# National Fiche – Spain

## COVID-19 cases

On 3 September 2020, Spain registered 29,194[[1]](#footnote-1) COVID-19 related deaths out of around 47.4 million people. Official data and cases of COVID-19 were not disaggregated by disability status. However, the only data available is the deaths of 105 persons with disabilities in centres managed by organisations within CERMI – the Spanish National Disability Council[[2]](#footnote-2). Regarding care homes, the media published on 28 May 2020, a total of 19,194 deaths (including both confirmed COVID-19 deaths and deaths of those with symptoms of the illness)[[3]](#footnote-3).

## Emergency, lockdown, and confinement

A State of emergency was declared from 14 March 2020 and extended 6 times to 21 June 2020 to deal with the COVID-19 pandemic[[4]](#footnote-4). Under the state of emergency, Spain imposed strict confinement measures limiting freedom of movement for all citizens. However, due to the negative impact on mental health of the lockdown on autistic people and people with mental health conditions, CERMI and *Autismo España* advocated for an adaptation of outing conditions for persons with disabilities[[5]](#footnote-5). Following this demand, the Spanish Ministry of Health allowed people with mental health conditions and intellectual disabilities and autistic people to go out accompanied by a person during lockdown[[6]](#footnote-6).

CERMI reported that even though persons with disabilities had the right to go out, they have been victims of insults and even sanctioned while being in the street for therapeutic reasons. The Spanish National Disability Council reported this situation and called on the Ministry of the Interior to investigate the files on a case-by-case basis to make sure that persons with disabilities were not wrongly sanctioned. The confinement also impacted persons with mobility restrictions who were left in a critical situation alerted CERMI since they had difficulties to access prescription medicines and other health products. In this regard, CERMI considered that a system should be implemented to make sure that person with physical disabilities and mental health conditions receive medicines and other products they need[[7]](#footnote-7).

Last, CERMI expressed concerns about the negative impact of confinement on the right to education for persons with disabilities since the government did not implement measures to ensure that all students could attend online classes[[8]](#footnote-8).

## Involvement of organisations of persons with disabilities

The Spanish Government consulted with DPOs during the pandemic.

As an example, The Foundation ONCE (Fundación ONCE para la Cooperación e Inclusión Social de Personas con Discapacidad) took part in the development of new technological tools to fight COVID-19, developed by the Spanish Government and accessible for person with disabilities[[9]](#footnote-9). CERMI also has been in dialogue with both the Government and the Parliament to suggest measures protecting the integrity and dignity of persons with disabilities. Additionally, CERMI played a leading role in providing support and advocacy work during the COVID-19 pandemic to ensure that the rights and needs of persons with disabilities were taken into account. The Spanish National Disability Council advocated for the inclusion of persons with disabilities in the COVID-19 seroprevalence study carried out in Spain and for which the Disability Council have been included in the Board in charge of the study[[10]](#footnote-10).

Organizations of persons with disabilities also took the lead in offering social interventions and support, usually provided by professionals including personal assistance, even though funding from administrations were often suspended[[11]](#footnote-11).

## Communications and announcement

Official communications on protection measures against coronavirus were not accessible[[12]](#footnote-12). At the beginning of the outbreak, communications of public health spokespersons were not accessible to deaf and hard of hearing people. CERMI explained that DPOs had to broadcast their own videos in accessible format on their social media while requesting captioning and sign language in official communications. The Government also did not include cognitive accessibility measures to inform people with intellectual disabilities. This work was carried out by CERMI member organizations using their own resources[[13]](#footnote-13). Unfortunately, no changes have been noticed through the pandemic and persons with disabilities were not mentioned in official communications.

## Institutions and closed settings

According to CERMI, an important number of institutionalized persons with disabilities contributed to “a multitude of infections between persons and professionals, and they have been the latest to receive means of protection/protection equipment[[14]](#footnote-14).”

The Community of Madrid (Regional Government) established a protocol to “residencias”, preventing the transfer to the hospital of sick persons with severe cognitive impairment or persons with severe dependence. CERMI advocated and denounced this discrimination which led the local government to rectify this protocol.

## Health care

On March 2020, the Spanish Society of intensive care doctors (SEMICYUC) released a guidance document on triage policy in a pandemic context and included persons with severe cognitive impairment in the list of exclusion criteria to access intensive care units[[15]](#footnote-15).

Upon request from the Directorate general of Disabilities policies, Secretary of State of Social Rights, Ministry of Social Rights and 2030 Agenda, the Spanish Bioethics Committee released a report on the bioethical aspects of prioritizing health resources in the context of the coronavirus crisis. The Committee commented on some recommendations made by the Working group on Bioethic of the Spanish Society of intensive care doctors and considered that one of the recommendations in the report[[16]](#footnote-16) “was not compatible with the International Convention on the rights of persons with disabilities”[[17]](#footnote-17). The recommendation of the Spanish Society of intensive care doctors provides that “4. Any patient with cognitive impairment, through dementia or other degenerative disease, will not be subsidiaries of invasive mechanical ventilation”. Recalling articles of the CRPD, the Bioethics Committee considers that the disability of a sick person cannot be a reason in itself to provide priority assistance to a person without disabilities[[18]](#footnote-18).

On 2nd April 2020, the Spanish Ministry of Health established a report on ethical aspects of the pandemic management assuring the prohibition of the use of discriminatory criteria to prioritize patients in access to intensive care units. In addition, any other form of discrimination on access to healthcare resources based on disability or age is prohibited[[19]](#footnote-19). However, despite this prohibition of discrimination, CERMI documented that persons with disabilities were denied treatment and transfer to hospital and intensive care units (ICUs)[[20]](#footnote-20).

## Social Protection

A contingency fund was created to protect dependent older persons, persons with disabilities and homeless person and to provide different proximity services including home assistance to compensate the closure of day centres, occupational centres, and other services due to the pandemic[[21]](#footnote-21).

In addition, the Spanish Government implemented a Minimum Living Allowance (MLA) in response to the rising risk of poverty and exclusion resulting from the pandemic. This MLA will ensure a minimum income for people experiencing economic vulnerability and will be provided to those who fulfil a list of requirements. The MLA will range between €462 for an adult living alone to a maximum of €1015 per month for a household with 3 adults and two or more minors[[22]](#footnote-22).

1. Spanish Ministry of Health, Actualisation n°198, Coronavirus Diseases, Situation in Spain, 02 September 2020. Available in Spanish at: <https://www.mscbs.gob.es/profesionales/saludPublica/ccayes/alertasActual/nCov/documentos/Actualizacion_198_COVID-19.pdf> [↑](#footnote-ref-1)
2. CERMI, The impact of the coronavirus pandemic on the human rights of persons with disabilities, p.38, 23 May 2020 Available in Spanish at: https://www.cermi.es/sites/default/files/docs/novedades/Informe%20DDHH%20COVID19%2022052020.docx [↑](#footnote-ref-2)
3. Zalakain, J. Davey, V. & Suárez-González, A. The COVID-19 on users of Long-Term Care services in Spain. LTCcovid, International Long-Term Care Policy Network, CPEC-LSE, 28 May 2020. Available at: <https://ltccovid.org/wp-content/uploads/2020/05/LTCcovid-Spain-country-report-28-May-1.pdf>

   Link to the original source, El Pais, 28 May 2020: <https://elpais.com/sociedad/2020-05-27/cerca-de-19200-personas-han-muerto-en-residencias-de-servicios-sociales-por-coronavirus-o-con-sintomas.html> [↑](#footnote-ref-3)
4. Agencia Estatal – Boletin Oficial del Estado, 14 March 2020. Available in Spanish at : [Royal decree 463/2020 of 14 March 2020, based on Organic Law LO 4/1981](https://www.boe.es/buscar/doc.php?id=BOE-A-2020-3692) [↑](#footnote-ref-4)
5. Autismo Espana, 20 March 2020. Available in Spanish at: <http://www.autismo.org.es/actualidad/articulo/el-ministerio-de-sanidad-dicta-una-instruccion-que-permite-las-personas-con> [↑](#footnote-ref-5)
6. « Instruccion de 19 marzo de 2020, del Ministerio de Sanidad, por la que se establecen criterios interpretativos par la gestion de la situacion de crisis sanitaria ocasionada por el COVID-19 » : <https://www.boe.es/diario_boe/txt.php?id=BOE-A-2020-3898> [↑](#footnote-ref-6)
7. Information from CERMI, 4 September 2020 [↑](#footnote-ref-7)
8. Ibid. [↑](#footnote-ref-8)
9. Fundacion ONCE, noticias, Las nuevas herramientas tecnologicas de lucha contra el covid 19 accessible para las personas con discapacidad de la mano de Fundacion ONCE. Available in Spanish at: <https://www.fundaciononce.es/es/noticia/las-nuevas-herramientas-tecnologicas-de-lucha-contra-el-covid-19-accesibles-para-las> [↑](#footnote-ref-9)
10. Information from CERMI, 4 September 2020 [↑](#footnote-ref-10)
11. CERMI, The impact of coronavirus pandemic on human rights of persons with disabilities, p.13, 23 May 2020 Available in Spanish at: <https://www.cermi.es/sites/default/files/docs/novedades/Informe%20DDHH%20COVID19%2022052020.docx> [↑](#footnote-ref-11)
12. Ibid. p.6-7 [↑](#footnote-ref-12)
13. CERMI, The impact of coronavirus pandemic on human rights of persons with disabilities, p.8, 23 May 2020 Available in Spanish at: <https://www.cermi.es/sites/default/files/docs/novedades/Informe%20DDHH%20COVID19%2022052020.docx> [↑](#footnote-ref-13)
14. Ibid. p.7 [↑](#footnote-ref-14)
15. Semicyuc, los profesionales del infermo crítico, «Plan de contingencia para los servicios de medicina intensiva frente a la pandemia COVID-19 », March 2020, p.54. Available in Spanish at: <https://www.semicyuc.org/covid19_files/Plan_de_Contingencia_COVID-19.pdf> [↑](#footnote-ref-15)
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18. Ibid. p.10 [↑](#footnote-ref-18)
19. Ministry of Health Report on ethical aspects in pandemic situations: the SARS-CoV-2, April 2nd, 2020,p.9. Available at : <https://www.mscbs.gob.es/profesionales/saludPublica/ccayes/alertasActual/nCov-China/documentos/AspectosEticos_en_situaciones_de_pandemia.pdf> [↑](#footnote-ref-19)
20. CERMI, The impact of coronavirus pandemic on human rights of persons with disabilities, p.7, 23 May 2020 Available in Spanish at: <https://www.cermi.es/sites/default/files/docs/novedades/Informe%20DDHH%20COVID19%2022052020.docx> [↑](#footnote-ref-20)
21. Eurofound (2020), Contingency fund to protect the elderly dependent, disabled and homeless persons, case ES-2020-12/500 (measures in Spain), COVID-19 EU PolicyWatch, Dublin, <http://eurofound.link/covid19eupolicywatch>

    18 March 2020: Royal Decree-Law 8/2020, of March 17, on extraordinary and urgent measures to face the economic and social impact of COVID-19. (www.boe.es) [↑](#footnote-ref-21)
22. Royal Decree-ley 20/2020, 29 May 2020, available at: <https://www.boe.es/diario_boe/txt.php?id=BOE-A-2020-5493#:~:text=El%20presente%20real%20decreto%2Dley,de%20vulnerabilidad%20por%20carecer%20de>

    For a short version in English: <http://www.seg-social.es/wps/portal/wss/internet/Trabajadores/PrestacionesPensionesTrabajadores/65850d68-8d06-4645-bde7-05374ee42ac7?changeLanguage=en> [↑](#footnote-ref-22)