount paid to social security will decrease. (...) Then we tend to a system of *duality*: those groups with fewer resources will have to be content with a system of public minimums, and those workers most favoured by the market will be able to complement a public pension- larger than the average, with a private one¹⁴.

¹⁴ NOGUERA 2000, pages 177 and 180
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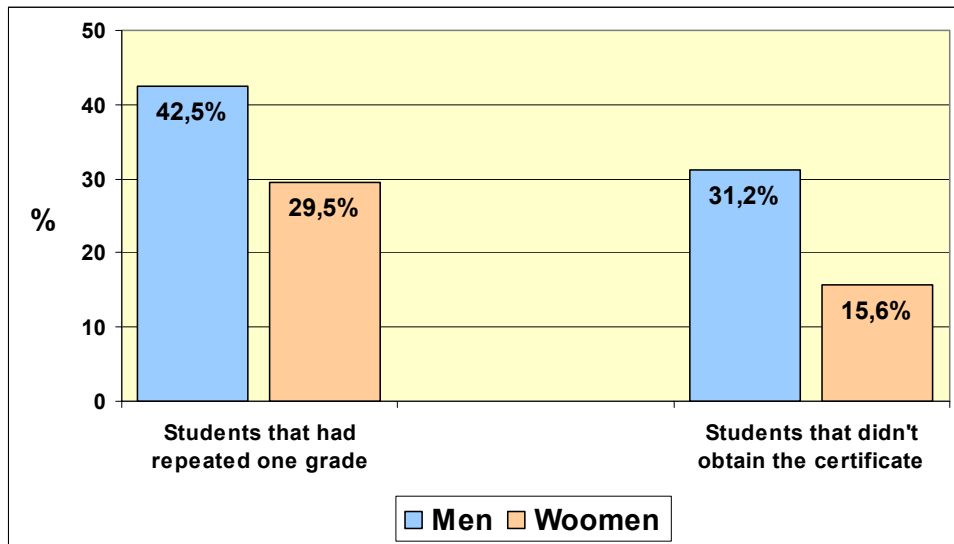
The private pension system, which after 10 years of its founding, included 26% of the occupied population, does not entail a *renouncement to receiving* public pensions, which are still compulsory for all workers. Nevertheless, there is no doubt that its existence contributes to make the accommodated classes to accept easily the non-stop cutting and reductions of public protection, which will tend to a protection system of minimums.

2.3. The right to education

During the School term 1999-2000 *practically all boys and girls between 6 and 16 years old (compulsory schooling age) were schooled*, either in the public sector (68%) or in the private one (32%). This last data means that nearly one third of the students withdrew from public education, which is in a way misleading, as the majority of the centres of private entitlement are financed by public funds. With the exception of a minority of centres that ask for fees, where social elite with a high-income level attends, the education funding in Spain relies on the State, although one third of the centres are managed by private institutions.

Yet being schooled does not correlate with success rates in education. If we take as a reference the last school-term with consolidated data from the Ministry of Education (1999-2000), one third of the students who completed compulsory education that year had to repeat at least one grade during their schooling years and 24% did not pass the level of compulsory studies (fourth year in the Secondary Compulsory Education). The rates of schooling failure varied very much by sex, they are higher amongst men than amongst women, as it is shown in Graph 5.

Graph 5
EDUCATIONAL FAILURE INDICATORS
AT THE END OF COMPULSORY EDUCATION

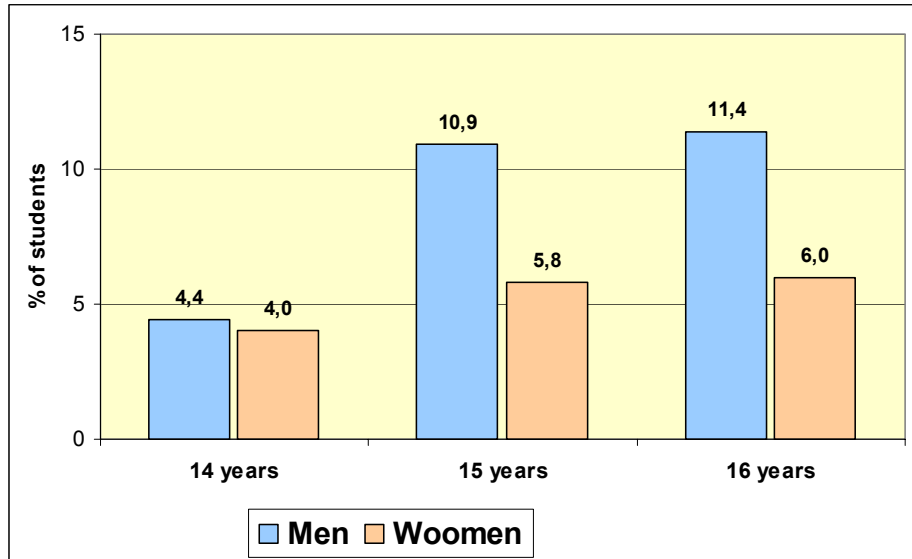


Source: MINISTRY OF EDUCATION, CULTURE AND SPORTS.

Las cifras de la educación en España -The education data in Spain-, Madrid, 2002.

Having to repeat a whole grade or not obtaining the Compulsory Education Certificate can be seen as an educational failure, though it only constitutes non take-up of the right to compulsory education when the boy or girl abandons the school without the covering goals considered minimal. In this sense, the education system turnover rates become decisive. According to the official data it affects to 4.2% of 14 years old students, 8.4% of the 15 years old and 8.8% of the 16 years old (in total it affects to 24.8% of the students between 14 and 16 years old). Also in this case, withdrawal rates by gender are higher among men than among women (see Graph 6).

Graph 6
EDUCATION SYSTEM ABANDONMENT RATES BY GENDER



Source: MINISTRY OF EDUCATION, CULTURE AND SPORTS.
Las cifras de la educación en España, Madrid, 2002.

Based on former indicators it can be concluded that in Spain there is a quite precise registry on the non take-up of the right to Elementary and Secondary Education, which is affecting mainly to male students. According to the Spanish legislation, these are young people who did not reach the compulsory Secondary Education goals (which is normally completed when 16 years old), and for that reason, *could not obtain a title which would have eased the access to a work position or the possibility to continue their studies in any educational option*¹⁵. That is however a relative non take-up, given that there is not a lack of schooling seats, but it is more a question of insufficient didactical means of the education system to avoid the schooling failure of an important rate of the students. In this sense, the educational failure, affecting more to low social classes, ethnic minorities (gypsies) and immigrants' children must be highlighted. In this last case, a recent study shows the current insufficiency of tools to ease the incorporation to the Spanish school system for those immigrants older than 12 when arriving to Spain¹⁶.

¹⁵ Spain is one of the few European countries (together with France, Holland and Finland) which has an official definition of "young without a title". See COMISION EUROPEA 1998, page 7.

¹⁶ According to a census applied in 2002 to pupils from Morocco and the Dominican Republic, the 63% of the incorporated older than 12 years had difficulties in their studies, with 36% of the incorporated between 8 and Contract n°: HPSE-CT-2002-5002 – EXNOTA TN – Spanish Final Report

With regards to the Spanish adult population, around 4% is illiterate and 13% has not completed their *elementary education* (corresponding to 12 years old). This educational non take-up situation affects mainly to elder people. On the contrary of what happens with current students, there are many more women than men without formal education, which reflects the historical discrimination suffered by the female population in the past. Among the adult illiterate persons, 800,000 are women, and 340,000 men, and among those without Elementary Education, 2.6 million are women and 1.9 million are men.

In order to palliate the educational deficit of the population- infant and adult- the Spanish public system has undertaken various devises whose impact in the potential beneficiaries is limited. There are presented as follows¹⁷.

- **Care to students with specific educational needs:** these are a few measures that reached to 2.3% of the students in year 2000 (2.8 % male and 1.8% female). Among these measures, the following can be highlighted: *Special Education* in specific centres and substitution units, with a tendency to decrease (13,000 in public centres and 14,000 in private)¹⁸, *Compensational Educational Programs* in regular schools, tending to be increased (93,000 in public centres and 14,000 in private ones) and Social Guarantee programs (3,000 in public centres and 1,000 in private ones).
- **Craft Education sites:** training and employment programmes aimed to the labour insertion of unemployed youngsters under 25 years of age (11,000 men and 9,000 women).
- **National Plan of Training and Professional Insertion ("Plan FIP"):** courses given throughout the Employment National Institute directly or throughout its collaborating centres. It is aimed to training adult workers to adapt them to a given profession (290,000, 61% women).
- **Adult Education:** reaching half million adult people throughout *alphabetization courses* (27,000 students, mostly women representing 3% of the illiterate persons existing in the country). Courses on knowledge consolidation (109,000 students), trainings to obtain the Compulsory Education Certificate (110,000 participants), courses on access for higher education levels (223,000 people, among these 15% throughout the system of Distance Education).

11 years old and only 20% of those who had initiated their studies in the Spanish school. COLECTIVO IOÉ, 2003, page 118.

¹⁷ Data from MINISTRY OF EDUCATION, CULTURE AND SPORTS, 2002.

¹⁸ The *Compensatory Education* is assigning specific resources, varied and flexible with the aim of guaranteeing the access, permanence and promotion of the education system of the pupils in situation of social disadvantage. The interventions take place in the education system as outside it, for which cooperation of social entities of the environment is searched and financed. Nowadays, immigrant pupils are the main beneficiaries of the Compensatory Education in Spain.

In order to make easier the access to Post-Compulsory Education to sons and daughters from low-income families, there is an *internship system* reaching 16% of the secondary non-compulsory education students and to 27% of the university teaching. In this last case, there are three kinds of grants: direct reimbursement to students, academic fee exemptions and compensation of fees for large families.

The Education system's capacity to make effective an acceptable education level for the whole population relies in a great measure on economical resources earmarked to this goal. In that sense, the public expense in education and the expenditure per student are two good indicators of this effort in the budget, which in the Spanish case is one of the lowest of the European Union (4.5% of the GDP), only ahead of Ireland and Greece¹⁹.

2.4. The right to Health

With the development of the Spanish Constitution of 1978, the General Law on Health was approved in 1986 with the aim of creating a *National System of Health* based in three principles: *universal* coverage of the population, progressive public funding (not depending of paying social security) and decentralization of its management giving power to the Autonomous Communities. These three principles have been carried out partially:

- *The access to Health care has become universal*, except for some important health services (such as mental health or dentistry) and for some social groups which will be mentioned later.
- *Public funding on Health expenditure* has advanced considerably. In 1986, 61% of Health expenditure came from the workers paying to Social Security and 35% from the State. In 1996, payroll withholdings were 15% of the total while the State provided the 85%.
- *Health competencies have been transferred to Autonomous Communities.*

>From the mid-90's experts consider that a "reform inside the reform" has happened aimed to contain and reduce Health expenditure, and to encourage private health services (REPULLO 1995, PÉREZ GIMÉNEZ 2000). Health expenditure increased constantly until 1992, reaching 5.7% in relation to the GDP, but it has been at a standstill after this date a standstill after this date. The convergence and austerity policy in the budget imposed at the European level by the Maastricht Treaty -approved

¹⁹ OECD 2000 (these data are referred to the year 1999).
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the same year- was a reorientation for the Public Health. This was in accordance with the neoliberal and privatising trends of the public services. Therefore the following laws are influenced by this. The law of 1993, popularly called the "Big Meds Hit", which excluded 699 medicines from public subsidizing. Also the Law of 1998, the second Big Meds Hit` which takes out from the public subsidy other 834 medicines. When withdrawn commercial brands medicines are replaced in the subsidized list by cheaper medicines (the so called "generic"), it is only a detriment for pharmaceutical lab profits. Nevertheless, when the withdrawn products are needed and do not have a generic equivalent, those affected are people with health problems.

The non take-up of Health benefits has been researched in Spain from different points of view. The most general one refers to the *inequalities on health access according to social class and geographical regions*. Several studies register an unequal distribution of the chronic illnesses and disabilities among rich and poor, or among regions; due to the different access to the existing resources on prevention, treatment and health rehabilitation (DÍAZ 2002 and Chart 1).

Chart 1
Differences in the access to public Health
 (URBANOS, 1996)

- This study analyses the existing differences in the health coverage based on the National Survey on Health, which is applied periodically in Spain to a population sample of 20,000 people. The research is based in samples sorted in 1987 and 1993, but its outcome can be induced also to the following years (COLECTIVO IOÉ 2004).
- The survey gathers information on the citizens' health, social and economic characteristics, on their ways of life and their using of health services. Throughout the analysis we can know the degree of take-up (or non take-up) of the health system benefits according to the gender, age, social classes, geographical location and more.
- The main results of the study in relation to the our exploration subject are the following:
 - The state of health is worst in lower classes than in accommodated classes: the former have more prevalence of chronic diseases and value more negatively their mental health.
 - Likewise, the health state is more negative in those regions in Southern Spain (Canary Islands and Andalusia) than in the Northern regions (Navarre, Cantabria, Asturias, Catalonia, Aragon...)
 - The average time of waiting for an hospital admission (frictional non take-up) is between two and three months and has increased slightly between 1987 and 1993. The hospital admission waiting average for persons considered with good health was 85 days in 1987 and 101 days in 1993. On their side, those who considered themselves as having bad health waited for 67 and 90 days respectively.

Once the right to Health became universal, the inequalities are not located any more in access, but in previous factors derived from the *socio economic position* (income, Educational level) and *ways of life* (habits, nutrition, hygiene...). The treatment and health rehabilitation finds more facilities among the accommodated classes, with many of them having private insurance plans avoiding the "waiting lists" in the Public Health system. In spite of the very important effort to make Health care universal, there still are inequalities according to the social class of the patient and the degree of participation in the labour market. The social groups which are in the lowest positions in education, employment stability, income, housing and with more harmful ways of life get sick more frequently and are worse treated by the National Health System than those collectives with higher standards (PÉREZ GIMÉNEZ 2000, page 283).

A study on the inequalities of the Catalan population made from various surveys confirms the former thoughts reaching the following conclusions (BORRELL AND BENACH 2003).

- ❖ The population of higher and middle classes have double health coverage (public and private) use them more frequently and have less waiting time to access the health services than the middle-low and low classes.
- ❖ Individuals from accommodated classes make certain preventive practices with more frequency, for instance controlling the blood pressure or in the case of women cytology and breast exploration.
- ❖ There is a clear difference by social classes on the usage of the public health services-such as the dentistry- not covered by the public health, which reflects the existence of an economical barrier in the access to these resources.

There is a qualitative research which reaches the conclusion that precarious workers (unemployed or with temporary contracts) fear that their labour situation could imply not only a worsening of their health but of also a process of exclusion from the health system. This belief perhaps comes from the old association between their paying to social security as workers and the access to sanitary services. "For the workers on unemployment benefits, two of the key issues of their daily concern and social fears, *work and health* are intertwined more strongly than in other groups and its mingling is made in a convergent sense. The labour crisis entails a very strong risk of loosing or having a strong health worsening, and therefore a high probability in their chance of being excluded from access to the Public Health System" (CONDE, 1997, page 66).

There are also care needs that are not covered or are just partially covered by Public Health services. This is the case of the psychological therapies and mental care, dentistry or caring for sick persons, people with disabilities and the dependent elderly:

- ❖ The problems of attending people with *mental illnesses* or with *strong psychological problems* are due to many reasons. Generally, the Public Health care is reduced to the control of acute episodes and the monitoring of the case is scarce. Furthermore, there is a problem of *invisibility* of the psychical sicknesses, which are treated more at the symptom level than at the level of the causes that originated the problem and which are stigmatised and tend to be hidden. A documented study on the mental health of women in Spain reached the following conclusion: ‘a high percentage of women with psychiatric deterioration remain in the community without establishing any contact with the primary care services and not receiving adequate psychological-pharmaceutical treatment’ (VAZQUEZ-BARQUERO, and others 1992, page 61). Even when these women go to a medical consultation, according to an empirical study made in the Autonomous Community of Madrid “the diagnosis of the psychological disorders are insufficient and the treatments are more pharmacological than psychotherapeutic”. (BRIONES and COLECTIVO IOÉ 2001. page 20).
- ❖ In the Autonomous Community of Madrid scope there is a *Plan for Mental Health* for the years 2003-2008 which is meant to solve some of these problems. In particular, it is proposed to favour access to the health system by *improving the information* on the services offered, *simplifying paperwork*, improving the patients’ transfers to hospitals and diminishing the time waited for consultation. (HEALTH OFFICE, AUTONOMOUS COMMUNITY OF MADRID 2002, page 138).
- ❖ Dentistry is not included either among the public services; which, given its high cost, gives place to a large inequality in its treatment according to the economical level of the individuals; “the richest 10% spends 41 times more than the poorest 10%. A new set of teeth with dental implants costs more than 6,000 euros: ten times the Spanish minimum wage”. (SPANISH CÁRITAS RESEARCH SERVICES, 2000, page 8).
- ❖ *The care given to economically dependant persons* is another chapter where there is a great deficit of public services in Spain. This is the case of the elderly in need of other persons’ care to coverage their basic needs. There are an estimated 2 million persons in this sector. 83% of the times their own family cares for them and only 5% is attended by the public services (in residencies and homecare services). “When the family’s economical

resources allows for it, some older dependent persons (12% from the total) opt to contract those services they may need in the private sector` . (CASADO and LOPEZ 2001, page 2006).

In those cases the non-coverage is related to the lack of a legislation protecting the public attention to their needs. Therefore there is a problem of legal non-coverage and in this sense this would be excluded from our *non take-up* (which refers to those who do not have access to a legally established service). Nevertheless, it is not the same for certain population collectives, as the indigenous people, the destitute or homeless and the immigrants.

- ❖ *Homeless people*: there are estimated to be around 250,000 people (7 per 1,000 inhabitants), representing the most extreme social exclusion case, which frequently implies their lack of documents proving their identity. (MUÑOZ Y VÁZQUEZ 1998). The difficult access to the Public Health services in this case could be seen as a *renouncement to the right* ("defection") as long as "the lacking is more related to the administrative barriers affecting this group in primary care, or to their own exclusion derived from their objective situation than with a lacking or insufficient specialized medical and health care" (MINISTRY OF LABOUR AND SOCIAL AFFAIRS 2001, Annex 1, page 26.).
- ❖ *Immigrants*: according to the current Law ("Ley de Extranjería", December 2000), those foreigners with a residency permit have the same right to a health assistance than the local population. Those immigrants without a residency permit, which are registered in the city council where they live, also have the right to these benefits. Finally 'any foreigner in the Spanish territory, whatever its administrative situation may be, is entitled to emergency health care, whenever he or she is suffering serious illnesses or if he or she had suffered an accident, when foreigners are minors under 18 years old, pregnant women during their pregnancy, childbirth and after giving birth` (VAL 2002, page 77). Hence, most of the times immigrants have legal entitlement to access health services. However, various empirical research demonstrate there is a low usage of that right or no-coverage, above all among those immigrants who do not have a residence permit, given several reasons, fear to be controlled and prosecuted because of their lack of documents, cultural differences around the understanding of the concept of health, language and communication problems, etc. (GÓMEZ 1992, CALVO BUEZAS 1999, CASTILLO Y MAZARRASA 1999; MORENO Y GONZALEZ 2002).

A final point related to the access to public Health, may be the most present in the media, and is related with the "waiting time" to receive health care. In general the access is easy at the primary health level, with health centres widely spread along the whole Spanish geography where normally you can attend within 24 hours throughout a previous appointment by telephone. Like wise, it is possible to go and be assisted as an emergency in any hospital (for that reason the service is sometimes collapsed). It is in the specialized doctors practices where the delay is longer, in tests and diagnosis and in the surgical interventions (with or without hospitalization).

The waiting represents a frictional non take-up, which is an annulment during this time (months and sometimes years) of the right to health effectiveness, originating sometimes serious collateral problems at work and at the family. The studies and surveys made in Spain on "waiting time" are coincident with the fact that there is problem of non take-up persisting over the time. Then, according a survey applied in Andalusia in 1992, the average waiting time to be admitted into a public hospital, either for making a test or for an operation was over half year in 63% of the cases, and of more of one year in 43% of the cases (SOCIOLOGÍA ANDALUZA,1992). Then, the major part of the hospital admissions are made throughout the emergency services.²⁰ Ten years later the Ombudsman has undertaken an exploration at the state level which is gathered in the Chart 2.

Chart 2
Waiting list of the National Health Service
(CITIZENS DEFENDANT, 2003)

- This study was made in 2002 to know with precision the volume and characteristics of the waiting lists or frictional non take-up of the health public system. This was one of the issues with more citizens' claims received by the Citizens Defendant Institution.
- The scope of the study is limited to three services of specialized care: the first medical consultations to specialized doctors; the medical tests or diagnosis and surgical interventions. Information from the National Health System and from the Health Councils of the Autonomous Communities with transferred competencies was requested. Furthermore, visits and interviews to a team of experts of all the Communities were undertaken.
- The main results of the study are the following:
 - In Spain there is an important number of patients who must wait for many months, even years to have a diagnosis or receive a specialized treatment. Therefore the effectiveness of the right to health protection is interrupted

²⁰ According to the last National Survey on Health, the last hospital admission of adults people interviewed was made throughout the emergency services on 54,4% of the cases and by ordinary way in 45,5%. MINISTRY OF HEALTH AND CONSUMPTION, page 80.

during this waiting period.

- Concretely, from year 2001 there were nearly a million and a half Spaniards in waiting lists to access to the first specialized consultation.
- In relation to the tests and diagnosis, the study could not obtain precise data, due to the complexity and the public institutions lack of cooperation. In any case, the existence of lengthy periods of waiting was noticed in most of the hospitals.
- In the waiting list for surgeries, there were 158,000 patients at the end of 2001 in 78 researched hospitals (2,000 patients by hospital) with an average waiting time of 92 days. This was a period of time similar to the registered in the National Health Survey. Some communities, such as Aragon and Cantabria surpassed delays of 100 days. Some of the pathologies more frequently appearing in the waiting lists have a strong socio labour component. They prevent the affected citizens from participating in the political, social, labour and cultural life. In some cases, the delay in obtaining assistance puts at risk the patients' physical integrity.
- The health public by target group has sharp limitations in relation to information technology. Many centres have not finished the complete establishment of a computer database.

2.5. The right to participate

Citizens' participation in society has many ways to be expressed. Some of these ways are general channels, as elections of public representatives for local, regional, state-wide and European levels, and other are specific, as the affiliation in political parties, trade unions and other social organizations. Also participation in social movements, and the exercise of the rights to rally, to strike and other forms of civil demonstrations, among others, are channels for participation.

Besides these issues, political and social participation in a given society is exposed when taking in consideration the degree of information existing on social issues, in the active exercise of free speech, the public debate and in the existence of means to know the opinion of the citizens through out consultations and referenda.

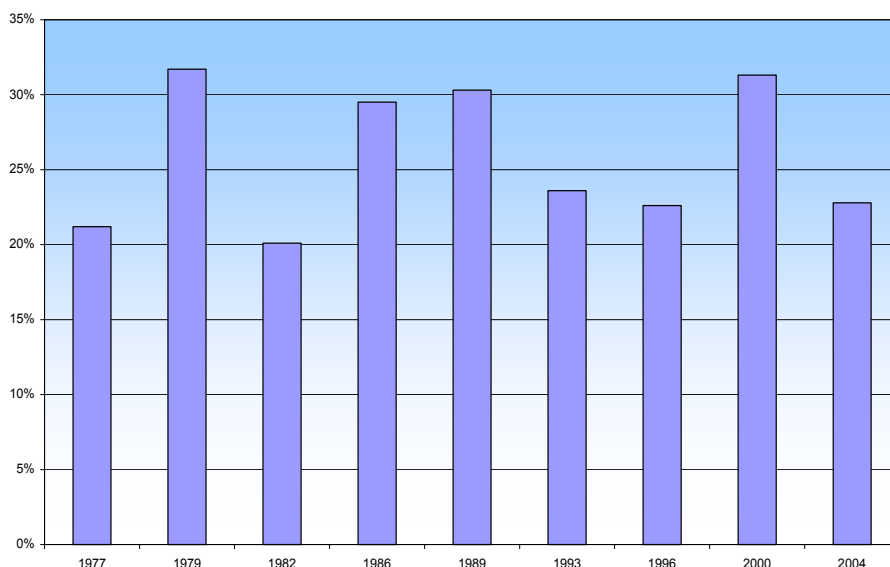
Some current information is gathered below, showing the degree of application of these rights in Spain and, specifically, on the non take-up or exit from these rights among the majority of the population.

The Spanish Constitution (1978) states that public powers are supposed to facilitate the participation of all citizens in the political, economic, cultural and social matters. According to its article 23, "The citizens have the right to take part in the public matters, directly or by means of representatives freely chosen in periodic

elections by universal suffrage". Nevertheless, in Spain direct participation has not been promoted, but legally impeded and debilitated in practice. The main roles are held by the political parties, as parties occupy almost all the participation gaps. Their hierarchic structure, rigid running and strong discipline have turned them into organizations that monopolize power and political influence.

The political representation has become the main means of participation in Spain. The legitimacy of the institutions is based on the mechanism of electoral participation. The Spanish political transition (1975-1978) gave step to people's disenchantment of the system, though there is a relatively high turnout rate.

Graph 7
EVOLUTION OF ABSTENTION IN SPANISH GENERAL ELECTIONS



Source: CONGRESO DE LOS DIPUTADOS (Spanish Parliament House of Deputies), 2004

The role assigned to direct democracy institutions planned in Spain is reduced to correct possible errors in the function of representative democracy. These institutions show the following limitations,

- The citizens' access to a National Referendum is conditional on the Members of Parliament will. The initiative is given to the President; the Congress of Deputies (similar to the House of Commons) authorizes it and only political parties can campaign, control the pool and scrutiny and eventually impeach the outcome. The main characteristic we can ask for in

a referendum is its bonding outcome, but the national referendum in Spain is merely a consultation.

- The Popular Legislative Initiative (PLI) is actually a collective petition, as it is limited to propose a bill in Congress. Those matters related to the Electoral Law, Organic Laws, the Treasury or Foreign Office issues are banned for consultation. The proposal is taken to Congress with no debate implied; it is introduced but cannot be defended by the promoting supporters. The PLI does not imply a referendum; normally these petitions are thrown out in their totality²¹.

For the majority of Spaniards it is difficult to perceive the effects of direct participation. Their interest in politics is low and very few are political or social organizations members (refer to Chart 3).

Chart 3
Citizenship, participation and democracy
(SOCIOLOGICAL RESEARCH CENTER, 2002)

- Nationwide research, including islands (Balearic and Canary Islands) and excluding Ceuta and Melilla (territories in Africa). It is a survey for Spaniards 18 years old and over, both genders.
- 4,252 questionnaires were developed by personal in-home personal interviews March 9 thru April 26, 2002 where 1,135 were performed in Catalonia, 1,000 in the Basque Country, 479 in Madrid and 1,638 in the rest of Spain.
- The sampling was multistage, stratified by clusters, selecting the primary sample units (municipalities) and secondary units (sections) with proportional probability according to its size, and being their last units (individuals) selected by random routes and gender and age quota. The confidence level is 95.5% and the error is $\pm 1.53\%$ for the whole sample, understanding it is a simple random sample.
- Main outcome:
 - Spaniards attitude towards politics is mainly of distrust, in fact 65.4% of people almost never or actually never ever talk about politics.
 - Since over a year before they were asked, 68.44% of people did not take part in any social organization, club, political party or union. Some reasons to explain the lack of collaboration with groups are:
 - 67% are not interested in taking part in a group.
 - 35% do not want to get into trouble.

²¹ On November 11, 1999, the PLI for a 35-hour work week was presented in the Spanish Congress of Deputies, backed up with a petition of over 750,000 signatures. During the debate, the chamber remained almost empty; later, the Members of Parliament arrived just for voting and rejecting the initiative. On November 19, 2003, the ruling party (conservative Partido Popular), threw rejected all possibilities for the PLI on Employment Stability and Security, that was accompanied by 600,000 signatures collected for the occasion.

30% claim they would like to take part, but they do not find any organization that gives them enough motivation.
22% believe participation is useless.

Participation in community and political activities is conditioned by the culture of political socialization. Also, some differences are observed in people's attitude depending on their social position characteristics, such as age, education level and ideological positioning (refer to Chart 4)

Chart 4
Political culture in Spain, knowledge, attitudes and praxis
(FRÍAS, 1997)

- In this research, data has been collected from the survey *Citizens and Politics* (Centro de Investigaciones Sociológicas, 1997). The survey characteristics are as follow,
 - It is a nationwide research, including islands (Balearic and Canary Islands) and excluding Ceuta and Melilla (territories in Africa). It is a survey for Spaniards 18 years old and over, both genders.
 - 2,490 questionnaires were applied by personal in-home personal interviews during April 1997.
 - The sampling was multistage, stratified by clusters. The confidence level is 95.5% and the error is $\pm 2\%$ for the whole sample, understanding it is a simple random sample.
- Main outcome:
 - The interest on politics and taking part of associations varies depending on age. Those over 65 and young people among 18 and 25 years old are those who less talk on politics and less affiliate.
 - The education level eases interest in politics, specially among women. Men with a degree talk up to five times more on politics than women, but women with a degree talk up to nine times more than women with no education.
 - Those sections with a lower income level are those less talkative on politics. Middle class is much nearer to the upper class in regards to the frequency on these talks than the lower class.
 - Left wing people take more part in organizations than right wing, but their disenchantment is progressive and their turnover is higher.
 - In middle towns there is more participation in organizations than at rural towns and than in big cities.
 - Generally speaking, there are 20% more men than women as members of organizations. Women are more linked to solidarity and assistance organizations and their permanency is higher than men's. Among those who leave a group, 60% are men and 40% are women.

Spaniards consider that participative organizations are not able to transform the society. For example, to improve work conditions, unions are attributed just 4.21 out of 10 in a scale measuring its aptitude. That could explain that 70 % of the interviewed do not vote in trade union elections.

Regarding to the *right to strike*, the principal access barrier is the labour precariousness: temporary contracts, easy dismissal normative and the high unemployment rate induce many workers to pass from striking for fear of reprisals.

Around the *right to demonstrate*, the authorities put the following difficulties: changing the date and hour planned for the demonstration, banning the rally, police agents asking for identification cards, fining the attendees and using police force. In occasions, these measures are enforced with no legal reason behind.

Together with the hierarchic scheme of political representation which we already have mentioned, the management of the social life has as its main support specialized professionals in many areas, such as Economy, Urbanism, Public Health, Justice, Social Services, and more. (RODRÍGUEZ-VILLASANTE 1984, COLECTIVO IOÉ 1985 y 1989, INSTITUTO DE INFORMACIÓN SANITARIA -Health Information Institute- 2003).

The most visible consequence of this centralization and professionalization of citizens participation is that most people spend almost no time in social and political activities, as clearly is shown in the last survey about time use (refer to Chart 5)

Chart 5
Time usage survey 2002-2003
(NATIONAL STATISTICS INSTITUTE, 2004)

- Research on people's use of time in Spain. Methodology is based in the Guidelines on harmonised European time use surveys, as developed by the Statistical Office of the European Communities EUROSTAT.
- The survey includes households' members ten years old and over, reaching 46,774 people in 20,603 homes.
- The fieldwork is developed along a whole year, obtaining information every week around the year. One questionnaire is used for the household and another one for each person, together with an activities diary and a week timetable.
- The survey collects the following data on voluntary work, meetings and participative activities:
 - The percentage of people taking part in each activity.
 - Their social characteristics (gender, nationality, age, education level, marital status, occupation, household income, etcetera)
 - In which kind of organization they participate.

- How many minutes a day, what time of the day and which days a week do they take part in an organization.
- Main outcome for social interaction activities:
 - The average day for the whole population considered, home chores occupy 2 hours and 59 minutes, paid work, 2 hours and 29 minutes, watching TV, 1 hour and 58 minutes. Meanwhile voluntary work and attending meetings only takes 13 minutes.
 - In the category "voluntary work and meetings", the distribution is of 8 minutes for informal help to other homes, 4 minutes for participative activities and 1 minute for voluntary work serving an organization.
 - Data shows direct participation in Spain is scarce, but the personal effort for this minority group of citizens is important if we take into account the average amount of time they spend in this field.
 - Three out of one thousand Spaniards work in a voluntary basis for an organization. This task takes 2 hours and 45 minutes.
 - Two out of one thousand Spaniards offer personal aid throughout a group or organization, spending 2 hours and 31 minutes.
 - Four out of one thousand attend meetings and collective activities for one hour and 56 minutes.
 - Five out of one thousand develop other types of direct participation (marching in demonstrations, voting, acting as a witness in a trial, being part of a popular jury, and more) using 1 hour and 7 minutes.

The situation in Spain may be compared with other ten European Union countries, since the outcome of the EUROSTAT coordinated research published in 2004²².

Chart 8 displays the daily time spent in *voluntary work in organizations*. The results reveal that adults spend very few minutes a day as an average in this type of social participation. It also reveals that disparities among countries are substantial. While in Germany and France 6 minutes a day are spent per inhabitant, Spaniards and Hungarians spend less than one minute a day. Other result of the research of EUROSTAT is that in most countries men spend some more time than women in this volunteering in organizations. This activity has almost no relevance compared to the time dedicated to waged work (two and a half hours a day) or to house work (four hours and a half)

²² EUROSTAT, *How Europeans spend their time everyday life of women and men. Data 1998-2002 (2004)*. European Communities, Luxembourg, 2004.
Contract n°: HPSE-CT-2002-5002 – EXNOTA TN – Spanish Final Report

Chart 8
DAILY TIME SPENT IN VOLUNTARY WORK IN ORGANIZATIONS
IN TEN EUROPEAN UNION COUNTRIES



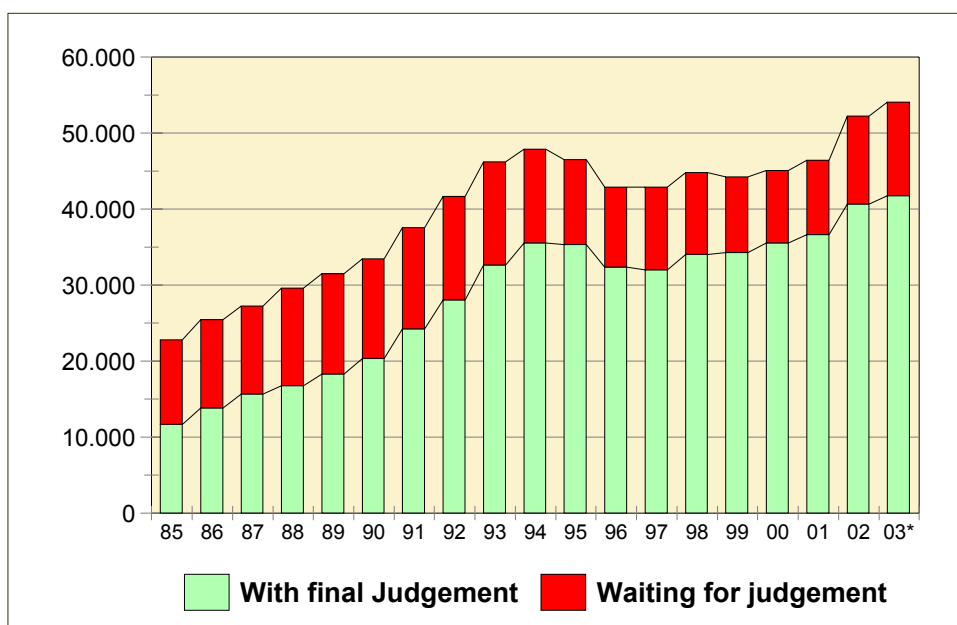
Source: EUROSTAT, 2004.

2.6. The right to Security and the administration of Justice

The public tutelage of the economical, social and cultural rights requires from the administration to establish the adequate means to guarantee the citizens' coexistence an atmosphere of security. This can be done throughout *police and preventive measures* to avoid and prosecute crime. *Effective judicial measures* are also needed to make justice with the due guarantees and in a reasonable period, so citizens can report unjust situations and discrimination where they feel victims.

In relation to the citizens' security, according to public opinion surveys (made throughout the opinion polls of the Sociological Research Centres and main political parties) there is an increase of delinquency in the last decades in Spain. The data of the delinquency prosecuted in the tribunals reveal that from around 50,000 trials in the 80's, now there are more than 100,000. There is also an increase of the number of detainees at prisons, which has duplicated from 1985 (see Graph 7). Spain has become the third country of the European Union with the highest rate of prisoners in relation to the population, after Portugal and Great Britain²³.

Graph 7
EVOLUTION OF THE NUMBER OF PRISONERS IN SPAIN (WITH FINAL JUDGEMENT OR WAITING FOR JUDGEMENT)



Source: GENERAL DIRECTION OF PENITENTIARY INSTITUTIONS OF THE INTERIOR
MINISTRY

www.mir.es/instpeni/cifras2.htm (yearly average)

(*) The data is at 6th of May 2003.

²³ In 2001 Spain had 117 prisoners for each 100.000 habitants. Germany had 96, Holland 95, Greece 79 and France 77. (Source: European Council).
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The last reforms of the Penal Code, of 1995 with the Socialist Party and 2003 with the Popular Party (conservative), have faced the increase of crime by suppressing the penalties redemption throughout work discipline, by hardening the penalties of various crimes. The reforms particularly increased the penalties for those recidivists of minor crimes (small thieves and non serious assaults) which supposedly contribute more to create an atmosphere of citizens' insecurity²⁴. On the same direction, the increase of police officers in the streets is also planned. The majority of the Parliament parties have included in their program this point in the local elections of May 2003. In parallel, the need to adopt preventive measures of social and labour policy to reduce the perpetration of crimes and limit the increase of prisoners is relegated to the political discourses and the media.

Police and tribunal statistics give annual reports you can access with delay on the effective citizens demands and on the police reports submitted by the citizens. You can be informed on the cases of cleared detentions, the judicial trials and the number of persons imprisoned or going out of prison. For instance, during 1998, in the Autonomous Community of Madrid, citizens made 178,000 reports of supposed crimes, among which the police clarified 32,000 (less than the fifth). This gave place to 24,000 arrests, and 12,500 were found guilty by the judges, 6,000 were incarcerated (3.3 % of the crimes reported). (STATISTICAL ANNUAL OF THE AUTONOMOUS COMMUNITY OF MADRID, 2001). Yet it is unknown how many citizens where object of injustice or discriminations and did not recur to the report channels to which they were entitled. This means that the number of cases of non take-up or exit from the right to an effective judicial guardianship are unknown. Nevertheless, obstructions and fake reports have been researched. These represent ways of over-covering or abusing of the right to an effective judicial guardianship. (SERRANO 1995 and DIAZ 1996).

A recent study promoted by the *European Monitoring Centre on Racism and Xenophobia* is an exception to the lack of research on the non take-up of the judicial guardianship. This body has made a survey on the experiences of discrimination towards ethnic minorities, where the proportion of reports made by these collectives in face of situations of ill treatment or segregation is registered (see Chart 6). This study is interesting as it is a survey using the same methodology in all the European Commission countries. It can also give precise information on a non take-up case regarding the right to judiciary guardianship to one of the collectives with more social integration problems: the non EU immigrants and also in the case of Spain the Gypsy minority.

²⁴ The new Penal code of 2003, established prison penalties between six and three years to those four times reoffender in small crimes within one year. The former Penal Code only established in this supposition week end arrests.

Chart 6
Discrimination experiences of ethnic minorities in Spain
(COLECTIVO IOÉ, 2003)

- Study promoted by the European Observatory on Racism and Xenophobia (Vienna) to know ethnic minorities' experiences of discrimination in Europe.
- Methodology: standardized questionnaire for all the communitarian countries. In the case of Spain it was applied to three samples of immigrants (377 from Morocco, 228 from Equator and 103 from Colombia) and another sample of 351 gypsies (1,109 cases in total) in the communities of Catalonia, Madrid and Andalusia.
- Results related to the non take-up or exit from the right:
 - 55% of the people who tried to buy or rent a house has felt discriminated by the fact of being immigrants or gipsy, but only the 2.4% of them informed to any law enforcement agency (police and more), so 97.6 % of these persons do not take-up or exit from judicial protection.
 - Within the persons not allowed to be in shops, restaurants, nightclubs, etc., or not having a credit approved or a credit card because they were gipsy or immigrants, only 4.5 % reported it to law enforcement agencies, so 95.5% of them have not reported those restrictions of their rights.
 - Among those who contacted police in the last year, 26% has felt mistreated or has received an inadequate service (74% have not claims).
 - The 65% of them have few or no trust in police and only 53% in judges.

Another aspect more present in the bibliography and debates existing in Spain is the frictional non take-up due to the long time the judicial system takes to judge. Although there are no statistics nor studies for knowing more precisely the reach of the judicial delays, many indicators point to this problem. For instance, the annual reports of the ombudsman continuously refer to the citizens' claims on this issue. In the case of the Supreme Court,²⁵ where there is a period of two or three years only to know if the appeals arrived are admitted or not to proceedings. (Ombudsman 2002, pages 137-144). The same General Council of the Judicial Power, supreme body for judges in Spain, initiated in 2001 a resolution in the Justice High Court of Madrid to know which measures were needed to palliate for the existing delay. It reached the conclusion that there were important shortages of staff and material means and an important number of cases were accumulated in this court.

²⁵ The Supreme Court is the higher appealing court. It represents the system's neck of the funnel. It does not represent the territorial courts, where there situations is quite varied among different territories.
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The administration of justice delays produces a large number of preventive prisoners, in other words, prisoners waiting for a trial. This gives place to frequent abuses and administrative arbitrariness. Graph 7 points the preventive prisoners' weight in Spain from 1985 to 2003. We can observe that its number has been kept relatively constant, although in relative terms its weight has cyclically evolved. With a basis of 100 in 1987, it reached a maximum of 118 in 1992, the year of Barcelona's Olympic Games and Seville's World Exposition. It decreased then until 1984 and has increased again until 106 in May 2003.

In the Constitution of 1978 the problem of the judicial sluggishness was taken into account when it is stated that the right to the judicial guardianship was to be enforced "without undue dilations". This gave place to important polemical debates among jurists to determine when these delays can be seen as "undue" and therefore be object of juridical impugnation (REVENGA 1992 y CANTARERO 1995).

In the political sphere the judicial delays have pushed to produce several measures. One is to increase the Ministry of Justice budget in order to create new positions and modernize the administrative proceedings. Another measure is to introduce in the year 2002, the Law on Rapid Trials, which cuts in a third part the penalty solicited by the fiscal for crimes of up to three years of imprisonment when the accused agrees. This avoids having to set up a trial.

The socio-economic influence of plaintiffs and defendants is another aspect related with the unequal access to Justice whenever a fair trial must be ensured. References to this point are frequent. Among the jurists research there is rarely objective data (with the exception of prisoners belonging in their majority to lower classes). Foreign immigrants, a social group each time more important in Spain have been the target group of a recent study promoted by the General Council of the Judicial Power. From this study it can be concluded a discriminatory and xenophobic treatment around lawsuits which affect immigrants (see Chart 7).

Furthermore, whereas the European Union foreigners are entitled to have a count appointed (with juridical assistance free of charge), non EU immigrants -even those residing legally- cannot benefit from this right. They can send a request asking for this concession; this adds six months (for obtaining a free of charge defence) to the period of two years which immigrants usually wait when they request a civil suit. (BELLÓN and others 1998, page 159).

Chart 7
Immigration and the Justice administration
(CALVO, GASCÓN Y GRACIA, 2002)

- This is a study promoted by the General Council of the Judicial Power to know how immigrants are treated in courts, either when other persons report them or when they report themselves. The question is to know whether there are any signs of discrimination in the access to courts or in judge sentences. This will produce a *non take-up* of the right to an impartial judicial protection.
- Methodology: It was based on the study of 8182 trials in six Autonomous Communities with high immigrant rates: Madrid, Catalonia, Andalusia, Aragon, Valencia and Murcia. 50% of the cases studied correspond to criminal justice, 33% to civil suits, 10% to labour related suits and 7% to administrative justice. When the plaintiffs are immigrants, generally they are workers claiming a payment of a debt (45%) or sue because of a dismissal they consider unfair (33%).
- Main results:
 - If the immigrants reports against a local, there is a trial in 23% of the cases, and out of these cases, 25% end up in a sentence (75% get acquitted).
 - If the natives report against an immigrant, there is a trial in 76% of the cases and, out of these cases 60% are found guilty (40% get acquitted).
 - According to this, only 6% of the complaints made by immigrants end up in a sentence, whereas when they are accused, convictions go up to 46%. The conclusion which comes out is that there are clear signs that immigrants are discriminated in courts. According to a member of the General Council of Legal Power, "we can deduce from this study that an immigrant receives from the justice the same discriminatory treatment as from the society. Justice does not correct the inequality and the immigrant discrimination. And this still is a failure of Justice... We can notice a lack of capacity to be well advised.
 - The access to court for immigrants with no residence permit is practically zero (only 3% of the plaintiffs are in irregular situation). This is an evidence of the non take-up of the right to justice in this segment of immigration (which is very large in Spain).

2.7. The right to basic Social Services

The concept of "social services" used in Spain does not refer to public provisions in general, since it has a more restricted content: the so called social services are a social protection system in the framework of social policies, which takes care of the needs of the population as a whole, giving specific benefits to problems and aspirations which are also specifically related to coexistence and integration into society (PORRAS

AND CASTELLANOS 2002, PAGE 196). Among social services, we can distinguish two kinds of benefits. There is the primary service, which is managed by local administrations. There is also a secondary service level, which includes sectorial and specialised services (elderly or disabled people, immigrants, etc. to which we will refer later).

The social services system, starting from a minimum development, has undergone a marked expansion from the eighties, covering an ever-growing number of persons. The following figures are presented according to the last Memory of the Agreed Plan on Social Services, which coordinates this assistance system in 15 out of the 17 Autonomous Communities (Basque Country and Navarre not included). In year 2000, care was given to 3.3 million people, which represent 9% of the existing population of the municipalities receiving services²⁶ (MINISTRY OF LABOUR AND SOCIAL AFFAIRS 2002, page 78). Although this means that 91% of potential users did not use those services, about 25 years ago the estimation is that social services users were about half million people (seven times less).

The General Direction of Social Action of the Ministry of Labour and Social Affairs has worked out a *Plan to evaluate the impact or coverage of the public system of primary assistance social services*, which will involve organizing a representative survey to the general public, to users and social services professionals including the following aspects:

- ❖ The knowledge of social services
- ❖ Perception on social services
- ❖ Response capacity
- ❖ Satisfaction with social services
- ❖ Expectations

This study, promoted from the Ministry, is a proposal, which can be implemented by the Autonomous Communities responsible for this issue. According to the collected information, Andalusia is the only region that has put into use this survey²⁷. The main outcomes related to non take-up are the following,

²⁶ The agreed Plan had in 2000 a total budget of half a billion pesetas (3.000 million euros). 41% of the budget was for labour costs (23558 workers), 52% for assistance, 5% for maintenance and 2% for investments. Most of the workers hired (61%) did not belong to the staff but were hired for the centres programmes. These programmes are frequently managed by private companies belonging to the so called 'third sector'. GENERAL SECRETARIAT OF SOCIAL AFFAIRS. MINISTRY OF LABOUR AND SOCIAL AFFAIRS.

²⁷ CONSEJERÍA PARA LA IGUALDAD Y BIENESTAR SOCIAL, Junta de Andalucía, (Equality and Social Wellness Department, Government of Andalusia) 2004
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- 40% of those surveyed have never received information on the social services public system. The bigger the town size, the bigger is the lack of knowledge of social services.
- Almost 20% of Andalusian citizens with need of some kind of help did not search for it, because of the lack of knowledge of the system, because they thought they did not qualify for the benefit, or because of not having the time to take care of it.
- One out of three demands exposed by citizens in primary care social services were rejected.

Following the Protocol of the Plan, the outcome of the research's application in the 17 regions will give us a very accurate picture of NTU and exit from social services, together with the reasons why this is so, such as lack of information and bureaucratic problems.

FOESSA Foundation, managed by the social action non-profit catholic organization Cáritas Española, developed a general report about poverty in Spain in 1998. It showed the outcome of non take-up of benefits due to lack of knowledge of social services, together with the rate of people that being poor do not take advantage of them, and the number of families that do not receive any benefit at all (as on Chart 8).

Chart 8
Life conditions among impoverished population in Spain
 (CÁRITAS, 1998)

- FOESSA Foundation has promoted this report. The chapter entitled "Social Services and Poverty" analyses knowledge, use and effectiveness value of social services from the point of view of impoverished population.
- Poverty in Spain (to earn less than 50% the average National Disposable Income – NDI) reaches 22 percent of the population. Four levels of poverty are defined: extreme (<15% NDI), serious (15-25% NDI), moderate (25-35% NDI) and social precariousness (35-50% NDI).
- 4.5% of Spaniards suffer severe poverty (extreme or serious) and 17.5% relative poverty (moderate and precarious).
- Methodology: Specific survey performed 1994 to 1996 in 1,447 towns in Spain to 29,592 families in situation of poverty.
- The main outcomes of the survey related to our exploration issue are the following,
 - 45% of the interviewed said they did not know public social services, 38% did not know Red Cross ones and 36% did not know Cáritas services.

- 51% of poor population has never used general social services. When we disaggregate in poverty levels, we will note that those not showing up are 64% of citizens suffering social precariousness, 47% of those in moderate poverty, 24% in serious poverty and 10% in extreme poverty.
- 34.8% of families do not receive any social benefit or help at all.
- 93% of poor people do not use specialized social services (boarding schools for minors, classes for adults, senior citizens residences, in-home supportive services, drug and alcohol rehabilitation, disabled people rehabilitation and self-help groups) Families suffering severe and extreme poverty are those who most intensively use specific services, given the exception of Residences for the Elder.

2.8. The right to a dignified housing

The *non take-up* of the right to a dignified housing may include several situations: not to have housing access at all, living in a house which does not meet the least conditions of habitability, or living in an impoverished and socially segregated environment. *The National Plan of Action for Social Integration of the Spanish Kingdom (2001-2003)* defines the residential exclusion with the following Statement: social exclusion as a fact does not only affect housing, in as much as independent units, but the residential market itself socially structures home distribution. Thus, in most of the cases the under-housing gathers in areas which form segregated spaces. The disadvantaged districts are territories with high unemployment rates and low financial, educational and social resources. These areas are out of the market and the life of the town, with poor environmental quality and segregated from the production, leisure and commerce channels of the rest of the community. (MINISTRY OF LABOUR AND SOCIAL AFFAIRS 2001b, Annex 1, page 20). According to this definition the Plan itself makes an estimate of the *non take-up* of dignified housing throughout various indicators taken from different studies.

MAIN DEFICITS OF HOUSING IN SPAIN

Deficits	Absolute figure
Houses which do not meet the minimum requirements for habitability*	387,000 houses
Homes with damp patches *	2.487,902 homes
Homes with leaks*	1,402,494 homes
Homes with rottenness in wooden floor or windows*	731,736 homes
Houses in ruins	731,736 homes
Shacks**	37,000 houses

Homes with high crime rates or vandalism in their surroundings	48,000 shacks
Persons living in disadvantaged districts in towns of 20,000 or more inhabitants ***	2,439,120 3,750,000 persons

Sources: (*) HOUSING PLANS IN THE EUROPEAN UNION 1996;
(**) MINISTRY OF LABOUR AND SOCIAL AFFAIRS 1999;
(***) MINISTRY OF PROMOTION

The Plan for Integration does not make any estimate of the number of people and families which cannot access housing. This estimate would show the clearest form of *non take-up*. There are estimates of homeless people (about 250,000), but there are as well many more people and families who share the dwelling with other relatives, while waiting for the possibility of accessing to their own or rented housing.

The deficits and shortages of housing in Spain can be explained by factors such as the short public assistance to housing acquisition, every time lower in the last two decades, the lack of a state promoted rental market, or the continuous increase in housing prices in the free market which forces the buyers to get into debt for many years. Between 1996 and 2002 the average price of housing, according to the MINISTRY OF PROMOTION, has grown from 674 to 1,221 Euros per square meter (which is an increase of 80% in six years).

In the Autonomous Community of Madrid we have a quite complete report on the problems of the access to housing and the *non take-up* existing according to the apartment price and the family income (see Chart 9).

Chart 9
Residential exclusion in the Autonomous Community of Madrid
(CORTÉS and others, 2001)

- The study was commissioned by the Regional Government, Autonomous Community of Madrid. It was meant to work out the Plan to Combat Social Exclusion, which includes a chapter on housing and the problems to access.
- Methodology: they use and compare two statistical sources referred to 1998. The first one is the price of available apartments grouped in seven brackets. The second one is the families' level of income. Depending on the income level, an estimate is made of up to how much families can get into debt to buy their housing. The number of families that cannot access to housing as a consequence of their lack of resources is deduced.
- Main results:
 - The non take-up of housing for families of lower income level is 70%. Thus,

only 12% of the available apartments in 1998 had an affordable price (less than 60,000 Euros) for people with a yearly income of less than 12,000 Euros (in 1998 they were 41%).

- To establish the aforementioned estimate of non take-up of families with less than 12,000 euros of yearly income, these can only make a maximum investment effort in housing of 35% of their income in a period of 30 years.
- Groups without capacity to access to an apartment may have a housing, but in overcrowding condition or under very bad habitability conditions. This is, the way in which the statistics of housing with important deficits show.

2.9. Minimum income coverage

The policy of income guarantee includes a relatively large range of benefits for groups in a position of social fragility or scarcity, such as those covered by unemployment benefits and welfare benefits, which have been already mentioned. Now we will examine the treatment of *non take-up* and the exit from that right in three other specific cases of financial assistance: minimal integration income benefits to temporary agricultural workers and work integration income.

- ❖ Minimum Integration Rents: According to the aforementioned Plan for Social Inclusion, the number of beneficiaries of the *minimum integration rents* increased in the course of years as a result of its gradual implementation in all the Autonomous Communities. It has reached a volume of 202,000 recipients in 2000 for whole Spain. We compare this figure with the estimate of 528,000 people in *absolute poverty* conditions (with an income below 15% of the average income). According to a report made by the government, the benefit coverage would be 38% and not receiving 62%. This figure must be taken with caution, as many potential beneficiaries have not the eligibility conditions established by the regional laws, (for instance being 25 to 64 or living in the same region for several years).
- ❖ In the case of the Autonomous Community of Madrid several studies are available. They allow us to detail the evolution experienced by the previous Integration Income of Madrid (IMI), currently named Minimum Integration Rent ("RMI" in Spanish) since the Law of 2001. According to the new law this income became a right with the guarantee of law on the basis of certain requisites. Before that law it was only an assistance left to the administration discretion. According to official statistics of RMI recipients, their average number has been stabilised since 1992 between 7,000 and 8,000 families.

(SOCIAL EXCLUSION PREVENTION AND MINIMUM INCOME SERVICE 2002, page 14). At the meantime the estimate of potential beneficiaries ranges from 27,000 to 28,000 families, according to the study commissioned by the regional government to a team of experts²⁸. This means that the *non take-up* of the RMI would reach 73% of potential beneficiaries (although this percentage should be reduced with those who may not receive the RMI according to the law. Another study makes a global assessment of the IMI/RMI during its first ten years of validity and reaches the conclusions showed in the Chart 10.

Chart 10
Minimum Income for Integration in the Autonomous Community of Madrid
(COLECTIVO IOÉ, 2001)

- The study was commissioned by the trade union Comisiones Obreras to assess the application of the IMI (Minimum Income for Integration) during its ten first years of existence (1991-2000).
- Methodology. Statistical, legal and documentary sources related with the application of the minimum income are studied and compared. Its impact in the overall context of social and work exclusion in the Autonomous Community of Madrid is assessed.
- Main results:
 - Since the second year of income application, the number of beneficiaries is stable around 8,000 families. This represents 0.44% families of Madrid and about one third of families in a position of object poverty (below 25% of average family income per person).
 - Among sectors of society with lower income level the criteria establish to apply the IMI made easier the access to classical poverty and exclusion sectors (more traditional ways of poverty) and made the access difficult to "new poor people" (persons with exclusively financial heeds linked to unemployment and labour precariousness), In this case, administrative procedures influenced in a decisive way in the non take-up of a group which, in first instance, had the right to receive the compensation.
 - The intensity of the cover is very small, since it covers only what the family needs to reach the income considered as a "minimum". This means that in the last year analyzed (2000) among of income transferred to receiving families was 90 euros per month and person. Moreover the average of payments earned by the families between 1991 and 2000 experienced a negative evolution losing 17 percentage points of purchasing power.

²⁸ The criteria used to estimate the potential demand for RMI is based on an information of the Working Population Survey, accounting those families without neither work income, nor pensions or unemployment benefits in the reference week (32.000) and select later those which maintained this condition for a year period (from 27.000 to 28.000). AGUILAR and others 2001, page 28.
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- ❖ Benefits to temporary agricultural workers: these benefits were established in 1983 to forestall the subsistence problem of Andalusia and Extremadura temporary agricultural workers. In 1990 the application area was expanded to other regions. The cover of this benefit has been the object of frequent controversies among the jurists due to the complexity of its application. There were many complaints of fraud or “craftiness” (of workers and employers who need to sign their contracts or “work days” demanded stated by law to receive the benefit). In the first quarter of 2003 the recipients of the agricultural subsidy were 203,000 people, an important volume if we take into account that unemployment in the whole Spanish agricultural sector in that quarter was of 168,000 and waged workers 438,000 (Employed Population Survey, first quarter 2003). In the bibliography consulted there are no references *non take-up* in the sense of the project EXNOTA; there are however frequent references to bureaucratic and information problems that can leave some groups unprotected. (CORTÉS 1990).
- ❖ Work integration income: started in 2000, is addressed to long-term unemployed over 45 and with very low income. The benefit amounts to 75% of the Minimum Interprofessional Wage and it depends on carrying out actions related with active employment policies to favour work integration. The National Employment Institute calculated the number of potential beneficiaries on 91,000 persons, while in 2002 the highest figure was 50,800, which means a *non take-up* of 44%.

2.10. Active employment policies

Since 1995, in Spain, National Employment Plans have been made at interministerial level and with the participation of regional and local administrations. In these plans the outcomes of the previous year are evaluated and next year is planned by introducing advisable changes in employment active policies, with the purpose of dealing with two main objectives of the Plan: reducing the number of unemployed workers and improving employment quality and the workers’ skills.

Once the target groups of employment policies have been defined and quantified (for instance women, long-term unemployed, etc..) the impact or cover of the measures which have been set up is assessed and appropriate conclusions are drawn. The 2002 Plans itself admits the need to “complete modernization of employment public services to increase their effectiveness and improve the application

of a preventive approach to cover all the potential beneficiaries. These efforts must include the adjustment of the statistic monitoring system "(INTERMINISTERIAL COMMISSION COORDINATED BY THE MINISTRY OF LABOUR AND SOCIAL AFFAIRS 2002, page 11). However the coverage or *non take-up* is established by the Plan according to several parameters without a precise criteria. Let us give some examples:

- ❖ Social integration actions addressed to unemployed: several measures are proposed among them orientation towards employment, occupational training and social interest employment are stressed. In 1997, 590,000 actions of this kind were performed and in 2002 the prospects were to increase them till 1.6 million, which would benefit 1.1 million unemployed people. The Plan assessment stresses the increase in the number of actions, without taking into account the number of unemployed who did not receive any of those actions (*non take-up* of such assistance), which in the case of 2002 would be of 52.6% (the average figure of unemployment in 2002 was 2.1 million).
- ❖ Subsidies or discounts in Social Security contributions to promote the hiring of unemployed persons: the increase in the number of contacts of this kind is stressed. It increased from 202,000 in 1997 to 608,000 in 2001 and is expected to reach 790,000 in 2002. This number is not related to the total number of potential targeted workers (this would give interesting indexes of *non take-up*).
- ❖ Special measures to promote training and employment for women: the Plan stresses the effort accomplished to target employment promotion mainly to women. A comparison is made in the proportion of women for each benefit. So, regarding of work integration actions, women are 38% of beneficiaries in 2000 and went up to 53% in 2001; long-term contracts receiving bonuses women went from 41% in 2000 to 44% in 2002.
- ❖ Capitalization of employment benefits to join as partners in cooperatives and Workers' Companies ("Sociedades Laborales") : in this case the number of beneficiaries of each year is compared to the total number of employees in both kind of companies and the positive evaluation of this index is valued: 2.5% in 2000, 2.7% in 2001.
- ❖ Occupational and continuous professional training: the number of recipients of this assistance is compared to the total number of potential beneficiaries. So in 2002 the target was to reach 18% of working population (2.6 million out of 14.4 million) and especially to 23% of the unemployed (506,000 out of a total of 2.2 million). Thus the cover of these benefits is directly assessed, so the *non*

take-up (82% of workers and 77% of unemployed) can be deduced only indirectly.

- ❖ In a similar way the Plan refers to the increase in the volume of the cover related to active measures of employment targeted to move specific groups (unemployment of those over 45 years old, unemployed people with disabilities, unemployed immigrants, social excluded people, etc...).

The *Action Plan for Employment in Spanish Kingdom 2002* gives a positive global assessment of the effects of the Plan, supposing that the unemployment reduction between 1997 and 2001 (-23%) is a result of its intervention, when it is probably an effect of the expansive economic situation in this period. Nevertheless active employment measures may have influenced in a large part to reach a reduction of unemployment larger than the average in the groups at which the plan was targeted: young people and workers over 45 with long-term unemployment, more insensitive reduction of unemployment in regions with more structural funds (Andalusia, Extremadura and Canary Islands).

2.11. Policies for collectives with specific problems by target group

We have already pointed the existence of a wide range of policies related to the collectives with major social exclusion risks or problems. The public care to those collectives is very much distributed in several ministries of the Central Administration (particularly the Ministry of Labour and Social Affairs), the Autonomous Communities and Councils (specialized Social Services). Its funding is also shared between the several governmental levels. In some cases very important aids are received from the European Union structural funds.

The National Action Plan for the Social Inclusion in the Kingdom of Spain (2001-2003), can be seen as the main source of planning evaluation of most of the policies by target groups. Nevertheless, there are other very diverse national plans centred on particular collectives, such as the Youth Plan, the Gerontology Plan, the Plan for Drug Addicted Persons, Plan for Women and Men Equality, Plan GRECO for immigrants, etc.).

It would be a too large and complex task to collect in detail all the policies by target group existing in Spain. Therefore we only will make some general remarks regarding the most important policies. Information can be widened in the following phases of the EXNOTA project.

- ❖ *Family benefits*: They try to support the most critical situations of the family life. They can be mostly focused on problems related with *children, youth* and the *elder*. They come apart from other already mentioned measures such as the minimum income coverage or the conciliation between family life and an employment outside the domestic realm. Regarding the three collectives mentioned, there are statistical estimations describing how many suffer from problems or social exclusion risks. There are also data on the reach of the measures and public institutions in charge of these vulnerable groups. This information is located in official documents and sociological studies promoted by foundations and private institutions. In general, the coverage of public entitlement existing in Spain is quite limited, and this is noted in the public expenditure towards these collectives. Families are the main institutions in charge of their needs, as for example for *elderly persons*.

- o According to the 2001 Census, there are 6.8 million people over 64 years old, which represents 17% of the population. This number tends to increase due to the life expectancy increase and birth rate reduction. In 1960, those over 64 years old were the 8% and in 1981, 11%.
 - o The *Survey on disabilities, deficiencies and state of Health (1999)* states that within the people older than 64, 61% suffer at least one chronic disease, and 26% some disability (this means an average of 7 disorders per person) which limit their daily life.
 - o Nevertheless, in spite of those limitations, 94% live in their own house or with their family and only 6% in a nursing *residence*.
 - o Within those who live in a residence, 61% are in private centres, 26% in public centres, and 13% in private centres with some public funding (CASADO AND LÓPEZ 2001).
 - o The main care of *dependent elderly* is in charge of public social services only in 3.2% of the cases. This task is covered by private services in 8.7% of the cases, and in 88.1% of the times by their own family.
- ❖ *Benefits for persons with disabilities:* Spain has a broad system of social benefits and several measures for their social reintegration. We have already mentioned the *contribution and welfare pensions*; the 56% of the persons with a "serious disability" and 21% of those with a "moderate disability" receive a pension, according to the Households Panel in 14 European Union countries (EUROSTAT 1996). Spain is the fourth country with more pension coverage for "serious disability" behind the UK, Denmark and Belgium, and it is the second country for "moderate disability" pensions behind Denmark (EUROSTAT 2001). The Survey on *Disabilities, deficiencies and state of Health (1999)* allows us to know with enough precision the degree of covering of the several benefits according to different criteria (see Chart 11).

Chart 11
Survey on Disabilities, deficiencies and state of Health
(NATIONAL STATISTICS INTITUTE, 2002)

- Survey promoted by the National Statistics Institute and the Ministry of Labour and Social Affairs, with the economic cooperation of the ONCE Foundation (National Organization of the Blind Spanish People).
- Methodology: a macro-survey (79,000 households and 220,000 persons, within them 20,000 are persons with disabilities) on disabilities and the public benefits received in 1999.
- Main results:
 - Persons with disabilities use general health services widely. However, they use the labour and functional rehabilitation services restrictively.
 - It is difficult to value NTU/EF rehabilitation services in this survey. Nevertheless, the survey offers a hint in this direction relating to not receive any functional medical service in the last two weeks because the rehabilitation process has finished. In these cases, the 12% gave it up without having fulfilled the objectives.
 - 6% of the persons who need rehabilitation (more than 80,000 persons between 16 and 64 years old) have not received it. The main reason for NTU is the waiting lists. The waiting lists are frequent for surgical interventions and diagnostic tests. In relative terms, the problem of "waiting lists" is also important for functional rehabilitation therapies. The majority of the treatments are managed by Public Health, so there are very few persons who not receive an adequate rehabilitation because their lack of economic resources. In relative terms, this reason was more usual for mental health cases. Another minority answer was "the service is not in their area".
 - 47.3% of people with disabilities at working age received no benefits. 39.4% received the pension for illness or disability. 9.7% obtained fiscal benefits, and 7.8% received other punctual benefits (family benefits per child in charge, assistance of a third person, transport costs, etc.).

- ❖ *Benefits to ethnic minorities (Gypsy community):* According to an official study, the 30% of Spanish Gypsies (around 168,000) are excluded or under risk of exclusion. This is due to economic reasons (insufficient income), no access to normalized social resources (education, housing, health, social services...), lack of participation in the political and social sphere, and some discrimination situations derived from belonging to a minority culture (MINISTRY OF LABOUR AND SOCIAL AFFAIRS 2000). The proposals of this study are in general terms (as reduce situations of marginality, global intervention in gypsy communities, fight against discrimination and in favour of the equality of treatment, etc.), so it is very difficult to value their coverage.
- ❖ *Benefits for immigrants.* The flow of immigrants is growing (half a million are registered in Autonomous Community of Madrid, 8% of the total population), and the studies about their situation are frequent. There are studies on discrimination against immigrants, and their use of the public services.

Immigrants are not used to report discrimination to the police or justice tribunals (see Chart 6). Other studies confirm that their contribution to the public budget is larger than services received from public Administration. (APARICIO AND TORNOS 2000; and BALAGUER, BARREDA AND CUADROS 1999). According to a survey applied to 1,579 female immigrant workers (from non EU countries) in the year 2000, 4% of them received unemployment benefits, 1.3% basic income, 1.3% government promoted housing, and 9% education grants. Only 1% used the Employment National Institute to find a job, and 2.7% used public institutions to solve serious economic difficulties (COLECTIVO IOÉ 2001, page 761). The Global Programme to Regulate and Coordinate Foreign Residents' Affairs and Immigration in Spain (GRECO) pretends to be a global plan but it has not its own funding for actions foreseen in the programme, and the "joint development" is oriented to avoid migratory flows in their countries of origin and to make repatriation easier (MALGESINI 2001). Other studies have examined the *institutional discrimination* suffered by immigrants. Immigrants are easier under suspicion and are requested more than nationals to get rights and benefits. "Some instances of institutional discrimination in Spain are the discriminatory use of actual judicial instruments and the restrictive application of norms whenever they are applied to immigrants. There are also disproportionate requirements to have access to social protection mechanisms which exclusively affect immigrants. There is also a scarce resources providing to the public services which must take care of immigrants" (CACHÓN 2003, page 53).

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