



Very twisted rights



There are many ways to kill.
They can stick a knife in your belly.
Take away your bread.
Not treat your illness.
Put you in bad housing.
Push you to suicide.
Torture you to death with work.
Send you to war, etc.
Only a few of these are
forbidden in our State.

Bertolt Brecht

Living conditions have in general worsened since the crisis began, especially from 2010 onwards. This is the conclusion to be drawn from the Social Barometer of Spain (BSE), which covers eleven areas: income and wealth, employment, health, education, housing, social protection, security and justice, the environment, participation, international relations and gender.

The data the experience of the ordinary public: our lives are worse, not only because we have less money, but also because we see an ever-increasing majority of people cannot meet their basic needs. The

cuts that are presented to us as essential to 'getting out of the crisis' not only affect budget headings but basic rights as well.

Can our rights be subordinated to the interests of oligarchies? Can the crisis be used as an excuse to ignore our basic rights? Do we live in a democracy (government of the people) or in a plutocracy (government of the rich)? Perhaps these measures can get us out of the crisis, but only by the loss of our rights as human beings, as citizens.

The aim of this Global is to help find answers to these questions, with data and analysis, by bringing together data which we usually receive – if we receive it at all – in a fragmented and decontextualized way.

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OXFAM Intermón



1. People have rights



Painting: Eugène Delacroix

A right is regarded as something which is conceded to a subject, or is recognised as such, according to very specific circumstances: birth, inheritance, residency, conquest, work, etc. In the case of human rights, the circumstances are precisely that: being a human. They are therefore inherent in all human beings by the very fact of their being human, regardless of any distinguishing features: nationality, place of residence, sex, national or ethnic origin, colour, religion, language or any other condition. Because they arise from the dignity of the person, they are **universal** (nobody is excluded), **inalienable**, (they cannot be taken away from anybody), **indivisible**, **interdependent**, **interrelated** (they cannot be divided up or applied in isolation: no right is more important than another) and **unconditional** (no form of counterpart can be required). The corresponding obligations of these rights are the respect and the guaranteeing of the rights of other people.

The content of human rights is very closely linked to the conditions which allow a person to attain them,

in other words, those things which guarantee a decent life. In this sense they can be said to correspond to the basic needs of the different concepts that being human means: food, security, freedom, affection, etc.

The Universal Declaration of Human Rights made by the General Assembly of the United Nations (Paris, 10th December 1948) is the culmination of a long process in which humanity has been increasing its awareness of its dignity and equality, while at the same time being a starting point for making these rights more specific and disaggregating them further.

In cultures dating back thousands of years references are found which can be considered as precedents, such as the Code of Hammurabi (Babylon, 1700 BC), Pericles (Greece, fifth century BC) and the Edicts of King Asoka (India, third century AD). However, at the same time as modernity was being forged, so the conviction became established that people are subjects of rights which all authority must respect because

they take precedent over the will of any tyrant. Human rights as we understand them nowadays are the offspring of the Renaissance and the bourgeois revolutions, which proclaimed that no one is greater or better than another solely by being born into one or another family. The aristocracy of shared humanity stands in opposition to the aristocracy of blood ('government of one's betters'). This was the end of the absolute monarchies and the birth of bourgeois democracies.

The first formulation of the modern era was in 1776 and formed part of the United States of America's Declaration of Independence; in 1789 the French Revolution proclaimed the most famous one, the Declaration of the Rights of Man and of the Citizen, which recognised the right to specific aspects which we nowadays consider to be the exercise of political citizenship: voting, freedom of expression, legal equality, etc. We should make clear that they were both a product of their time and, in effect, the rights recognised were those of **men**, in other words, only applicable to male citizens.



Throughout the 19th century the bourgeoisie, which had been the triumphant class in the liberal revolutions, established a politico-economic system which favoured their class interests (the liberal capitalist system). As their wealth was based on the exploitation of labour, the working class began to perceive their own subordinate position. Various political and social movements (socialism in its reformist and revolutionary strands, anarchism, feminism, etc.) tried to subvert this situation. Some of these discourses were articulated through power (social democracy) and others achieved a certain amount of success through mobilisation (universal suffrage, eight-hour working day, etc.).

The beginning of the 20th century saw the rise of two conflicting forces:

- The triumph of the Russian Revolution, which saw for the first time a transformational political process, whose aim was to drive change in the economic (capitalist) and political (liberal) systems.
- And, in response, the rise of ultranationalist positions and movements which led to fascism, the aim of which was to use any means available, including violence, to stop the principals of economic and social equality that socialist ideologies (and liberalism itself) had put forward. In this way, fascism as articulated through power (Italy, Germany and Spain) restricted a large number of the individual and collective rights they believed were threatening stability and social order.

The century had started with a bloody war (the first one considered to be a world war) which resulted in eight million dead and six million disabled. There followed the totalitarian regimes, which arose in the 20s and 30s and which resulted in one of the greatest horrors in history, followed by the Second World War. If the horror of the First

World War gave birth to the League of Nations in an attempt to avoid repeating these mistakes, the Second World War led to the United Nations Organisation, with a cry of 'Never Again!' The Nuremberg and Tokyo trials of the high-level Nazi and Japanese leaders who had been accused of war crimes and genocide showed the need to establish guarantees to respect human beings, by attempting to achieve universal consensus on a series of explicit rights.

This is the context in which the Declaration was produced, the outcome of the conviction that, as declared in its preamble, 'freedom, justice and peace in the world are based on the recognition of the intrinsic dignity and the equal and inalienable rights of all members of the human family'.

Generations of human rights

On the basis of this founding moment in which it was solemnly proclaimed that all human beings, solely by being so, are subject to a series of rights, a process began

in which these rights continued to develop and become more specific. This evolution, which is still in progress, has given rise to an organisation of human rights as three generations (conceived for the first time by Karel Vařák in 1979), each one associated with one of the great values proclaimed in the French Revolution: liberty, equality and fraternity.

First generation rights are civil and political, linked to the principal of **liberty**. They are recognised in the Universal Declaration of Human Rights of 1948.

Second generation rights are economic, social and cultural and correspond to the principal of **equality**. They are recognised in the **International Covenant on Economic, Social and Cultural Rights**, a treaty adopted by the General Assembly of the United Nations on 16th December 1966.

Third generation rights, which arose in the 80s and which consist of what are known as people's rights, are related to **solidarity**. They bring together diverse rights such as the right to peace, quality of life, etc.



Photo: Freshwater



Citizen's income

For some time now, demand has been increasing for the recognition that, among citizens' rights, there is the right to an income which ensures access to the means required for a decent life. There are various formulations, each with different content, but the common aim is to reduce inequality and to allow citizens to participate in common assets.

Universal basic income, according to the Basic Income Earth Network, is an income paid by the state as a citizen's right to each full member or resident of a society, including those who do not wish to do paid work, regardless of whether they are rich or poor or, in other words, regardless of other potential sources of income or who they live with.

Guaranteed citizens' income is a universal right for all citizens which is subjective and individual, linked to the financial situation of a person and, if applicable, regardless of their living arrangements and not governed by budgetary availability or by an obligation to participate in activities aimed at integration into society or work. The objective is to ensure that no one falls below the poverty threshold.

Economic, social and cultural rights

Economic, social and cultural rights (ESCR) were already implicit in the Universal Declaration of 1948 in as much as it recognised that everyone is subject to rights on an equal basis, and that these rights make up the conditions that ensure a decent life.

Article 3 of the Declaration established the right to life. It was only a question of time before the conditions that ensure this were also recognised as rights, because life is not possible without the corresponding material conditions for existence. This happened in 1966 when the General Assembly of the United Nations adopted the International Covenant on Economic, Social and Cultural Rights of 1966, which came into force on 3rd January 1976.

After the Second World War, the conditions arose for what was called the 'Keynesian Pact', named after the British economist John Maynard Keynes, which advocated the intervention of public authorities in the economy to correct inequalities produced by the system. This meant curbing the basic law of economic liberalism – *laissez faire, laissez passer* – with a strong state taking

on the responsibility for compensating for and correcting the inequalities arising from the market economy, through the use of economic and fiscal policies.

To this was added the rise in the nineteenth century of the workers' movement and its consequent social victories, together with the fear of communism that many Western governments had (after the Second World War, the Cold War began, with two confrontational blocs watching each other with fear and suspicion, competing to bring the rest of the world into their own spheres of influence).

The state became a kind of counterbalance legitimised by national sovereignty that, by using a redistributive type of fiscal system, social policies and full employment, was progressing towards the historical aspiration of social equity and towards a political model based on social rights which were considered to be universal.

This was all working towards the forging of the welfare state. It can be said that the ESCR were part of the welfare state and the social rule of law, which appeared historically to be taking over from the liberal rule of law.

According to the International Covenant, the ESCR are:

- Decent standard of living (including food, clothing and housing)
- Health
- Education
- Work (including union rights)
- Social security
- Participation in cultural life (culture, research, etc.)

The application of the ESCRs has been more theoretical than effective (and more reactive than proactive), even more so in periods of crisis (right to work, right to housing, etc.) in which they have been repeatedly breached.

The underlying problem of these rights is that they extend further than the area of **liberty** and also address the concept of **equality**. In a capitalist society real equality is impossible because the system itself is based on inequality.



Photo: World Bank Photo Collection



¿Who is responsible for guaranteeing them?

A right is considered to have been guaranteed when the following six conditions have been met:

- Availability: the right to education is breached if no school is available.
- Accessibility: if the school is too far away, too expensive or only available to a certain sector of society.
- Acceptability: it must be socially and communally accepted, e.g. respecting the local language.

- Sustainable: continuity must be guaranteed.
- Quality: it is not enough for there to be a school; it must also provide a good quality education.
- Participation: the rights holders must be able to participate in any decision-making which affects the provision of these services and rights.

It is the responsibility of states to guarantee that citizens can exercise these rights. The situation at the moment is that all states have ratified at least one of the principal hu-

man rights treaties and 80% have ratified four or more, which means that they have committed themselves to establishing legal obligations to comply with them and to ensure they are complied with. Moreover, a number of basic human rights enjoy universal protection by virtue of customary international law.

How are they guaranteed? With laws which confer legal support and with financial resources obtained through fair taxation.

Global citizenship, global commitment

The **International Covenant of Economic, Social and Cultural Rights** was adopted by the General Assembly of the United Nations on 16th December 1966 and came into force on 3rd January 1976. By December 2008, 160 countries had signed up, with a further eight having signed but not ratified it. Palestine joined later, with the small island state of Palau ratifying it. If we take into account that there are currently 194 countries, this is not too bad a percentage.

What is bad is that neither signatures nor ratifications guarantee that these rights are respected in practice. It could be said that in none of the signatory countries do citizens enjoy them in their entirety. Fifty percent of workers across the world earn less than two dollars a day and do not have any kind of contract or social protection. More than 1,100 million people face starvation on a habitual basis and almost 2,000 million live in extreme poverty. The UN states that 300,000 people do not have a place to live. According to UNESCO, 58 million children do



not attend school, around 43% of whom (15 million girls and 10 million boys) might never set foot in a classroom if the current trend continues.

If in many countries the welfare state is losing ground, in others it never appeared in the first place. Is this any consolation for the citizens who still have a few remnants left?

If we want a world governed by the principles of the Universal Declaration of Human Rights, which begins with the proclamation of equality for all, we must work to ensure that these rights become universal in practice. The infringement of the rights of a single person is an infringement for us all. Global citizenship demands global commitment.



Laws

However, how can we explain the fact that they are treated with so little respect? The problem is that in state constitutions, economic, social and cultural rights are treated very differently to civil rights. In comparison with first generation rights, the compliance with which is obligatory (which does not mean that they are fully respected: according to a report published in December 2013, 180 countries are in breach of them in one way or another), ESCRs are rather indeterminate aspirations. For example, in the Spanish Constitution, civil rights (right to vote, freedom of expression, etc.) appear in the chapter covering rights which public authorities are obliged to guarantee; if a lower-level law contradicts them, it can be contested in the Constitutional Court. Social rights are recognised, however, in the 'Guiding Principles of Social and Economic Policy' that legislators should (but are not obliged to) take into account, but there are no legal guarantees. In other words, citizens cannot demand legal protection to obtain a job, housing, a local clinic or school.

There is also an epistemological conflict which the right has manipulated rather well: the supposed dichotomy between freedom and

equality. In this way, when certain sectors contest the breach of an ESCR (for example, the right to housing), governments respond by saying that defending this right goes against freedom (in this case, business freedom). Something similar happens with the right to work.

Similarly, the case can be made – and given – that there are laws which not only do not guarantee rights, but which actually facilitate and legalise their breach, for example, the right to housing.

- Land law (2002): enacted during the Aznar Government, declared that any land not categorised as non-development land can be developed and this therefore opens the door to speculation on a basic right. Its repercussions in the property bubble have been enormous.
- Mortgage law (1947): this was not conceived as a means of access to housing, only for people with a great deal of resources and specialist knowledge. It excludes large groups of people with measures such as exploitative rates of interest on late payment: on occasion, being late by a single day can result in an increase of €100 in the debt. This is in addition to fiscal issues: the government benefits from mortgage foreclosures.

We therefore cannot expect our ESCRs to be respected until they are articulated in constitutions in a clear way, although taking recourse to international bodies (as certain lawyers have done with evictions) has resulted in some limited success.

Financial resources



Photo: Portal del Sur

Taxes are needed to finance the good quality policies and public services that in turn guarantee the exercise of citizens' rights, equal opportunities and social cohesion. For this to happen, it is essential that the taxes are equitable (each person contributing according to their ability), that institutions and procedures are transparent, that they are used well, with efficiency, quality and transparency, and that corrective mechanisms are swiftly implemented if they are badly managed.

The tax system exists to collect and distribute, it is not a disinterested party: depending on how it is organised, it can in practice reduce or increase inequalities. 'A fiscal system will be fair if the tax system is fair and if the spending policy is invested efficiently in the provision of free, universal and good quality services, in the promotion of employment and provision of the necessary infrastructures', states an Oxfam Intermón report on justice called *Tanto tienes, ¿tanto pagas?* (*The more you have, the more you pay?*).



Photo: Joan Ggk



Ten changes required for a fair fiscal reform

1. Fiscal policy must combat inequality without regard to partisan interests, by contributing towards a fairer and more equitable society.

2. Enough has to be collected to finance a social model that can guarantee good quality public services and equal opportunities.

3. 'Zero tolerance' must be applied to fiscal fraud, by including measures that can put an end to the impunity of tax evaders.

4. The privileges and opacity of tax havens must disappear.

5. Collecting more should not mean increasing fiscal pressure on the

middle classes and the poorest in society. Those who have more must contribute more.

6. Everyone, companies and individuals, must contribute according to their ability and real economic activity, without privilege or exception.

7. Large fortunes and capital income should contribute in greater measure to reduce the pressure on salaries and consumption.

8. The tax system must be progressive and equitable in its entirety, without measures that favour the interests of the few.

9. Tax benefits must be the exception and should only be applied if they create real and lasting value (such as the creation of new good quality jobs).

10. A good tax policy requires a public, open and transparent debate which includes citizen participation.

(Tanto tienes, ¿tanto pagas? (The more you have, the more you pay?) Oxfam Intermón report no. 35).



Photo: Oxfam Intermón

A tax system that falls mostly on income from work and consumption instead of wealth, that does not combat fraud and the tax evasion of substantial fortunes effectively, leads to the subversion of the principal which makes sense

of taxes, because the people who have the least pay the most. Indirect taxes play a very significant role in the redistributive capacity of taxation, because they are linked not to assets possessed but to expenditure, including those which

are made to satisfy basic needs, such as food or culture. Of course, everyone who buys medicines pays the same amount of tax, regardless of whether they are the chairman of a multinational or unemployed. Another significant element is who benefits from exemptions or tax relief and which forms of income are favoured. Both aspects define the real direction of a fiscal policy, not declarations or press releases.

The third pillar is its capacity to ensure everyone obliged to pay tax does so, with no exception, especially those with the highest incomes, by means of effective policies against fraud and capital flight.

It would appear that the tax system we have just described is the Spanish system, which means that the people who finance the state are mostly the working classes and the general public, through indirect taxes imposed on consumption, as the shocking data taken from the OI report mentioned above shows:



Photo: La Moncloa Gobierno de España



families contribute almost 50 times more to public funds than big companies do. Income tax, VAT and special taxes represent around 80% of liquid collection, leaving only about 20% for company tax, which the crisis has reduced to about 12% since 2008.

Unearned income and capital gains – especially if they are substantial – are usually channelled through financial instruments which allow a very low level of tax to be paid, in as much as the income declared does not truly reflect the economic capacity of the subjects. One of these mechanisms are SICAVs (investment companies with variable capital), which allow the owners of this capital to pay 1% in tax on their profits, instead of the 27% which would apply to capital income or the 30% applicable to business profits. In Spain, income derived from work is liable to taxes much higher than that paid by, for example, people making money on the Stock Exchange.

This is in addition to the great quantity and variety of facilities the system makes available to big companies in the form of deductions and tax exemptions. In 2011, according to the previously cited report *'Tanto tienes, ¿tanto pagas?'*, the ten biggest companies of the Ibex35 would have been liable to pay €10,211m in corporation tax (30% of the €34,036m of the pre-tax profits they received); however, they only paid €5,796m (almost 18% of the effective rate on the tax base). The rest, €4,415m (more than the total health budget of the central government in 2014) fell by the wayside because of the large number of tax deductions and accounting strategies that exist.

Even though the large financial organisations were mostly responsible for the crisis and the ordinary members of the public were the ones who suffered most from it, the measures adopted to tackle it have always gone in the same direction:



Photo: The Real Dulucuz

widening the gap between the two groups to the detriment of the latter. A reform of the labour market which made dismissal easier, reductions in unemployment benefits and the minimum wage... all point the same way. In April 2011, the government stopped linking big tax reductions for multinationals to the maintenance of their workforce. Four months later, Telefónica announced its intention to dismiss 8,500 employees. The year before, the Spanish multinational, far from announcing losses, had achieved the biggest profits ever obtained by a Spanish company: €10,167m. 'Last January, President Rajoy announced that Spain would emerge from the crisis in 2014. There are green shoots. Credit is reaching the big companies and even Bill Gates is investing in Spain. The same day, 4.7 million people were still out of work, nine million people have problems paying the electricity bill and almost half of the Spanish population over 15 years old have difficulties buying food, clothes and medicines'. (Daniel Montero in *'Gobernar para las élites'* (Governing for the elites), 2013, page 14).

The VAT increases in June 2010 and September 2012 represent an increase in more than five points in a little over three years. In 2010 the personal income tax on income

from savings also rose. And finally, the reform which was approved at the end of 2011 and which came into effect in 2013 for the 2012 tax declarations (in theory as a temporary measure for two years but then extended to 2014) meant an increase in income tax rates on work.

In Spain there is a considerable amount of tax fraud (and a great deal of laxity regarding it) which follows similar parameters. Although by its very nature it is difficult to obtain figures, Gestha (the trade union representing tax officers in Spain) estimates that tax evasion in Spain stands at around €59.5bn due to the lack of political will to fight against the submerged economy and tax fraud. This amount is more than the €57bn allocated by all the autonomous communities and central government to health in 2014, and is also double the estimated €30.37bn of work-related fraud from unpaid social security contributions.

It is estimated that 72% of unpaid tax corresponds to large fortunes and companies (almost €43bn) and that the remaining 28% (about €16.5bn) to fraud by SMEs, the self-employed and individuals. Fraud perpetrated by large fortunes and companies is more than six times the amount Spain would allocate to development cooperation if it were



Photo: Clara



to comply with the 0.7% objective (€7bn).

If this was not enough, there are also tax havens, a kind of limbo where the very rich keep their wealth, allowing them to profit from goods in common without contributing what they should, or without contributing at all. Despite declarations of goodwill by governments and international organisations, between 21 and 32 trillion dollars are hidden away in tax havens, the equivalent of the combined GDP of the USA and Japan, according to the OI report and in which, according to sources quoted by the Central Bank of Switzerland (BNS), approximately €80bn was hidden in 2013 by Spanish nationals in Switzerland alone.

In Spain, 33 of the 35 Ibex35 companies have direct subsidiaries in tax havens which are not connected to their main activity, and the crisis has increased the trend. In addition, the list of countries considered to be tax havens is being reduced, even though these countries still remain havens. The report mentioned previously indicates that since 2010, countries such as Panama, Bermuda, Monaco, and more recently the Channel Islands (Jersey, Guernsey) and the Isle of Man, are no longer

considered to be tax havens by the Tax Agency (Switzerland has never been on the list, which was created in 1998), which means conditions have been made easier for Spanish companies whose subsidiaries operate in these territories.

These practices alone would make a more transparent system more difficult, but in Spain knowing how much tax a person really pays and how the adoption of one or another tax measure would affect that person is information that does not exist officially.

The news is not much better on the other side of the taxation coin, redistributive capacity. This effect of taxes is the difference between the inequality of income before and after tax. And so, the Spanish fiscal system (taking into account taxes and benefits) has one of the lowest downward effects on inequality in the European Union. In 2012, Spain achieved the sad distinction of being the European country with almost the highest level of inequality, surpassed only by Latvia.

As Emilia Ontiveros explains in '*Gobernar para las élites*', 'the application of restrictive fiscal policies has helped to depress economic activity

and employment in low income families even more, as well as reducing basic social benefits; this has significantly reduced the welfare levels of low income families'.

A large section of society is extremely frustrated by the evidence of the unfairness of the tax system, because they are pushed into making greater efforts to tackle the deficit and, while they are making this effort, they are rewarded with constant cuts in public policies which they should be able to benefit from. They also see no clear action against the abusers of the system stealing public money. The opinion that tax regulations are designed to favour the wealthiest is widespread (*Tanto tienes, ¿tanto pagas?*)



2. Rise and fall of the welfare state

Between the end of the Second World War and the nineteen-seventies, most western countries achieved levels of social welfare and social security never before seen, although there were big differences between the European and North American models. The so-called 'Keynesian consensus' started to convert some of the privileges of class into what could be considered universal rights. This was the welfare state and the era of the middle classes, although this development was not equal in all countries. In the countries in southern Europe which had dictatorships (Spain, Portugal and Greece) the expansion of the welfare state was weaker and slower.

This new landscape – full employment and sustainable welfare – modified the work-capital forces and created greater balance, something which did not take long to provoke a reaction. Throughout the seventies, a conservative revolution was preparing itself and reached its final triumph at the end of the decade with the arrival in power of Margaret Thatcher in the United Kingdom and Ronald Reagan in the United States.

Using the oil crisis of 1974 as an excuse, capitalism was reorganised under the influence of the econo-

mists from the Chicago School, who had already put their plans into action in the Chile of Pinochet (the document *'The shock doctrine'* explains this in detail). The Keynesian consensus was followed by the Washington consensus (although this name only came into use at the end of the 80s), economic policies that Thatcher and Reagan had on their agendas: lower taxes and social spending, all power to the market, maximum freedom for private initiative and constant restrictions on public sector activity. They meant the dismantling of the welfare state, the slimming down to incredible levels of the state itself, which both leaders considered to be the problem, not the solution.

A new dogma was disseminated – the public sector was synonymous with waste and inefficiency; the private sector ensured good management and efficiency – leading to massive privatisation of companies and public services, changing into merchandise with a commercial logic which had previously been considered to be public services, linked to rights which should be guaranteed by the state (health, energy, water, etc.). This was the putting into political practice of the axiom that says that the state is the problem and the market the solution.

In other words, what used to belong to everyone became private property (with prior restructuring with public funds when required) with all the collective impoverishment that implied and, above all, the Copernican change of priorities: the objective is not to provide a service but to extract the greatest possible profit. The role of the state was radically modified: moving from the guarantor of citizens' rights to the avoidance of bottlenecks in the market.

It was the triumph of neoliberalism which meant the subordination of politics to economics, the state to the market, and the rights of citizens to the enrichment of the few. People saw themselves deprived of their political citizenship, with this replaced by the benefits of economic citizenship that, as Saskia Sassen would say years later, were acquired by the big corporations. The common good and public space became ever smaller. 'The submission of governments to the demands of the market and, therefore, of economic power, meant the collapse of democracy and a loss of sovereignty by the citizens'. (Pepe Montalvá. *'Trabajo digno para una sociedad decente'* (Decent work for a decent society). Cuadernos HOAC, no.9)





3. When rights are twisted

Spanish Constitution:

All Spanish people have the right to enjoy decent and adequate housing. Public authorities will promote the necessary conditions and establish the relevant regulations to make this right possible, by regulating land use in accordance with the general interest to prevent speculation.

International Covenant on ESCR:

The States Parties to the present Covenant recognise the right of everyone to an adequate standard of living for themselves and their families, including food, clothing and **adequate housing**, and a continuous improvement in living conditions. The States Parties will take appropriate measures to ensure the effectiveness of this right, recognising the essential importance to this effect of international cooperation based on free consent. (Art. 11.1)

Universal Declaration of Human Rights:

Everyone has the right to an adequate standard of living to ensure their health and welfare and that of their family, especially food, clothing, **housing**, medical assistance and the necessary social services; similarly, they have the right to social assistance in the event of unemployment, illness, disability, widowhood, old age and other situations in which they lose their livelihoods in circumstances beyond their control. (Art. 25.1)

Right to decent housing

In her 2012 annual report the UN Special Rapporteur on the right to housing highlighted the Spanish state as a negative example of a failed policy 'that has brought hundreds of thousands of people to ruin through 400,000 foreclosures since 2007'. According to data from the General Council of the Judiciary, in 2008 (the first year of the crisis), 26,748 initiations or forced evictions were carried out in Spain; over the following years this figure continued to increase, reaching 70,257 in 2012. It should be taken into account that these figures only include those carried out by 'common services for notifications and seizures' (legal, police and locksmith officials), and does not include those carried out by the courts themselves in places where these 'common services' do not exist.

Neither the statement by the United Nations Special Rapporteur nor the elevated figures have resulted in a change in policies: in the first six months of 2013, 19,567 legal su-

renders of mortgaged housing were carried out; the figure for the whole of 2012 was 23,774. In the first half of 2013, 15,451 families were evicted from their habitual place of residence, as against 19,335 in the whole of 2012. (Meanwhile, it is calculated that in the whole of Spain there are 3.44 million empty houses).

Human rights organisations such as Amnesty International (AI) complain that forced evictions, a violation of human rights and international law, are usually carried out without the corresponding guarantees:

1. Prior consultation on the situation of the people affected.
2. Reasonable period before execution.
3. The people affected must be able to participate in the decision-making process.
4. Identification of the people who the eviction will affect.
5. The offer of legal resources if they want to submit an appeal to the courts.



Photo: Daniel Torrejón

**Spanish Constitution:**

All Spanish people have the obligation to work and the right to a job, to the free choice of profession or trade, to advancement through work and to remuneration sufficient to meet their needs and those of their families, with no discrimination whatsoever on the basis of gender. (Art. 35.1)

International Covenant on ESCR:

The States Parties to the present Covenant recognise the right to work, which includes the right of everyone to have the opportunity to earn a living through work freely chosen or accepted, and will take appropriate measures to guarantee this right. (Art. 6.1)

The States Parties to this present Covenant recognise the right of everyone to the enjoyment of fair and satisfactory working conditions. (Art. 7)

Universal Declaration of Human Rights:

Everyone has the right to a job, to the free choice of the job, to fair and satisfactory working conditions and unemployment protection. (Art. 23.1)

Right to work and to a salary

Globalisation has boosted enormously the processes of industrial relocation, increasing unemployment levels and with the full employment, which the welfare state had brought with it, disappearing off into the horizon. The philosopher André Gorz has called this phenomenon the refeudalisation of industrial relations in western countries, where labour is putting itself in a vulnerable position with the aim – which appears to be successful – of regaining competitiveness with the labour force in peripheral countries. As a consequence, a process of downward equalisation of both salaries and working conditions is taking place.

Inhumane working conditions cause accidents such as at the factory which burned down in Bangladesh in November 2012, in which hundreds of workers died. The offshore assembly plants in Mexico, Central America and the Caribbean are known as sweatshops.

Employees of big corporations such as Wal-Mart and McDonald's have not had the right to form unions for some years and the government of Malaysia has declared the electronic sector union-free.

In Spain, what has increased and continues to increase most is inequality. According to the 2012 report from the Spanish Securities

and Exchange Commission, the top executives of companies quoted on the stock exchange earned in 2012 an average salary of €474,000, 1.6% more than the previous financial year, 53 times higher than the national minimum wage, which in that year was €8,979.63. This is only one of a number of studies showing this trend and it appears to not go far enough according to the Bank of Spain, which at the end of February 2014 warned that inequality could in reality be greater than the statistics reflect.

Salaries and rights have been reduced so much that having a job is no safeguard from poverty; this is what is called working poverty, the level of which increased from 10.7% in 2007 to 12.7% in 2012. The working class is moving from the proletariat to the precariat, a word invented to give a name to the current situation in the world of work.

One of the characteristics is the increase, on both sides of the North Atlantic, of the proportion of the working population that never has a fixed job, moving from one company to another, or even from one profession to another. Salaries and social security contributions are considerably lower than those of fixed contracts and benefits more limited, which in general makes these the contracts the business community prefers. In the United States, they represent 30% of the total working population, and something similar is happening in



Photo: Leliebloem



the EU. In 2013, 269,500 indefinite contracts were lost in Spain, but 81,300 more people signed temporary contracts.

Lack of job security also damages society as a whole. Low salaries act as a brake on demand (if I cannot buy shoes, the seller cannot buy a bicycle, which makes it difficult for that seller to go to the cinema and the manufacturer to retain jobs, etc.) in a vicious circle which never ceases to turn. Temporary contracts with poor conditions (the only ones on the increase) impoverish social security funds, because their contributions are much lower and much less sustained over time. 'It is interesting to note - writes Vicenç Navarro - that the same neoliberal economists who warned of the negative impact that demographic changes were having on the viability of the social security system are themselves supporting the policies which are destroying the sources of social security funding. That much is clear'.

The BSE states that from 2008 the evolution of the world of work in both access to jobs and working conditions, 'has shown a continuous regression: the biggest fall in the index arose in 2009 (-15.6%) and another significant backward step was recorded in 2012 (-12.6%); the main consequence of the first was the loss of male employment opportunities in the construction industry, in the second a general deterioration reflecting the negative impact of the labour reforms'.

Implemented by the government in 2012 as a solution to the problem ('the greatest advance in the history of humanity' according to Ana Botella), the reforms do not appear to have solved anything: in the first two years that they have been in force, salaries have on average decreased by 10%, according to the third Observatory for the Monitoring of the Labour Reforms. The national minimum wage was frozen in 2013 at €9,034.20 per year (14 payments



Photo: Chema Sanz

of €645.30); although this is the legal minimum, in mid-2014 in certain areas such as Galicia and Aragon, more than 30% of working people were not receiving this amount, and in the rest of Spain the picture is not much better. These poverty-level salaries and high levels of unemployment are among the reasons why three million people do not have a guaranteed level of basic subsistence, because according to the BSE, their incomes are around €300 per month, and one in every four Spaniards is at risk from poverty or social exclusion, according to the OI report: '*Crisis, inequality and poverty*'.

This is not the only thing to have decreased; the slight improvement in unemployment figures is due to the increasing instability of working conditions: part-time contracts and training and apprenticeship contracts have increased, especially in larger companies; from January to November 2013 the number of indefinite contracts signed fell 22.5%. A significant regression is that this reform has practically eliminated collective bargaining, ending an im-

portant counterweight in the fight against inequality in labour relations, together with the end of decades of workers' struggle.

This reform has accentuated inequality. Last year, the IBEX42 companies together made €18.5bn, almost 58% more than in 2012. Perhaps because of this, in the Global Forum Spain held in Bilbao at the beginning of March 2014, some top executives of IBEX35 companies praised the reforms brought in over the last few years and said that 'although not enough, they have brought the country back from the brink and established the bases for a recovery that companies are noticing, even if the majority of the population cannot see them'.

The executive director of General Electric once said: 'You have to squeeze lemons if you want to compete'.



Spanish Constitution:

1. The right to health protection is recognised.
2. It is the responsibility of the public authorities to organise and oversee public health through preventative measures and the provision of the necessary services. (Art 43)

International Covenant on ESCR:

1. The States Parties to the present Covenant recognise the right of everyone to enjoy the highest levels possible of physical and mental health.

2. Among the measures that the States Parties to the Covenant should adopt to ensure the complete effectiveness of this right should be those needed to:

(...)

- d) Create the conditions to guarantee medical attention and medical services to everyone in the event of illness. (Art. 12)

Universal Declaration of Human Rights:

Everyone has the right to an adequate standard of living which ensures their **health** and welfare and that of their family, especially food, clothing, housing, **medical attention** and the necessary social services (...) (Art. 25)

Right to health

For health coverage to be considered universal, it must meet three requirements: the whole population, all services (or the majority, including all basic services) and free of charge. Policies implemented as part of the response to the crisis are going in the opposite direction and are taking us towards a three-speed system:

- **The rich:** all services.
- **The middle class:** a wide range of services.
- **The poor:** health packages.

The gradual privatisation of health reveals a change of model: the move of health from being a right to being a business and consequently from considering people as citizens with rights to seeing them as customers. The objective of public providers is the patient's health and social good; human and technical resources serve this aim. Private providers aim to maximise business profits: the patient's health and social good are merely the means.

Those who can pay for it have the right to health, whether as private insurance or because they work and contribute; this places extraordinary limits on access to health for the most vulnerable groups in society.



Photo: Jacinta Lluch

The mechanisms of privatisation work in the following manner:

- The first and most important: underfunding of public services which then deteriorate and lose credibility.
- Emphasis on the control of disease, forgetting patient care.
- Subcontracting in the private sector.
- Leasing or sale of public hospitals.

In March 2013 the prestigious medical journal *The Lancet* published a study on the health effects of the economic crisis and the politics of austerity in Greece, Portugal and Spain which concluded that 'suicides and outbreaks of infectious diseases are increasingly common' as a consequence of the politics of austerity. Some months later in June 2013, another study, this time published in the *British Medical*



Photo: Popicino



Photo: Erwin Morales

Journal, warned that austerity is leading to more cases of HIV and tuberculosis. The journal maintained that the cuts applied as part of the austerity measures in Spain could lead to the effective dismantling of large parts of the health system and significant damage to the health of the population.

The process of privatisation of the health system in the Autonomous Community of Madrid has been a flagship and one on which most data exist, thanks to the large-scale mobilisations of the *Marea Blanca* and the Madrid Health Observatory, made up of local councils, unions, professional associations and va-

rious social organisations. In its third report published in January 2014, it complained that the privatisation process means a continuous decapitalisation of public health. 'Public hospitals had a reduction of 16.5% in 2013, in addition to the 9.5% in 2011 and the 1.5% in 2012. (...) The budgets for 2013 and 2014 continued with this line of cuts (€148m and €130m less for health)'. The cuts produce a 'dramatic reduction' in materials (infrastructure, equipment, consumables, etc.) and in professional staff, 'putting its functioning at risk'. The Observatory calculates that more than 3,000 public-sector jobs have been lost in the Madrid health system

in only twelve months. One of the consequences is the lengthening of waiting lists: in surgery alone they increased from 47,966 patients in September 2004 to 70,918 in September 2013 (47.85%), increasing both the number of people waiting and waiting times of more than six months.

In addition, the arguments put forward in the measure – greater efficiency and expenditure reductions – are radically contradicted by the facts: the six hospitals that moved to mixed management increased their budget by 20% on average (between 17.6% for Hospital del Sur and 24.5% for Hospital de Vallecas), although activities and objectives remained the same.

The Madrid government ended the process of health privatisation in April 2014 following a ruling in the High Court of Madrid which suspended it. However, in May 2014 *Marea Blanca* complained that health privatisation was continuing through the use of 'overlapping strategies' such as referrals to private subsidised clinics and the privatisation and closure of public laboratories.



Photo: Popicino

**Spanish Constitution:**

Public authorities ensure social, economic and legal protection for the family. (Art.39)

International Covenant on ESCR:

The States Parties to the present Covenant recognise the right of everyone to social security and social insurance. (Art. 9)

Universal Declaration of Human Rights:

(...) similarly have the right to insurance in the event of unemployment, illness, disability, widowhood, old age and other cases of loss of livelihood for circumstances beyond their control.

Maternity and childhood have the right to special care and attention. All children, whether born in or out of wedlock, have the right to the same social protection. Art. 25)

Rigt to social protection

If the workers' struggles and social pressure led to progress in social and labour rights over a period of decades, which the increase in wealth generation – achieved with collective effort – made it seem that it would be continuous, the trend started to slow down in the eighties and the arrival of the crisis has reversed the trend. The 35 hour working week in France, implemented at the end of the nineties by the Prime Minister, Lionel Jospin, was an isolated event with no continuity that only confirmed the rule.

Social security was created as a tool for just that reason: to cover the needs of people in illness, maternity, work-related accidents or illness, unemployment, disability, old age and death, and to provide medical attention and help to families with children. But there is little room in the capitalist framework of maximum profit which converts everything into a commodity; they are therefore to be found only in discussion and not in policies.

What is happening with pensions is paradigmatic in this sense. Not only is the retirement age being incre-

asingly postponed, the conditions are gradually being made more onerous, so that it is necessary to contribute more and for longer to obtain declining amounts of pension (55% of pensioners receive less than the national minimum wage), with no discernible end in sight, because politicians and employers' organisations constantly demand ever longer working lives.

The justification is that this growing cutback is necessary to tackle demographic ageing, which will become more acute from 2020 onwards with the arrival of the generations born in the baby boom years, which can only be tackled with further reforms. The social security funds, we are told, have increasingly smaller amounts of money and more co-webs, and so, the argument goes, the system as it stands is unsustainable in the medium term and will end up dragging the national economy down when it fails.

However, there is no lack of credible economists – including Nobel Prize winners such as Joseph Stiglitz – who question both the apocalyptic arguments and the data that underlie them. The funds that underpin the social security system



Photo: Bridget Colla



Photo: DGTX

in Spain mainly come from salaries, one part contributed by businesses and the other part deducted from workers' salaries. The biggest danger comes not from the ageing population but from the extremely high levels of unemployment. In addition, the situation is not as bad as people say. Although neoliberal economists have spent decades warning of the debacle, it has never arrived. As Juan Torres López explains in his book *Contra la crisis, otra economía y otro modo de vivir*, (*Against the crisis, another economy and another way of life*) that the alarmist predictions that, in succession, the deficit would arrive in 1995, 2000, 2005, 2010 and 2050, 'have never been right'. In 2010, even with more than four million unemployed, in the end a surplus of €2.383bn was recorded.

The solution, we are told, is for us to supplement the meagre pension that we will finally receive with private pension funds, which provides an endless source of black humour in a world of growing unemployment and diminishing working conditions. In his book Torres López complains that in reality these funds are 'merely savings funds or deposits' that have always been within the reach of those who have enough surplus income to save, and are in reality only benefit those who have very high incomes.

Who comes out as a winner? Some economists call this an era of casino capitalism, and everyone knows that in casinos the banker always wins because, in a nutshell, this is money that savers hand over to the banks to invest in the financial markets; in other words, the money is not even safe, because it is at the mercy of the fluctuations which take place in this market.

It is not just a matter of security and profitability; behind all this it is, once again, about privatising public services, about converting citizens' rights into commodities. As Vicenç Navarro, Juan Torres and Alberto Garzón explain in *¿Están en peligro las pensiones públicas? Las preguntas que todos nos hacemos. Las respuestas que siempre nos ocultan* (*Are public pensions in danger? The questions we all ask and the answers they always hide from us*) (www.attacpv.org/docs/Pensiones_Attac.pdf), 'behind all these declarations there are models which are presented as very sophisticated, but which in reality are built on unfounded suppositions. Because of these, day after day cataclysmic messages are spread about which have an impact on the general public, who eventually end up believing what they have been told so many times.

What they want to achieve with these messages is very simple: they

want it to be the banks and not the public authorities which manage our collective savings, and for these savings to be governed with private profits in mind, not equity and solidarity between one generation and another.'

The treatment that **dependent people** and their families are receiving is particularly damaging. In 2006 the '*Ley Promoción*', also known as 'the law of dependency', was approved, presented by its promoters, the Zapatero Government, as a great social advance. The brakes were put on its development and funding only one year after it came into force and before its application had hardly occurred. The change of government only made the situation worse. The new government's first two general budgets reduced by up to 65% the funds allocated to it; on top of these cuts, the 2014 budget cut it by more than 46%, which left the law a dead letter, and the more than a million people affected, among them dependents and family carers, with derisory or even non-existent assistance.



Photo: Big Max Power



Photo: Fernando Mañé

**Spanish Constitution:**

Everyone has the right to education. Academic freedom is recognised. (Art. 27.1)

International Covenant on ESCR:

The States Parties to the present Covenant recognise the right of everyone to education. (Art. 13.1)

Universal Declaration of Human Rights:

Everyone has the right to education. Education must be free, at least for elementary and basic education. (Art. 26.1)

Right to education

Between 2005 and 2009 the education allocation of the public accounts experienced an increase of 17.9% (from 4.3% to 5.07% of GDP), clearly an improvement on the figures from the previous decade, according to BSE, a continuous evaluation project of the social situation carried out by *Colectivo loé*, a specialist in social research. Policies adopted from 2010 onwards to tackle the crisis, which focused on reducing public expenditure and had special emphasis of social investment, have had significant consequences on education. In 2010-11, with the socialist government, the reduction of the education budget was 3.6% and the following year the conservative government reduced it by another 2.7%, reaching 4.76% of GDP, according to the same source. If we take into account the reduction of GDP by more than 5% since 2011, the reduction is even more in absolute terms.

Students enrolled in non-university educational establishments have increased by 7.7% during the crisis years. The result of less money for more students is that spending per student has been reduced by 7.8%, going down from €6,457 to €5,951. Given that the reduction in funds has also affected the number of teachers, the student to teacher ratio has seen an increase of about 3.1%, reversing the positive trend which had been recorded since the beginning of the nineties.

In recent years, as a consequence of the increasing difficulty of finding a job and given that the unemployment rate for young people in the first quarter of 2014 stood at 55%, the school dropout rate has improved, going down from 31.9% in 2008 to 26.5% in 2001. This is a relative improvement which has not changed Spain's position in this sad ranking, with only Portugal and Malta trailing behind.

As regards university studies, perhaps the most outrageous figures

relate to the sharp rise in university fees, which has meant a decisive slowdown in equal opportunities to access higher education. For the 2014-15 academic year (election year in the autonomous communities), at the end of the previous year, eight autonomous communities announced that they would not increase fees, and three more said they would only apply the CPI increase. According to figures from the Ministry of Education itself, this freeze comes after years of strong increases across the board (only Galicia and Asturias maintained them without changes over the last two years) that in certain cases such as Catalonia and Madrid exceeded 60%, so that student associations claim that they have gone down, especially at a time when there is less money in hard-pressed household budgets for non-subsistence expenditure.



Photo: Universidad de Navarra

These then are the figures. In the field of education it is difficult to measure the repercussions in the short term, which means that the long-term effects of these policies of cuts will not become clear for some years. However, it is difficult not to agree with the analysis made by BSE of these figures: 'There are many measures which point to a clear deterioration in public education, such as the increase in the number of students per class, the cutbacks in staff, lower levels of cover for staff absences and the corresponding increase in teaching hours, cuts in transport and school meals, increase in tuition fees, etc.'

**ESCR International Covenant:**

The States Parties to the present Covenant recognise the right of everyone to:

- a) Participate in cultural life;
 - b) Enjoy the benefits of scientific progress and its applications.
- (Art. 15.1)

Universal Declaration of Human Rights:

Everyone has the right to take part freely in the cultural life of the community, to enjoy the arts and to participate in scientific progress and the results which arise from it. (Art. 27)

Right to cultural life

The reduction in household income has a direct effect on participation in cultural life, because that income has to be allocated to basic needs. This is on top of the increase in prices due to a steep rise in VAT, which in September 2012 rose from 8% to 21% (the highest in the Eurozone). Once again, instead of ensuring universal access to cultural assets, which is a right, culture is considered as a commodity from which to make a profit.

This measure not only makes culture – cinema, theatre, concerts, books, exhibitions, etc. – a luxury item out of reach for ever wider social strata, but it is also stifling the sector. Up to June 2013, 150 cinemas closed, leaving some towns and cities with none. The turnover of concerts and musical festivals went down by about 30% in the first year in which the new VAT was applied.

At the beginning of 2014 the government reviewed its decision and reduced VAT to 10%, but only in the



Photo: Karla Nney

art market; in other words, only for the benefit of people with high levels of purchasing power. Going to the cinema or theatre, or buying a book, continues to attract 21% VAT.

As regards research, if Spanish public expenditure was at the bottom of the EU league tables between 2007 and 2011, in 2014 'Spanish R&D will be at 2002 or 2003 funding levels', complained José Moleiro, professor of applied economics at the Universidad Complutense.

Photo: Turismo Madrid



Photo: Literatura Eskola

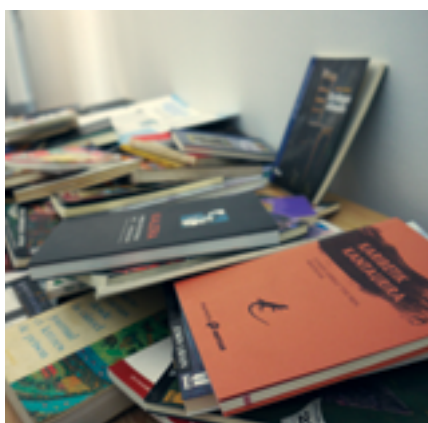


Photo: Joseba Barrenexea



4. Consequences of the loss of social rights: inequality, poverty... and loss of institutional legitimacy



Photo: Polycart

The loss of economic and social rights translates into greater inequality and a deterioration of democracy.

Although the crisis has been, and still is, used as an excuse, the current situation is more to do with structural causes and with the origins and evolution of the system. The current stage of capitalism, with hegemony of thought and neoliberal policies, is establishing a deep-rooted hyper-consumerism in the world of values. The change from citizen to consumer is being enshrined in it, with all that entails: the commercialisation of all realities, a hyper-individualism with the ensuing social atomisation.



Photo: Félix Bernet

Health, education, social protection, etc. have moved from being services to commodities; this changes the

right to access them to a 'right' to choose the product we prefer. And we have believed this. The problem is that the right is linked to citizenship, even more, to the fact of being people, while the freedom to choose a product brings with it the need to have the money to buy it. The leap has been enormous, deadly even – for citizens – and enormously damaging for democracy and justice; in other words, for our interests as human beings. Education and health should not be 'chosen'; we have to ensure access for everyone to education, health, housing, etc.

The transition of citizens to consumers brings with it the illusion and confusion of freedom of choice with the freedom – not universal – to buy. Meanwhile, we have been robbed of the ability and possibility to decide on the fundamental issues of our collective (and therefore personal) lives, which comprise the public good. After the perversion of the economy follows the perversion of politics; in other words, the deterioration of democracy. An ever-smaller public space is dissipating the public good not only as a shared horizon, but simply as a concept,

demonstrating that economic, social and political rights are not so far removed from each other. Or, in other words, that the outdated dichotomy of freedom/equality is more than just a false conflict, it is a misleading approach (and often a self-serving lie). It can be said that the practical recognition of social rights is a reliable thermometer of the democratic health of a society. It is not possible to separate democracy from justice, in that everything taken from the second is also taken from the first: with no exception. (If we are not to limit ourselves to a mechanistic concept of a democracy which has been reduced to rituals).

Socioeconomic inequality has increased enormously. In the 70s, 1% of the US population held 9% of



Photo: La Moncloa Gobierno de España



Photo: Pepe Pont



total wealth; in 2012 this 1% now held 24% of wealth. In contrast to the process of social and economic convergence which the New Deal meant for this country in the 30s and 40s and in Europe after the Second World War, this was, in the words of Paul Krugman, 'the great divergence', referring to the gradual

around 20% and three years later was more than 22% (20 years ago it hardly reached 18%; it can be seen that the crisis cannot explain everything).

What is feeding this inequality? The data and many experts agree on the basic cause: favouring capital income over earned income, which facilitates an unprecedented transfer of resources from the poorest sections of society to the richest. Vicenç Navarro puts it very clearly and concisely: social exploitation. 'The wealth of countries on both sides of the North Atlantic has increased very significantly [over the last forty years]. But this wealth, the result of a growth in productivity, has been enriching the world of capital, in other words, owners and managers of the big companies (where productivity has increased), through an enormous growth in business profits and salaries of the leaders and directors of these companies, to the detriment of the meagre growth in the salaries workers receive'. In fact, in the United States salaries are now lower than in 1968, when Martin Luther King demanded a minimum of 2 dollars an hour (Obama has proposed a sa-



Photo: Daniele Muscetta

lary that in today's dollar is equivalent to 2/3).

The evidence – Navarro continues – is clear and irrefutable. Since the 80s, the world of capital has been increasing its power and profits, with the help of governments, to the disadvantage of the world of work. This is allowing the former to live better, which means that others (the majority of citizens who obtain their income from work) live worse. This is what has been and must continue to be called exploitation'.

enrichment of a minority to the detriment of the majority. The 80s resulted in the practical imposition of these policies, led by Reagan in the United States and Thatcher in the United Kingdom and its ideological legitimization. The decade ended with the fall of the Berlin Wall, which set the scene for the end of the division of the world into two blocs and the expansion of capitalism into its casino phase. And the dawn of a new division with different criteria: now it was not to be an East/West, but a North/South divide, which was not geographical but socioeconomic, and this has an effect on all countries in a cross-cutting way. The so-called crisis has accentuated the trend. According to BSE, the population living in poverty (less than 60% of average income) in 2008 was



Photo: Raphaël Thiémarc

Photo: Brett Tatman

Photo: R. Barraez D'Luca



The name of the thing, or why do they call it love when they mean sex?

How do citizens put up with such enormous and continued attacks on their rights? The answer is complex, but one of the factors which best explains this is the name we give to things. Mary Poppins used to sing that sugar helps the medicine go down. Something similar happens with words: there are unacceptable words and others that, with the same reality behind them, get us to accept the unacceptable because they put obstacles in the way of understanding the reality so as to encourage us to continue along the beaten path

of official truth. 'Orthodoxy is unconsciousness', wrote George Orwell. Language has a very useful tool for this called euphemism (literally, 'something that sounds good'), which ensures the things that go against common sense and basic decency do not grate on the ear.

The name of things and how what happens is told has always been a strong instrument of power. As Humpty Dumpty explained to Alice, he who is in charge is the master of words. 'The Emperor's New Clothes' is one of Andersen's tales which illustrates this issue very well and how to respond: the little boy who shouts 'The emperor isn't wearing any clothes!' slashes the knot of

tyranny. Calling things by their real name is always liberating.

Carlos Fonseca includes at the end of his book *'Tipos infames. Los políticos, banqueros y empresarios que se están forrando con la crisis'* (*The infamous: the politicians, bankers and business people who are making money out of the crisis*) a 'brief political dictionary of the crisis, in which he complains of the self-serving perversion of the language to mask reality. 'Bear in mind that *euphemism* sounds very similar to *cynicism*'.

Here are some examples for Fonseca's dictionary, reproduced with his permission.

They say...	But they mean...
Extraordinary tax regulations	Tax amnesty
Effort and exercise of government responsibility	Reducing pensions
Alignment of remuneration to the specific conditions of companies	Reducing salaries
Flexibility agreement	Reducing salaries
Market economy	Capitalism
Health voucher system	Health care co-payment
Facilitating the active management of damaged assets of financial entities	Giving money to failed banks
Procedure for mortgage foreclosure	Eviction
Labour flexibility	Unrestricted and free dismissal
Awarded assets	Repossessions
External mobility	Emigration due to lack of work
Mini job	McJob
Austerity	Impoverishing the people
Asymmetrical impact of the crisis	The rich win and the poor lose
Lifting up	Incompliance with signed agreements
Housing solutions	Mini-flats
Incentivised redundancies	Either you go or we dismiss you
Entrepreneur	Unemployed person who becomes self-employed
Outsourcing of public services	Privatisation
Challenges	Problems



Anti-system	People who defend public services
Labour rationalisation	Loss of job security
Assistance to savers	Tax reductions for the richest
Necessary structural reforms. Rationalisation of public spending. Optimisation of resources. Saving measures.	Cuts
Reform of the financial system	Bank bailouts
Tariff adjustment	Increase in electricity bills
Payment withdrawal	Suppression of civil servants' extra pay
Deceleration. Transitional deceleration. Accelerated deceleration. Economic deceleration relatively synchronised, relatively unified. Obviously adverse economic conditions. Deterioration in the economic context. Scenario of weak growth. Things are obviously going less well.	Crisis

Industrial capitalism has changed into financial capitalism (93% of the economy is not linked to the production of goods and services, but to speculation). This is why its current phase is called 'casino' capitalism which, from a social point of view, brings with it what David Harvey calls a process of 'accumulation by dispossession' characterised by the commercialisation and privatisation of goods and services which, because of their public or common character, used to be closed to the markets. The privatisation of space and public goods and the dismantling of the welfare state mean that political space has been taken over by the market. Bauman says: 'Today we have power which has been taken from policy and policy stripped of power'. This is how a form of globalisation is constructed in which, as Petrella has been putting forward for years, real power is financial power, elected by nobody, and the 'public' powers are the merely foremen, their legitimacy misappropriated and with all meaning lost. They have been converted from guarantors of rights into legitimisers of privilege.

These years of austerity politics, cuts in spending and basic rights

have widened the social gap even more. Public resources – that is to say those belonging to all citizens – continue to be reduced to enrich private owners, which leads to a high level of undercapitalisation. Public companies restructured with public funds to then be transferred to private hands, policies which favour big corporations, leaving citizens defenceless, bank rescues which drain millions of euros from the public purse, funded from cuts to social investment, at the same time as the same financial entities leave thousands of people homeless and with lifelong debts.

Perhaps this favouritism shown towards the great explains why politicians of almost every hue end up with prominent jobs in those same companies, or sitting in their boardrooms with substantial salaries after they leave public life. This is what has come to be called 'revolving doors' which connect public and private space, to the benefit of the ruling classes, sometimes through legal process (at the end of the day, the people who make the laws are also the ones who pass through those doors), but these acts are not legitimate (Carlos Fonseca's

book explains this with figures and details).

Together with an abundance of corruption cases among the ruling classes and politicians, enormous tax fraud and abusive policies have come together in a kind of fracturing of the social pact and loss of confidence in institutions. Outrage has become focused on a cry directed at the centre of gravity of representational democracy: 'They do not represent us; they do not represent us'.



5. Defence of social rights and the construction of citizenship

The situation described above has fallen upon a citizenship whose consciousness is growing regarding the fact that it is not obligatory to resign oneself to it, because 'another world is possible'. The World Social Forum, which popularised this slogan in its first edition (Porto Alegre, January 2001), has indicated the mobilisation of significant sectors of the population, the rise in its awareness of its own power and responsibility in common issues. Government policies to tackle the crisis have outraged a population which is now inclined to take action, as shown by the 15-M movement (see *Global Express* no. 18 'The rebellion of the squares') and all those movements which have followed on from it.

People are gradually becoming aware of the fact that all struggles are actually the same struggle: local and global, minority and majority, for social and civil rights. The response to the loss of social rights is inseparable from the reconstruction of the social pact, but not on the same terms. It is not a question of returning to some point in the past, because times have changed and those chickens have already come home to roost. We have to redefine the terms of the social pact so that, as Juan Torres López (*Contra la crisis, otras economías y otros modos de vivir*) states: 'citizens have sufficient power to ensure that their expressed preferences can be converted into decisions. What is hap-

pening today is the opposite: the preferences of the rich are the only ones which succeed'.

The path to take is to establish new forms of consensus, new meanings for concepts such as 'social cohesion'; redefine in practice the role of institutions (and establish mechanisms which guarantee compliance), social movements and civil society in general; these 'will be crucial in redefining a future based on equity, social and environmental justice and solidarity' (Oscar Mateos), whilst creating new counterbalances to power.



Photo: Fotomovimiento



Citizen resistance

An outraged citizenship usually makes use of the traditional forms of protest of the proletariat, the tradition of non-violence, and others which their imagination dictates.

The **strike** is a traditional resource of the working class to make demands, when negotiations are exhausted or to force them through, or to exert pressure when they are in progress. Although the first strike recorded took place in Ancient Egypt, as a form of struggle it is linked to the Industrial Revolution. The arrival of social democracy in the 20th century meant the legalisation of unions and the recognition of the right to strike. The idea is to disrupt production – in other words, profits – to force owners to accept the demands, so duration is an important element. The problem is that it also disrupts salaries, which converts long-lasting strikes into a war of attrition. Stoppages like the one held by the workers of Panrico (Santa Perpètua de Mogoda, Barcelona) over eight months (October 2013 to mid-2014) are difficult to maintain. One of the traditional responses of the workers' movement has been cells of resistance, sustained by the solidarity of workers to help them continue in the event of long-lasting strikes.

The **hunger strike** has a strong pacifist tradition; this consists of a person or group refusing to eat in order to demand a right or to complain about a situation. Gandhi carried out many protests of this kind in his struggle for Indian independence. In Spain, it gained importance at the beginning of the 90s with those carried out by members of Plataforma 0.7% who were demanding greater government commitment to international cooperation. Jaume Sastre, a teacher from the Balearic Islands, has carried out several

hunger strikes to put pressure on the island government to negotiate with teachers and, recently, to demand good-quality education.

Marches also have a great tradition of non-violence, especially the Salt March in which Gandhi and his followers walked 300 kilometres to protest against the British monopoly on the production and sale of salt. In May 2014 marches for dignity converged on Madrid from all over the country, to protest against government policies and to demand 'bread, work and a roof'.

In the activist dictionary, **Scratch** means to follow someone to their home or place of work to publicly complain about abuses or to put pressure in a specific way on those who have decision-making powers. The political use of the word was born in Argentina in 1995 to publicly denounce the torturers of the dictatorship who had escaped punishment. In the Spain of the crisis, it has above all been used by PAH against those who have been responsible for thousands of evictions.

Conscientious objection is the refusal to comply with a regulation or law because it is considered to be incompatible with a person's beliefs. It is based on the consideration that the imperative to follow one's own conscience must come before any legal obligation and, in theory, does not question the validity of the law or intend to change it. The Spanish Constitution recognises this right generically in Article 30, pending regulation of the corresponding law. However, the only law created in this respect was the one that regulated conscientious objection to obligatory military service, establishing obligatory social service in such a manner as to make this right practically impossible to exercise legally.

Civil disobedience consists of non-compliance with an obligatory rule which one considers to be unjust and the acceptance of the consequences that such a transgression might incur. It is based on the distinction between legality and justice. It is a political act because the objective is to modify the legal order to achieve higher levels of justice and freedom for everyone and it has to be exercised in a conscious, public and peaceful way. The use of the adjective 'civil' is to show that it is an act of civic responsibility. With practically the same sense there is the word insubordination, which places the emphasis on the exercise of freedom, which means not submitting to a situation considered to be unjust.

Boycotts and strikes are among the forms of **civil resistance** which have a long tradition in the methods of non-violent struggle. In the 16th century, Étienne de la Boétie, in his *Discourse on voluntary servitude*, described it clearly: 'I do not ask that you place hands upon the tyrant to topple him over, but simply that you support him no longer; then you will behold him like a great Colossus whose pedestal has been pulled away fall of his own weight and break in pieces'. Three centuries later in his *Of the Duty of Civil Disobedience* Henri Thoreau wrote: 'There are unfair laws. Are we just going to obey them, or try to change them and carry on obeying them until we succeed, or are we going to break them right away?'.



These objectives are so ambitious that it is necessary to work on different levels: global, European and state.

- a. On a global level, it is necessary to progress towards the urgent construction of institutions truly capable of regulating globalisation and of establishing new game rules for financial powers to ensure balance between the political and the economic.
- b. On a European level, it is urgent we recover the spirit of the original European project based on values such as equity and solidarity, and above all on the need for it to be a real counterbalance against neoliberal doctrine.
- c. On a state level, it is necessary to improve the efficiency of the public sector (essential for the advancement of social cohesion), but also to establish priorities with a human face (moratoriums on evictions and approval of surrender in lieu of payment, for example). [*Papeles*, 217 Oscar Mateos]

In all these areas, four **lines of action** are outlined, which represent other ways of personal commitment.

- **Resistance and official complaint:** in other words, working to bring together citizens outraged

by an injustice and who decide to oppose it, ranging from the fight against evictions to citizens' debt audits by way of the defence of public health.

Outrage about a subject which affects us personally leads to outrage about a model of society that makes life difficult for the majority of people, especially the weakest. Based on this, platforms and citizen collectives are connected with each other to resist and provide appropriate responses.

- **Construction of alternatives:** promoting and participating in collective projects which are the schools of democracy. Most of these projects are to do with democracy in the economy: consumer cooperatives, workers' cooperatives, neighbourhood assemblies, etc. They are basic intermediate-level structures because in them, while responses are being formulated to tackle the injustices which gave rise to them, values are being exercised and practiced which are the basis for democratic regeneration, and new forms of participation and political action are being developed.
- **Citizen awareness raising (awareness + action):** without a change in personal mentality and ideas about the world or society, social

change is impossible. This change includes attitudes, knowledge and information, critical capacity and the capacity for commitment and solidarity. Only people who progress through this kind of process can contribute to democratic recovery at all levels.

- **Local and global:** deepening awareness so that, although the problems may be big and complex or global in scope, local actions, even if they are only partial, have their impact. The challenge is to construct global democracy, because it is in this area that the rules of economic power can be found, but it will only be constructed from a global citizenship that creates networks, exerts pressure, etc. And this is precisely where the importance of local actions lies.

These four lines of action have a new instrument of communication and activism that has become the key to its capacity for mobilisation and advocacy: the social networks. This is also an instrument that has become a key to the generation of critical awareness and of a new citizen profile. (*Papeles CiJ* 215. Elvira Durán)

The task is enormous; the good news is that we do not need to start from scratch: many people are already doing it.



Photo: Manuel



6. Yes we can. Alternatives in progress



Photo: Julien Lagarde

*These developments are not the result of laws of nature or the economy or other impersonal forces, but of decisions within institutional structures that encourage them. This will continue if these decisions and planes are not replaced through action or popular mobilisations with commitments dedicated to programmes that use feasible remedies in the short term and other proposals over the long term that question illegitimate authority and oppressive institutions where power lies. It is therefore important to emphasise that there are alternatives (Noam Chomsky, Preface to *Hay alternativas*, by V. Navarro, J. Torres y A. Garzón)*

In *Tipos infames*, Carlos Fonseca concludes that 'the only way out is outrage; the only possible change is protest; the only hope for the future is the non-negotiable will to change this unjust society'. Many people have set themselves to work on using outrage as a way of protesting and of constructing alternatives.

A large number of social and economic initiatives have arisen which have drawn up an economic, political and social model based in short

on basic social and cooperative values to progress towards a situation of greater social and environmental justice and towards a model which can replace the capitalist framework.

To a great extent, these are the people who filled the streets as part of the broad movement which came to be called 15-M and which some people predicted would not last long. This has not been the case. They have much less media visibility now but they continue to thrive in local assemblies and are building up those groups which are in no way isolated, but interconnected communication channels with a great deal of movement between them. On occasions, specific demands bring the whole group together in solidarity; on other occasions, they join forces in broad calls, such as the 'marches for dignity' that filled the roads and cities (22M) or surrounded institutions (21J), with the slogan 'Bread, work and a roof'. Some demands not only led to the surrounding of parliament buildings but are also being successful in becoming part of them through new electoral platforms and parties.

Although each group has specific demands (access to decent housing, basic income, universal access to good-quality health care, etc.), they share underlying demands, often in an explicit manner, building synergies in this way which increasingly demonstrate that specific problems point to deep-rooted ills. As a consequence, it is not just a case of repairing the clothes but of making new ones. The metaphor is not unwarranted: from the beginning, each group has become identified with different coloured T-shirts, which has led to a pluralistic, multi-coloured and complex landscape.



Photo: Emilio Vaquer



The main shared demands are:

- Basic rights
- Defence of the public sector
- Participative, political and economic democracy
- Economic justice

The **“Marea Verde”** (<http://marea-verdemadrid.blogspot.com.es>) was born in Madrid in July 2011 and has now become a movement in defence of good-quality public education, with platforms across the country, and which fills the streets with green T-shirts (yellow in Catalonia **‘Marea Grogà’**: <http://marea-groga.blogspot.com.es>), in honour of its name, like a real tide, that demands the right to education.

The **“Marea Blanca”** (www.rebelmouse.com/MareaBlanca) brings together groups that defend public health and protest against cuts and privatisations. It also started in Madrid, when the autonomous government set out a privatisation plan for six hospitals and 27 health centres. It has spread across the whole country and one of its successes is having forced the Madrid government to drop its privatisation plans.



Photo: Imagen en Acción

Other tides have appeared, such as the **“Marea Roja”** (research) and the **‘Marea Naranja’** (social services) using different colours to identify themed demands, which in reality are not different but distinct aspects of a same demand for social rights, something which becomes apparent when they unite in calls which turn the streets into a citizens’ rainbow.

In November 2011, the **‘yayoflautas’** (grandparents who protest) carried out their first group action, occupying a branch of Banco de Santander in Barcelona. They started by defending their pensions, but in only a short time changed into a very active group in defence of social rights.

The movement for a **basic income** (www.redrentabasica.org) demands the payment from public funds of everyone, as a citizen’s rights (see box).

[des]Banka (desbanka.org) was born as a ‘citizens’ front against financial power’ to fight against the banks’ abuses and the consequences of an unjust financial system. It demands the conversion of financial services into public social services (equivalent to health and education), because they are a necessary instrument to make possible projects for personal lives and a productive economy.

The movement for **participatory budgets** (www.presupuestos-participativos.com) works to make the direct participation of citizens in public budgets possible, so that they correspond to their demands and priorities. They want them to become more than merely a financial control tool, but rather an instrument for participative democracy. Born out of the World Social Forum at Porto Alegre, they have already been implemented in a good number of municipalities.

Real Democracy Now! (www.democraciarealya.es) is a platform that supports and promotes actions in favour of a more democratic and fairer society. Like many of these movements, it is structured around local groups, pulling together global objectives based on priorities and problems rooted in the locality.

These are just a few samples of the innumerable movements, groups and platforms that bring together citizen power. Along with these, there exist on a wider basis even more local initiatives, sometimes hubs for



Photo: Elena Cabrera



Photo: Arribasqueluchan

national platforms, sometimes with their own characteristics. An example of the latter can be found in the Barcelona town of Figaró, governed for the last ten years by an assembly of residents which practices a radical participative democracy, participatory budgets being one of its supporting principles. The documentary *El reto de gobernar entre vecinos* (the challenge of governing among residents) gives an account of its experience.

In addition to deep-seated demands, these movements share the same methods of radical democracy, whose means of struggle are the traditional non-violent forms: strikes, civil disobedience, insubordination, demonstrations, etc., together with other more innovative and imaginative methods.

And ultimately, they have as a common denominator the putting into practice of something essential for democracy: that politics is not principally the business of political parties but of citizens, where legitimacy actually lies.



If we organise ourselves, we can do it

The *Plataforma de Afectados por la Hipoteca* (PAH) came out of *V de Vivienda*, a movement born in Barcelona and which protested in the streets to complain about the difficulties young people have in finding a place to live. When the housing bubble burst, a meeting was called in February 2009, which was attended by about 60 people. This was how the PAH was born.

The driving group did not want to set up an office where help would be provided to people affected, but to mobilise them and to help them understand and fight for their rights. However, the reality was different: 'We were expecting to find a lot of angry people, because there had been a scam, a massive deception by the government, by the banks, but instead we found the people to



Photo: Joan Luzzatti

be devastated. They could not even speak. They felt they were to blame, they felt ashamed', explained Ada Colau, the then spokesperson, when PAH reached its fifth birthday. Legal support and information were important, but the chance to meet other people with similar experiences created a feeling of recognition, of empowerment, which had a decisive effect on the development of PAH. This therapeutic recovery of self-confidence transformed them from victims to activists, from finding out in depth to moving on to action. 'Who can defend your case better than you?' asked Ada in an interview. 'Not even the best lawyer: this is one of the key issues leading to the platform's successes. On this basis it continued to expand and the people affected began to create platforms in their areas. In February 2014, when it celebrated its fifth birthday, there were 200 PAH nationwide, and they continue to grow.

In 2010, the 'Stop Desahucios' campaign, which initiated the public life of PAH, started. On 3rd November,

30 members gathered in La Bisbal, a village in Penedès, to try to stop the eviction of Lluís Martí, a mechanic in his fifties with a nine year old daughter to look after, out of work and with benefits of only €426 and in debt to Catalunya Caixa to the tune of about €100,000. The eviction was stopped on the first day and, after several postponements, was called off indefinitely. It was the platform's first public success and was followed by many more in Catalonia.

The following year, it promoted an *Iniciativa Legislativa Popular* (ILP) with the aim of giving people with mortgages the option of giving the house back to the bank in payment for the remaining debt. The procedure of an *Iniciativa Popular*, under rules contained in an organic law dating back to 1984, meant a proposal from a number of citizens could be considered by the Congress of Deputies; they needed at least 500,000 signatures. The platform obtained 1,402,854. The ILP reached Congress, but the absolu-

Photo: Fotomovimiento



Photo: Imagen en Acción





Photo: Fotomovimiento

te majority there was able to water it down. However, it was a decisive step in making sure the scope and causes of the problem hit home with the public.

By the beginning of May, PAH had prevented 1,135 evictions and rehoused almost 1,200 people. It took stock on the occasion of its fifth birthday: 'Thousands of property handovers in lieu of payment, write-offs and social rents achieved with great effort over these years, battling case by case, week after week, thanks to thousands of anonymous heroes and heroines who stood up and were counted in these movements. (...) The support of public opinion: an *Iniciativa Legislativa Po-*

pular (ILP) in favour of the option of giving back a house in lieu of payment and social rents that collected one and a half million signatures; the support of judges, the European Parliament and the United Nations. Our complaints have reached the international press, such as the New York Times, the BBC and Al Jazeera, in Japan, Russia and Finland. As the people themselves recognise, 'things which five years ago we would have said were impossible'.

According to the platform, the keys to these successes are:

1. Creating spaces of shared experience in which people can see for themselves that their pro-

blems are group problems, not just individual problems.

2. The rights approach: the rights of everyone are being infringed and the government is not fulfilling its commitments and obligations by permitting, or even being complicit in, the systematic infringement of human rights.
3. Generating empowerment through tools that enable people to defend themselves, without having to delegate to anyone.
4. Solidarity and mutual support, so that no one need feel isolated ever again.
5. The PAH is a simple and easy to replicate device, with few requi-



Photo: Imagen en Acción

rements: assembly-style, partisan and independent, free and peaceful. Anyone who wants to form a PAH will find all the necessary materials on the web.

6. A commitment to communication, in its broadest sense. The

PAH is designed to be a real instrument for the social majority affected by the mortgage swindle, so it speaks the language of the people and uses every method possible to communicate, traditional or alternative, including the new social networks.

7. A complex strategy that brings together short, medium and long-term objectives at different levels: questioning administrations, legal actions, international advocacy, direct action and civil disobedience as self-defence mechanisms for infringed rights.

The problem of housing has not been resolved; the process continues, but this movement's experience shows that, despite the harassment and smear campaigns,

'yes, we can': we are the majority and, if we organise ourselves, we have much more power than they have led us to believe'.

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For further information

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The intention of *Global Express* is to get schoolchildren to question what the mass media organisations tell them. It is about promoting a critical view of reality to allow them to understand the state of the world and, in particular, the situation of the developing world.

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For further information

(continued from previous page)

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