Editorial

25 years of the LISMI (Spanish Disability Act)

In full swing of Spain's transition to democracy, the broad population segment comprising people with disabilities, their relatives and friends, and professionals from multifarious backgrounds began vociferously to demand the legitimate rights to which they are entitled as citizens.

The participation involved in drafting the bill was unique in that it aimed to obtain a broad and complex consensus among the people directly concerned, their families, and professionals, as well as all political forces. The downside to this approach was that the process was long and drawn out. Some of the differences were fundamental from the very outset. For instance, some people were against drafting a specific law for the handicapped on the grounds that it would be discriminatory and would set them apart from the rest of the population. However, the experience of countries that were ahead of Spain in terms of awareness of the problems of others indicated that this kind of legislation was vital to determining the extent of the issue. Denmark, for example, had drafted a specific law as early as 1930, and by the 1970s had included all matters related to the disabled in the mainstream laws passed for the general population.

In 1977 an ad hoc Committee was set up in Spain's Congress of Deputies to study the problems experienced by handicapped people and to draw up a bill. Ramon Trias Fargas, then a Member of Parliament for Convergència Democràtica de Catalunya, was appointed as its Chair.

The matter touched the hearts of all. Nevertheless, engaging such a broad segment of stakeholders seriously encumbered the drafting process, and I remember that in the first two years of work, Ramon came close to throwing in the towel on several occasions because of the vast differences in criteria and difficulties in reaching consensus. However, the benefits of a major pact proved to far outweigh all the setbacks.

Ramon showed great perseverance and, with the help of all those involved, a solid, cross-cutting agreement on the Bill was reached.

The philosophy that underpinned the whole drafting process and framed the content of the Bill was based on two concepts, which are worth recalling here.

The first of these was neatly summed up by Ramon himself as follows: "…Far from thinking of this Bill as being perfect, for me it is a beginning rather than an end. Our goal is to reach the point at which special laws are not needed for those affected to have absolute equality under mainstream legislation applied to all Spanish citizens. This Bill must be judged, then, as a window open to the future rather than as a final settlement. To this end, this Special Bill is hereby presented for this collective in the hope that no other shall ever be necessary, because ordinary law shall already account for these citizens".

Secondly, the Bill was founded on the guiding principles of integration, normality and dignity for people with disabilities above and beyond all other considerations, including financial matters. As Ramon said, "…I cannot ignore the fact that public spending is largely about choosing among social preferences and for me, the beneficiaries of this Bill are very high on this list":

On February 21, 1980, Ramon Trias Fargas brought the Draft Bill Proposal for the Social Integration of the Disabled before the Spanish Congress of Deputies. It was passed unanimously.

The drafting committee worked for another two years before putting it to the final vote. Finally, on March 23, 1982 the Act for the Social Integration for the Disabled was presented by Ramon Trias Fargas and unanimously passed by the Spanish Cortes.

It had taken four years straddling two parliamentary terms of office. At last, disabled people could be treated with specific rights instead of having to rely on grace and patronage. From that time onward, people with disabilities went from being the object to being the SUBJECT, with full rights.

Today, 25 years on, the results are palpable. Every day we are seeing more and more people with disabilities (such as those with Down syndrome) working in ordinary companies, with their own identity and a role in the workplace and society. Some of them have also managed to fly the nest and live almost independently on their own.

Although this is not yet as widespread as we might like, 25 years ago and without a legal framework it would have been unthinkable. However, it is now a reality, and shows that, with parenting support, integration in all spheres of life, and care for developmental needs, anything is possible.

Our only remaining task is to finish bringing into force each of the articles and decrees set out in the Act to the point that, like in other countries, specific legislation is no longer necessary and people with disabilities are covered by mainstream legislation.

Montserrat Trueta
President of the FCSD Board of Trustees
Speech made to the "25 years of the LISMI" symposium held by the Spanish Congress of Deputies and the Secretary of State for Social Services, Family and Disability.
Madrid, May 3rd 2007.