

PUBLIC ADMINISTRATION AND THE ASSOCIATIVE MOVEMENT OF NON-GOVERNMENTAL ORGANIZATIONS IN SPAIN

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Abstract

The relationship between Public Authorities and the Associative Movement of Non-Governmental Organizations (hereinafter P.A and NGOs, respectively) in Spain is fairly recent. Although great advances have been achieved due to the constant activity of the associations, the focus on these advances has to be localized within the last twenty years, in which the associative movement has progressed enormously. This paper focuses in the progression of the movement related to the historical development of Spain in the second half of the twentieth century, as well as the current situation regarding regulations, laws and orders that defend and promote accessibility and the rights of people with disabilities, which are the main focus and *raison d'être* of the associative movement. The review also describes the current situation and provides examples on how the relationship between Public Administration and NGOs works currently, as well as the newly founded links with new initiatives aligned with the development lines of the European Union and higher entities. A case study to further explain this situation is also included, applied to the Spinal Cord Injury Foundation in Madrid.

Keywords: Funding, disability, associative movement, Spain, NGO.

* Fundación del Lesionado Medular (Spinal Cord Injury Foundation), Spain.

İSPANYA'DA KAMU İDARELERİ İLE SİVİL TOPLUM ÖRGÜTLERİNİN ENGELLİLİĞE İLİŞKİN TOPLU HAREKETLERİNİN İLİŞKİSİ

Öz

Kamu idareleri ile Sivil Toplum Örgütlerinin toplu hareketleri arasındaki ilişki İspanya'da oldukça yenidir. Örgütlerin sürekli aktiviteleri nedeniyle pek çok önemli adım atılmış olsa da, bu adımlar örgütsel hareketlerin oldukça büyüdüğü son yirmi yıla odaklanmıştır. Bu çalışma, yirminci yüzyılın son ikinci yarısında İspanya'nın tarihi gelişmesinin örgütlerle olan ilişkisine ve aynı zamanda günümüzde engelli insanların erişimlerini ve haklarını koruyup destekleyen düzenlemelere, kanun ve yasalara odaklanmaktadır ki, toplu örgütlenmelerin ana odağı ve varlık nedeni de budur. Makale aynı zamanda günümüzdeki durumu tasvir etmekte, kamu idareleri ile sivil toplum örgütlerinin beraberce ve Avrupa Birliği ve diğer yüksek mercilerin getirdiği yeni kurulan bağlantılarla nasıl çalıştığıyla ilgili örnekler sunmaktadır. Durumu daha iyi açıklayabilmek için Madrid'de bulunan Omurilik Hasarı Vakfı'nı içeren bir vaka örneği sunulmuştur.

Anahtar Kelimeler: Fon, engellilik, toplu örgütlenme, İspanya, STK.

A Brief History of Associative Movement in Spain

The first NGO to operate in Spain was the International Red Cross and Red Crescent, around the second half of the 19th century. The very first steps of the Spanish Red Cross was directly linked to religious organizations, but was declared a Public Service Association right from the very beginning of its history. It has been directly linked to the different governments from its creation up to the present; however, this has never affected their Mission, Vision and Values and the respect for the Principles that were signed in Geneva.

During the first half of the 20th century, due to the unstable political situation of Spain, having participated, though lightly, in World War I (1914-1917) and World War II (1939-1945) and having had its own Civil War (1936-1939), the government resulting from the Civil War proclaimed an ‘organic democracy’ in which all aspects of society were directly controlled by the government. Thus, there were no NGOs that weren’t related to the governing party or the Catholic Church. Good examples of these associations are, for example, *Cáritas* or *Intermón*, founded circa 1950. These associations are dedicated to children in need as well as poverty in general.

It was not until the late 1960’s when the first National Associations, aligned with the already existing International Associations, began to appear in the social panorama of Spain. Therefore, United Nations became represented in Spain through ‘*Asociación de Amigos de Naciones Unidas*’. Other associations such as ‘*Medicos Mundi*’ or ‘*Manos Unidas*’ were founded, reaching around 1975 an international status and recognition, and establishing cooperation with International associations and the OMS. It was after the transition, with the admission of Spain to the European Union in 1986, the new elected government, and the funding from European, national and local administration, when the associative movement began to increase dramatically (Alberich Nistal, 2007, pp. 71-90).

Around 57% of the current active national NGOs were founded between 1986 and 1995, and of those, 42.4% were, and are, dedicated to raising social awareness and actions towards integration and non-discrimination policies.

Public Administration Regarding Disability

The Spanish Government has created several organisms that guarantee and protect the rights of people with disability, as well as promote integration and social equality. However, this task was proven to be really difficult due to the influence of the different politic forces and their takes on the same issue, as well as the economic situations that caused the second half of the twentieth century to be an era of budget reductions on what were considered, at that time, non-essential services (social services). It was not until the last thirty years of the century in which the issue was addressed fully, proposing a route that would end up in the integration we experience nowadays (Rodriguez Cabrero and Ortí Benlloch, 1996, pp. 101-120). All of these associations are coordinated by the Spanish Ministry of Health, Social Services and Equality.

The Regional Governments have also a Regional Ministry of Health and Social Services. However, given the independence of the Regional Governments, in some cases Health and Social Services are together in one entity (for example Autonomous Region of Castilla-La Mancha) and in some others are two different entities (for example in the Autonomous Region of Madrid).

The work of these organisms is not only to guarantee the enforcement of the aforementioned laws, but also to provide economic and social support for those people with disability that no longer have access to the economic resources that sustained their lives (self-employed or employees of both public and private companies) (Cortés Alcalá, 1992, pp. 57-76).

It also coordinates with the NGOs and other associations supporting people with disabilities and their rights in order to make a joint effort to finance treatments, day-care, residential care, and other types of support required for both the people and their families.

Also, several technical offices have been created by the Government in alignment with the aforementioned Ministries with the collaboration of entities such as CERMI or the Regional Governments. The most notable ones are:

- Observatorio Estatal de la Discapacidad (OED) - *National Observatory on Disability*
- Real Patronato sobre Discapacidad (RPD) - *Royal Board on Disability*
- Centro Español de Documentación sobre Discapacidad (CEDD) - *Spanish Documentation Centre on Disability*
- Instituto de Mayores y Servicios Sociales (IMSERSO) - *Institute of the Elderly and Social Services*

Current Map of Non-Governmental Organizations in the Field of Disability in Spain

Along with the organizations from the government, Spain has multiple organizations that work in the field of disability:

- CERMI – *Spanish Committee of representatives of people with disabilities*
- FEAPS – *Spanish Confederation of Associations for people with Intellectual Disability*
- CNSE – *National Confederation of Hearing Impaired People*
- FIAPAS – *Spanish Confederation of Families of Hearing Impaired People*
- FEAFES – *Spanish Confederation of Associations of Families and People with Mental Illness*
- ASPACE – *Spanish Confederation of Federations and Associations of People with Palsy*

Of those, the most important ones confederations and federations, focused on Physical Disability, that include most of the specific NGOs (so-called ‘parent’ NGOs or ‘umbrella associations’) are:

- COCEMFE-FAMMA – *Spanish Confederation of People with Physical and Organic Disability*
- PREDIF – *National Representative Platform of People with Physical Disability*

- COAMIFICOA – *Federation of Coordinators and Associations of People with Physical Disability of the Autonomous Regions of Spain*
- ASPAYM – *Association of People with Spinal Cord Injury and Severe Disability*

Spanish Legislation on Disability

It was in that period where the first debates in the Spanish chambers of government began, with the result of the laws that, up to this day, defend and look for the interest of people with disability with all the modifications discussed and agreed over time (Reichmann and and Fernández Buey, 1994, pp. 67-101). Of course, the laws have had to be changed to include new definitions, to cover new aspects of life and to ensure the alignment with the latest international policies and laws regarding disability. In order to be concise, the whole Spanish legislation can be summarized like this:

- *Ley 13/1982, de 7 de abril, de Integración Social de Personas con Discapacidad* (Spanish Law 13 of 1982, April 7th, about Social Integration for people with disability).
- *Ley 51/2003, de 2 de diciembre, de Igualdad de Oportunidades, no Discriminación y Accesibilidad Universal de las Personas con Discapacidad* (Spanish Law 51 of 2003, December 2nd, about Equal Opportunities, Non-discrimination policies and Universal Accessibility for people with disability).
- *Ley 49/2007, de 26 de diciembre, por la que se establece el régimen de infracciones y sanciones en materia de igualdad de oportunidades, no discriminación y accesibilidad universal de las personas con discapacidad* (Law 49 of 2007, December 26th, establishing the infractions and sanctions related to equal opportunity, non-discrimination and Universal Accessibility for people with disability).

The former three laws had clear deficiencies and were frequently criticized by the organizations working with people with disabilities. The struggle to achieve equal rights and consideration was one of the main focuses of those organizations, and up to some points it still is.

This is the reason for which the Spanish government, along with the associations and organizations, decided to revise, unify and elevate to the state of Royal Decree those laws, in order to identify, isolate and address the needs and rights of people with disability. This new legislation was published in 2013, with the following name: *Real Decreto Legislativo 1/2013, de 29 de noviembre, por el que se aprueba el Texto Refundido de la Ley General de derechos de las personas con discapacidad y de su inclusión social (incluye la adopción de la Convención para los Derechos de las Personas con Discapacidad de la Organización de las Naciones Unidas)* (Spanish Royal Decree 1 of 2013, November 29th, approving the Restated Text of the General Law on Rights for People with Disability and their social inclusion-including the adoption of the UN CRPD) (Ministerio De Sanidad, Servicios Sociales E Igualdad, 2013, pp. 95635-95673).

This latest law, still in force, has the following features:

- Guarantees non-discrimination, dignity, independent living, equal opportunities, universal accessibility, and social dialogue.
- Offers special protection for children and women with disability.
- Focuses on communication, public spaces and buildings, transportation, and access to public administration.
- It makes special mention to education and employment, being two of the main challenges for people with disability.

Public Funding for Non-Governmental Organizations

The aforementioned Ministry of Health, Social Services and Equality and the Regional Ministries of Health/Social Services have their own calls for projects every year. Those projects have to be dedicated to the people themselves, and not for the financing of the operations or the organizations (centers); they also must be properly justified before the competent authority once they have finished. This way, it is guaranteed that the funds are not misplaced or misused. The best examples of these calls could be as follows:

- Subvenciones para mantenimiento de centros de atención a personas con discapacidad (*Subsidies for maintenance of Care Centres for people with disabilities*).
- Subvenciones en concepto de mantenimiento de servicios y desarrollo de programas de atención a personas con discapacidad (*Subsidies for maintenance of services and care programs for people with disabilities*).
- Subvenciones para el desarrollo de programas de prevención de la enfermedad, ayuda mutua y autocuidados para enfermos crónicos (*Subsidies for the development of prevention techniques, mutual help and self-care of acute illnesses*).
- Convocatoria de subvenciones con cargo a la asignación tributaria del IRPF (*Call for projects funded by Personal Tax Income's 0.7% dedicated to social causes*).

There are also calls for projects from Regional Ministries and local administrations in the subject of employment, education, covering medical and orthopedic expenses, transportation, adaptation of environment (home and vehicles), and financial aid for personal assistants (Consejería De Políticas Sociales Y Familia De La Comunidad De Madrid, 2012, pp. 137-156; López Morante, 2000, pp. 93-123).

During the last years, the public funds for centers and NGOs have been drastically reduced, due to not only to the economic crisis, but also to the new laws on employment of people with disability, that imposed a minimum rate of people with disability to be included both in private companies and public entities. This rate is seldom met, but it is used as an excuse for reducing the funds to the associations which fight for integration and employment of people with disabilities.

The increase in CSR (Corporate Social Responsibility) has somehow cushioned this fall, and in the last two to three years, we have observed a slight stabilization and small increase. But still, the decrease and budget restrictions have been drastic, forcing the NGOs, foundations and associations to look towards the private sector, and their own members, for financial aid.

Corporate Social Responsibility and the Private Sector

Most companies with certain business volume, and international prospects, have created their own foundations to raise awareness about social issues, following the common trend of ‘Corporate Social Responsibility’. These include, among others, the field of disability.

Companies such as ONCE (Organización Nacional de Ciegos de España), *National Organization of People with Visual Impairments from Spain*, organized a social fund for people with visual impairments, so they would receive a pension. This organization is cofinanced and regulated by the government. *Fundación ONCE* dedicates its effort to help people with all kinds of disability to overcome their difficulties. It also helps associations fulfill their projects, cofinancing their initiatives so the projects can be achieved with quality.

Telecommunication companies, such as Telefónica, Vodafone, and Orange, have also created their own foundations regarding accessibility and social integration. They also publish periodic calls for projects on these issues.

Other sectors, like financing (Obra Social Caja Madrid, Fundación La Caixa); insurance (Fundación Mutua Madrileña, Fundación MAPFRE); multinationals (Fundación REPSOL), private universities, local administrations and small businesses have also dedicated their efforts and funds to CSR (Ministerio de Empleo y Seguridad Social, 2014).

W.S.F, E.S.F, C.R.P.D, H2020: A Peek to Europe’s Disability Plan

After the creation of the European Union and with the consolidation of the common policies, the European Social Forum became the place for the discussion and programming of the common efforts towards the main objectives of people with disability: full and effective integration into society. Through the calls for projects and the funding of initiatives, it has become the greatest ally for all those countries included within the E.U. aiming to achieve the common interest with projects that are not tied to physical boundaries such as borders, cities or countries (Blanco, 2010, pp. 577-602).

There are also possibilities for those countries aspiring to become members of the E.U. Extra funding is made available for the cooperation projects in

workgroups formed by aspiring and existing members of the E.U. The aim of these projects is not only to help population and countries reach the level required, but also to share, learn and discuss the knowledge between countries. This is called Instrument of Pre-accession Assistance (IPA), and has built thousand of new metaphorical bridges between countries.

With the publication of the E.U., programme for funding and innovation (H2020) to be applied between 2012 and 2020, the associations through Europe became interested in international cooperation, not only as a source of funding, but also as a way of exchanging experiences, solutions and methodologies for solving current problems. In this sense, international cooperation regarding disability has experienced a great increase in the last five years, and it is expected to become even more active with new international associations being funded every year in order to create a joint effort to improve, integrate and resolve the problems and questions of people with disability and other needs.

An example of this increase in the activity can be confirmed through the observation of organizations such as the European Disability Forum. The proposals carried out by EDF include the instauration of a European Mobility Card to guarantee accessibility throughout Europe, as well as the proper implementation and ratification of the UN CRPD. The United Nations Organization has been working in the creation, and later the implementation, of a specific convention for people with disabilities. The Convention for the Rights of People with Disabilities (UN CRPD) is the latest effort to make sure that those rights are enforced, respected and truly understood by the governments, being those national or international (EU as an example) (WHO, 2011, pp. 7-27).

An Example: Fundación Del Lesionado Medular (FLM)

The National Federation ASPAYM was founded in 1979, and it has more than 7000 members, representing more than 30000 people. It has currently a representation throughout the country in 13 of the Autonomous Regions through 19 associations and 2 foundations, one of them being *The Fundación Del Lesionado Medular* (Spinal Cord Injury Foundation).

Along with its membership to the National Federation ASPAYM, the FLM is a member of PREDIF and aligned with the associations of physical disability mentioned before. The FLM is also a member of ESCIF, ISCOS and FIMITIC; which are international organizations focused on the main issues experienced by people with SCI and, in the case of FIMITIC, disability as a whole.

Through its two centers (Rehabilitation Center, built in 2000, co-financed by IMSERSO, Obra Social de Caja Madrid, Fundación ONCE, Ministerio de Trabajo y Asuntos Sociales, and Grupo Acciona; and Residential Center, built in 2008, co-financed by Obra Social de Caja Madrid, Fundación ONCE) it gives services to more than 350 people daily.

The Public Administration has included the FLM on the *Red de Centros de Atención a la Dependencia* (Network of Centers for Care and Dependency) of the Autonomous Region of Madrid. This means that some of the places are managed by the Public Administration, making both centers subsidized.

This way, the financing of the center does not entirely depend on public subsidies, but also on private contributions, allowing the center to evolve and be able to participate fully in scientific and social researches and studies.

Being a foundation, the FLM cannot have ‘members’ per se. The FLM is funded through the means described earlier: international, national and local subsidies, private investments, public and private donations. The FLM has lately begun to expand its partners and contacts, with the objective of becoming an international reference centre for spinal cord injury.

Through the financing by the public sector, the FLM has achieved a level of excellence with the treatments and facilities that no other centers in the country currently hold. It has also become a reference within the organizations working towards the integration and independence of people with disability.

Recently, the FLM has coordinated one of the workgroups for one of the IPA initiatives mentioned earlier: the projects for the integration of new E.U. members. The project, named TUTORS (Networking for promoting the personal autonomy of persons with spinal cord injury) was a collaborative project between two Spanish associations (FLM and ASPAYM Madrid) and two Turkish associations (TOFD and OZEV). As expressed in the printed

materials of the project: *‘The best way for disabled people to enjoy ‘active inclusion’ is through independent living. In this context, strengthening the personal autonomy of persons with spinal cord injury (SCI) is considered a crucial part in achieving their full integration into society. This project pretends to transfer the best practice ‘TUTORS’, to Turkish civil society organizations (CSO). The action consists in an initiative in which persons with spinal cord injury (having the role of ‘tutors’) provide a mentoring or peer-counseling service to newly injured persons (having the role of the ‘tutee’) by providing emotional support and transferring knowledge, tricks and suggestions that the experienced SCI person has gained over the years. The group of tutor-tutee receives a strong support of CSO members (Social worker, occupational therapist, psychologist ...).*

The support of the Turkish Government through its Ministry of Family and Social Policies (*Aile ve Sosyal Politikalar Bakanlığı*) and the Central Finance and Contracts Unit (CFCU) has been a key factor for the success of the project, which has been recognized internationally, with expressions of interest from other countries in which the project has been presented as an example of knowledge transfer. This project comes as an example of how the cooperation between countries can improve the situation for all the interlocutors, and the links established between the associations have become strong and useful for both. The associations involved in the projects are currently working together in a second project (Civil Society Dialogue).

Conclusion

Public Administration, be it national or international organisms, has to play a key role in the development of the social dialogue and the defense of human rights, not only for people with disability but for all. The importance of NGOs is now widely known as the best instrument to help individuals, and it will be only with the support of the proper organisms and the proper funding that those NGOs can achieve their objectives, removing barrier, distance and

obstacles towards a world with full integration, equal opportunities and no discrimination.

Of course this is an ambitious objective, but the steps taken within the countries mentioned on this brief article are the proof that, with the proper involvement, the instruments can be created, and used, to help population achieve the level of comfort required and well deserved. Thus, international cooperation with public funding should be a priority for all governments aiming to become a role model for others.

The FLM could be observed as an example of the integration of Public Administration Funds with European Funds while developing a program that serves the main objectives and pursues the ideals of a non-governmental association. International cooperation is applied to the development of projects that fight for the rights of people with disabilities, resulting in experiences that enrich all the members of the project; it also creates new synergies that result in new projects and further collaborations, which is the main purpose of the cooperation and the best mean possible for the transmission of knowledge and the evolution of the associative movement.



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