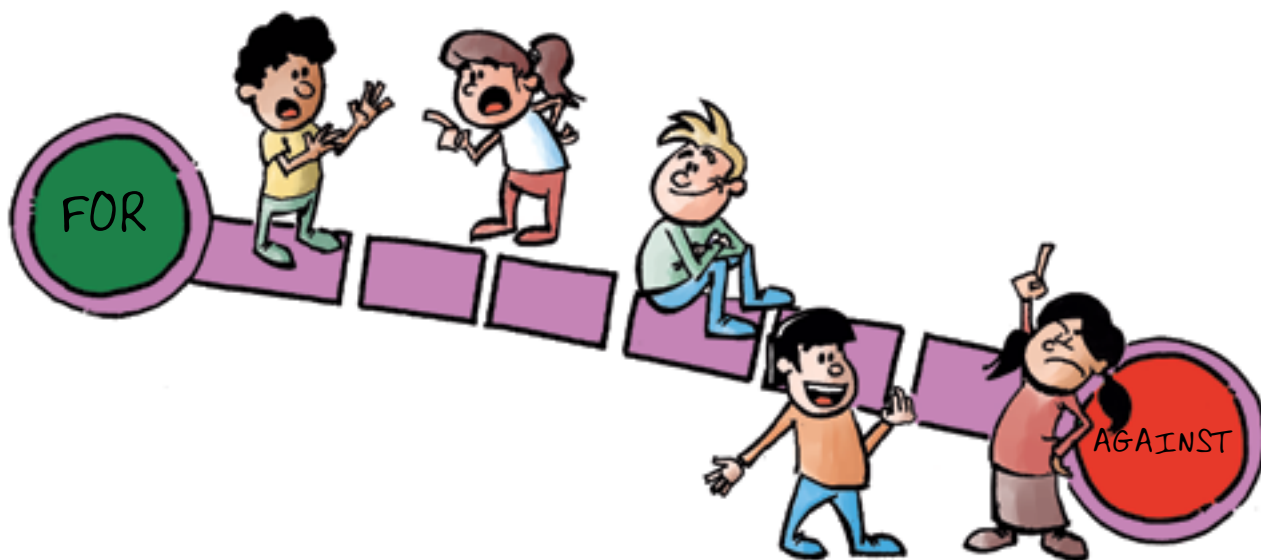


Very twisted rights



1. The class barometer

Read each of the following statements. For each one, think and decide where in the class you are according to how much you agree or disagree with the sentences. Then you should find a way to argue your case in a well-ordered way.

- To ensure good medical attention it is better to have private medical insurance.
- All citizens, by the very fact of being so, should receive an income sufficient to meet their basic needs.
- We must pay taxes because they need to be used to give help to those who most need it.
- Many people do not have a job because they do not make enough effort.
- Educational grants should only be given to students who get marks above 6.
- The cinema, theatre, concerts and cultural activities in general do not meet basic needs and therefore should not attract reduced rates of VAT.

2. Seeking a decent life

Activities

a) What do you think people need in order to have a decent life?

Draw up a list individually which brings together these needs. While you are doing it, think about how the greatest consensus can be achieved, not only in your class, village or city, but also in any other place on the planet. Then have a brainstorming session and draw up a single agreed list.



3. The history of rights



In the societies of the *Ancien Régime* people were considered to be vassals of the king and had no rights.



Tired of so much injustice the population began to fight to change the situation. With the arrival of the French Revolution and the ones that followed, the concept of the citizen was born in some countries: a person with rights and responsibilities.



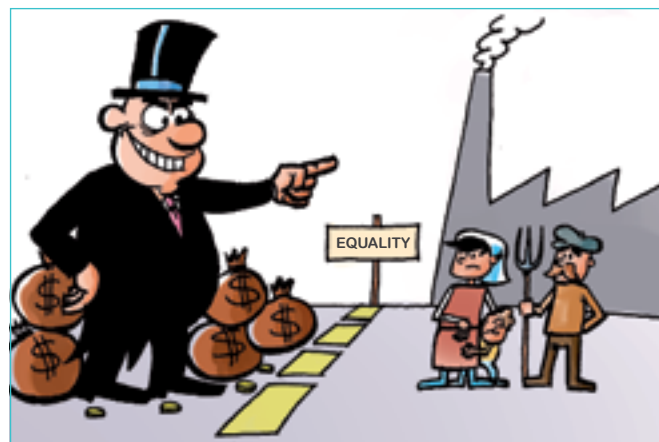
The first rights these citizens achieved were political and civil: the right to vote, freedom of expression, equality before the law, freedom of association.



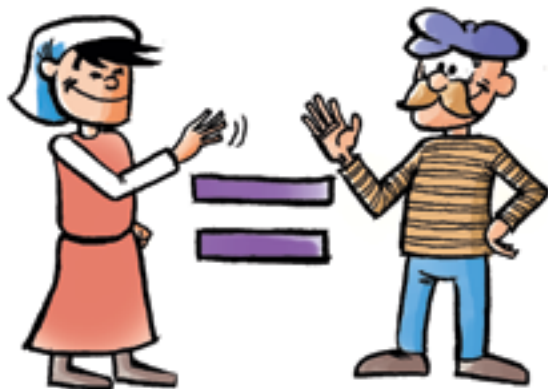
But not all countries of the world achieved these at the same time. In addition, in many places women did not have these rights.



Having rights meant fighting to safeguard them and many governments tended to restrict them, out of fear of the population.



The years have passed and the injustices, especially the economic ones, still exist. Even if we are in theory all 'equal before the law', society is increasingly divided between the rich (business owners) and the poor (the workers)



This is why it was decided that 'civil and political rights' should be broadened to ensure a certain economic and social equality. Even if a certain amount of freedom had been achieved, it was now necessary to fight for equality.



But not all governments were willing to change the economic system and social mobilisations increased. Although some countries made progress in this area, economic and social inequalities became entrenched.



At the beginning of the 20th century, positions became radicalised. In some countries revolutions broke out which meant the end of the liberal-capitalist system. Others tried but failed.



Europe became increasingly divided into two blocs: those which aspired to a life with broad recognition of rights and those which thought that to maintain order it was necessary to restrict those rights.



This division saw the arrival of the fascist dictatorships in Europe. They did not believe in equality but fought against it, and they persuaded a section of the population that they could live without rights.



Fascism brought the old continent to total destruction (World War II). Rights were erased from the map, millions of people died and many minorities and other groups were persecuted.



After the conflict, many governments understood that they could not repeat these past mistakes. It was necessary to create truly democratic, stable states with a broad declaration of rights for citizens. It was not enough to vote for a government, but that this would also guarantee a series of basic rights.



Even so, not all of Europe had been freed from fascism. In Spain, the victory of General Franco in the Spanish Civil War meant the complete absence of rights for the population.



The United Nations Organisation (UNO), created to prevent a new world conflict, recognised this feeling and set down in writing what the basic rights that governments would have to comply with should be.



But the UNO has never been able to intervene in the politics of countries. That is why many governments have not protected these rights effectively. Crisis situations such as the present one have served as a pretext to cut basic social rights, putting health, education and the right to housing in danger.



Although in many countries we can say that we live with a high level of freedom, the rights which guarantee equality remain in danger. In addition, many countries still lack a large number of basic rights. That is why the struggle for rights is both a local and global challenge.

Activities

- If you were to continue writing the history of rights, where would you imagine them to be in 25 years' time? Draw it above in the last box.
- Why do you think it has been easier to guarantee rights which affect 'freedom' and so difficult to do the same with those to do with 'equality'?



4. Who safeguards our rights?

Read this short text and then carry out the activities.

'A part of the needs that people experience can be met individually from their own resources. But there are other needs for which individualised satisfaction is not possible; on the contrary they have to be dealt with collectively (...).'

Tax Agency

Activities

- a) Let's go back to the basic needs of the exercise 'Seeking a decent life'. Let's try to classify them into two lists: one for those that can be satisfied individually, and another for those that cannot. What do you think the Tax Agency means when it states 'it is necessary to deal with them collectively'.

Individual

Collective





b) Here is a summary of the International Covenant on Economic, Social and Cultural Rights. Read it carefully and then match the needs on your list with the articles of the text.

Adopted by and open to the signature, ratification and adherence of the General Assembly in its resolution 2200 A (XXI) of 16th December 1966

International Covenant on Economic, Social and Cultural Rights

Part III

Articles 6, 7 and 8

The International Covenant on Economic, Social and Cultural Rights recognises in Articles 6, 7 and 8 the right to work, which includes the right of everyone to have the opportunity to earn a living through a freely chosen and accepted job. It also recognises the right of everyone to enjoy equitable and satisfactory working conditions which guarantee specifically: a fair income regardless of gender; decent working conditions that regulate health and safety, and working hours balanced with rest.

Similarly, it recognises the right to strike, to form unions and to freely join a union of choice.

Article 9

The States Parties in the present Covenant recognise the right of everyone to social welfare, including social security.

Article 11

Similarly, the right of everyone to an adequate standard of living for themselves and their family is recognised, including adequate food, clothing and housing, and a continuous improvement of living conditions.

Recognising the basic right of everyone to protection from hunger, the States commit themselves to adopt, both individually and through international cooperation, the necessary measures to improve methods of production, conservation and distribution of food, and to ensure an equitable distribution of food.

Article 12

The right of everyone to enjoy the highest level possible of physical and mental health is also recognised.

Article 13

The right of everyone to education is recognised. The States agree that education should be directed towards the full development of the human personality and the sense of its dignity, and should strengthen respect for human rights and fundamental freedoms. They similarly agree that education shall enable everyone to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and favour the activities of the United Nations for the maintenance of peace.

Article 15

Everyone has the right to participate in cultural life and enjoy the benefits of scientific progress and its applications, similarly to benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic productions of which he or she is the author.

(Text redrafted and adapted)



c) Do you think that your list is a list of public rights? Give reasons for your answer. You can use the following definitions to help you.

Definition of 'right': The human faculty of being able to have or demand that which the law allows or establishes.

Definition of 'public': Belonging to or relative to all the people.

d) Read the following situations and answer the questions.

e) Who safeguards or should safeguard our rights? Why do you think it is important for governments and other institutions to protect the rights of citizens across the world?

- If you have lost your job and you cannot pay the rent on your home, who should you go to?

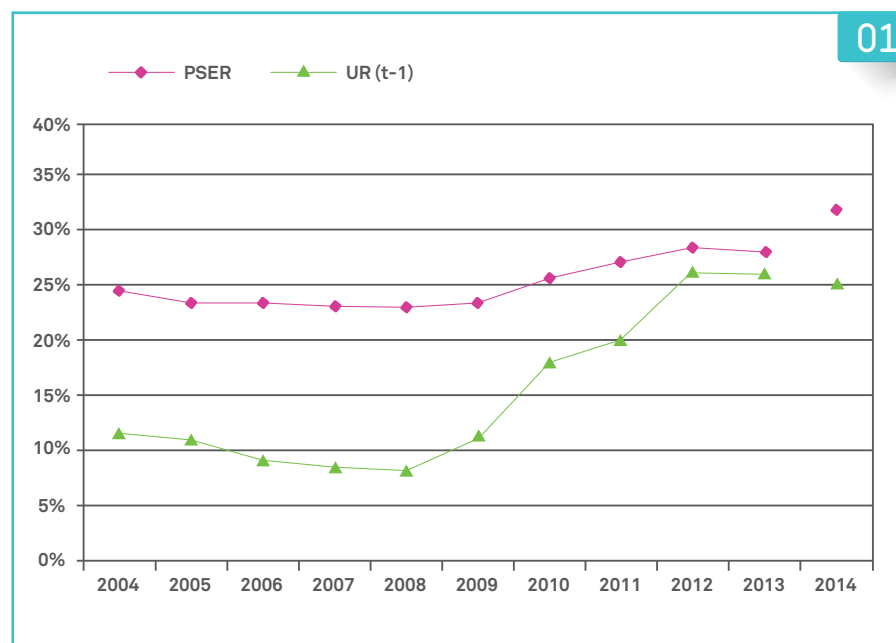
- If your village needs a new school, who is responsible for building it?

- If the population in your neighbourhood has increased a lot and you need more health professionals, who should take on the task of hiring them?

- The factory where your sister worked has been closed down. Where should she go to obtain her benefits? Who is responsible for paying them?

- If you have problems at work, who should you go to?

5. Let's put some figures to the cuts



Evolution of unemployment rates (UR) and poverty and social exclusion rates (PSER) 2004-2014*

* Forecast for PSER and UR for the period 2013-2014

Sources: INE, Eurostat and author's own work. Equipo Nizkor.

www.derechos.org/nizkor/espana/doc/indignados252.html



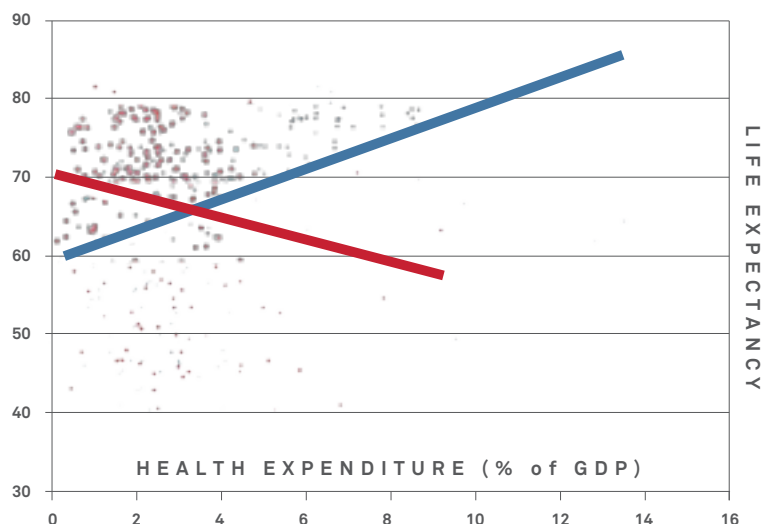
02



Evolution of mortgage foreclosures 2007-2013

Source: www.huffingtonpost.es/2014/03/28/numero-de-desahucios_n_5047830.html with data from the Consejo General del Poder Judicial and author's own work.

03

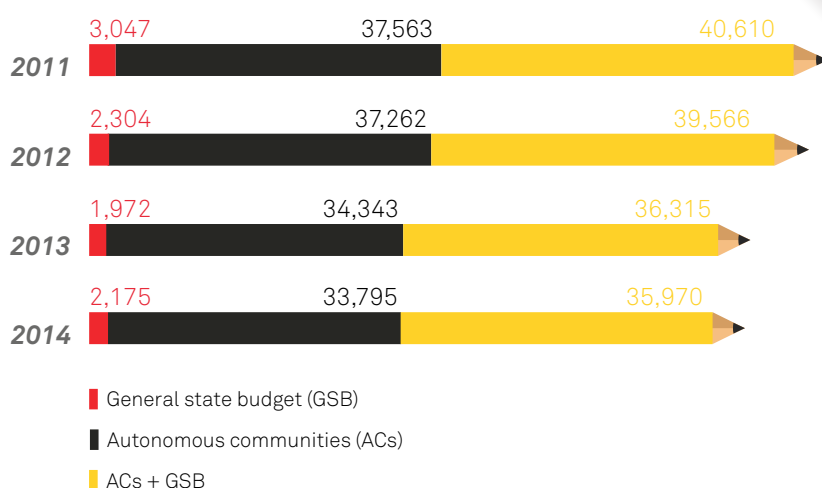


- Effect of public expenditure on health over life expectancy
- Effect of private expenditure on health over life expectancy

Chart comparing life expectancy with health expenditure

Source: www.eldiario.es/piedrasdepapel/2012_6_83701631.html y elaboración propia.

04



Graphic data in millions of €

Evolution of state and autonomous community education budgets

Sources:

- www.feteugt.es/data/images/2014/Comunicación/GABpresupuestos_educacion_comunidades_2014.pdf
- <http://dondevanmisimpuestos.es/políticas/32/educacion> y elaboración propia.

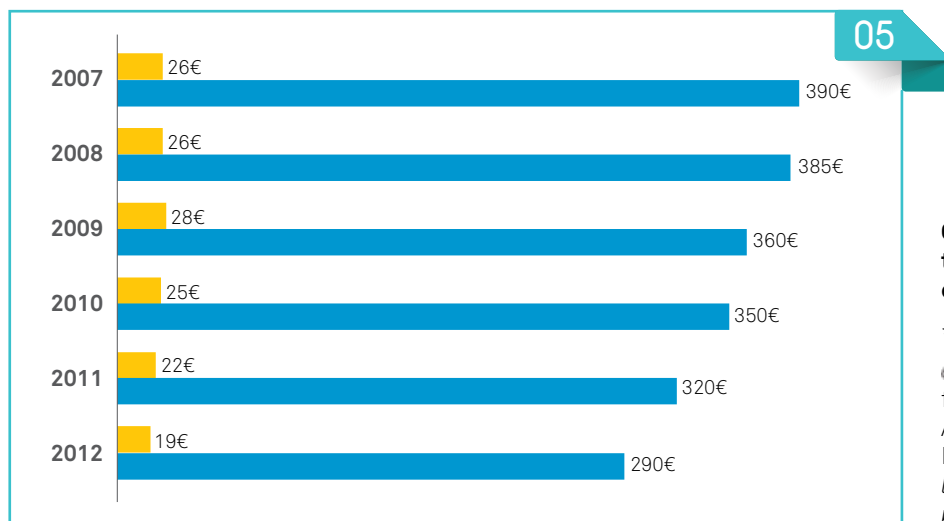
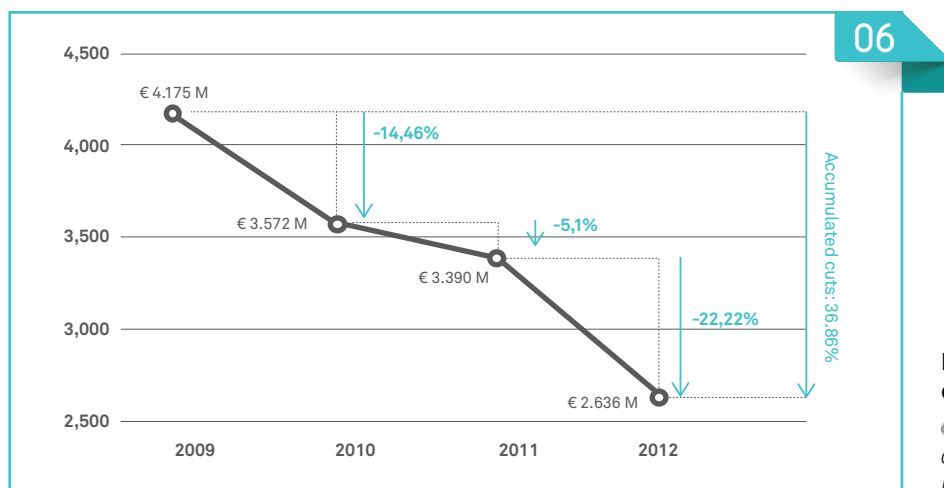


Chart comparing cultural budget (central administration) and household expenditure on culture *

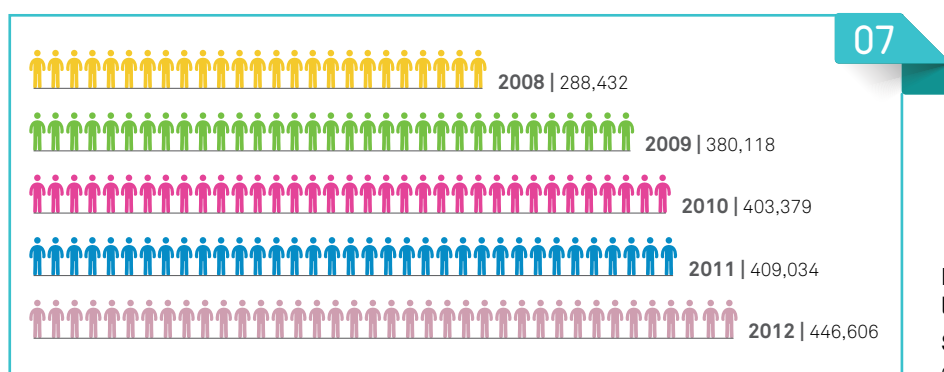
*Expenditure and budgets in €/inhabitant

Source: author's own work with data from MECD, Ministerio de Hacienda y Administraciones Públicas (Ministry of Finance and Public Administrations) and luisbonet.blogspot.com.es/2013/12/presupuestos-publicos-de-cultura-en.



Investment in research and development (R&D) in Spain (€m)

Source: www.principiamarsupia.com/2012/09/15/com-se-maltrata-a-los-jovene...



Evolution of the number of emigrants leaving Spain

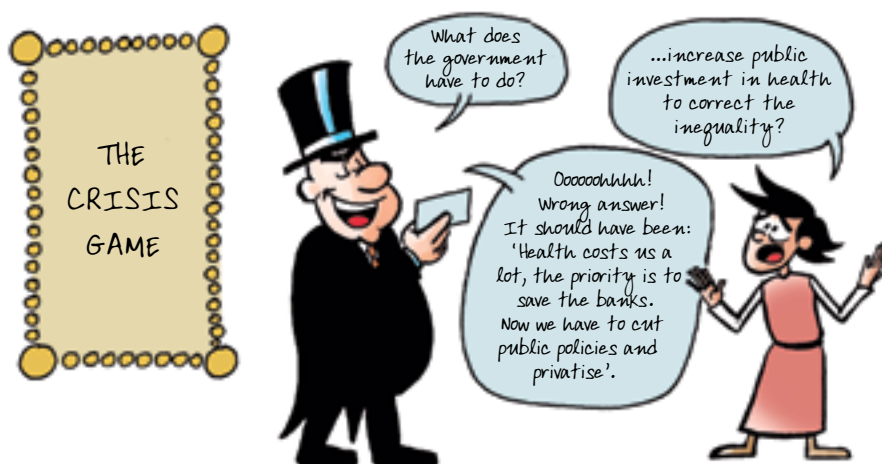
Source: Author's own work using INE data.

Activities

- Which data surprised you most? Why?
- What is the relationship between the different charts? Make comments on at least two of them, using percentages to emphasise the variation which results from the evolution of their rates.
- What are the causes and consequences of these scenarios? Try to be as specific as possible.



6. Is the crisis the baddie in the film?



Activities

- a) Using the material you have been working on so far and looking at this cartoon, what do you think the relationship is between the cuts and the economic crisis?

7. How can our rights be untwisted?

Whilst some groups and political forces insist that it is necessary to make cuts in public services in order to get out of the crisis, others believe that the crisis is being used as an excuse and it is the economic system and political will which do not favour investment in public services. Let's see how the economic system works and then we can form an opinion. What do you think?

It is María's birthday, one of your classmates, and the grade 4 class is getting together to buy her a present. Everyone agrees immediately: they are going to buy her that board game she likes and has played so many times.

Carlos takes on the job of buying it, because there is a shop next door to his house, and the children give it to her at the end of class. María is delighted; it was a really good choice!

The next day, they get together to settle up. When they have worked out how much each person needs to pay Carlos, Carmen says that she is sorry, but she cannot contribute so much. Money is very tight in her house and there has been no income for some time. Rocío says that the amount they have to share is very small and it is not possible that Carmen cannot pay it.

The classmates all have a debate. One group is willing to give a little extra money, while another group say it is not fair and that everyone should contribute the same. Someone also proposes that to be fair they could all contribute a little extra, but only if Carmen does not sign the birthday card.

Activities

- a) If you found yourself in this situation, would you insist that everyone contributed the same amount, or would you be willing to give a little more money? Give reasons for your answer.



b) The money that the government has for its budgets comes from the collection of taxes from citizens, companies and multinationals. Let's see how much each of these groups contributes.

We are going to use the banknote at the bottom of the document to see who contributes to the budget.

But before you start, watch this video:



www.youtube.com/watch?v=q1S3LOVn5J0&feature=youtu.be

Source: Oxfam Intermón report, *Tanto tienes, ¿tanto pagas?*

In effect, tax evasion means that the government does not have so much money to invest. Tax fraud in Spain, which is estimated to be 24% of the total amount which could be collected, is much higher than the European average.

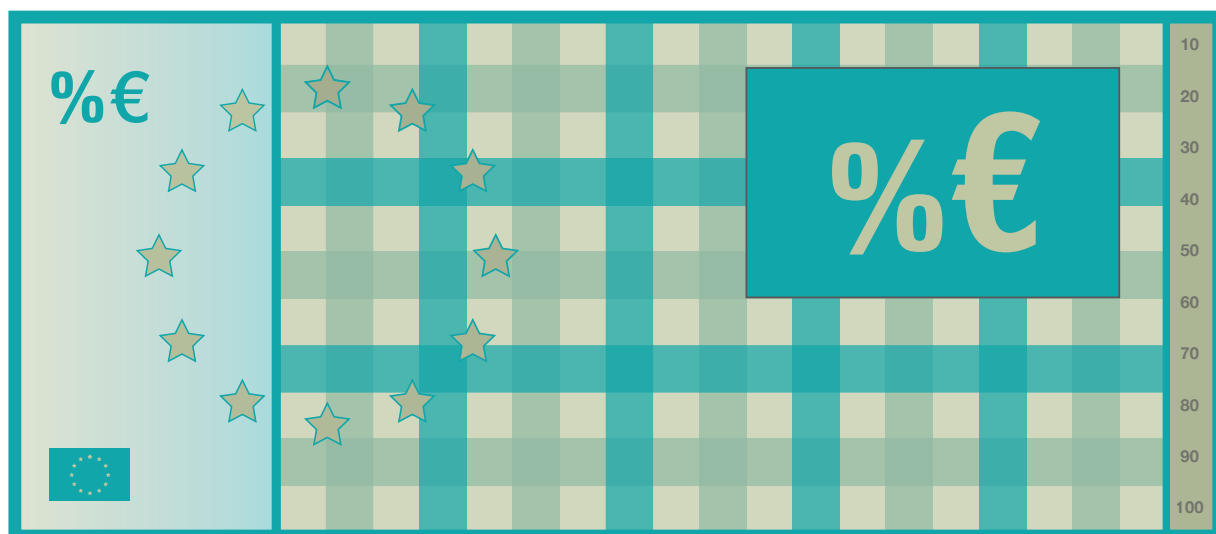
And so cut off the percentage of money that the government does not receive, bearing in mind the following figures:

✂ 17.28% comes from large fortunes and multinationals.

✂ 6.72% comes from:

- 4.08% SMEs
- 2.06% self-employed
- 0.62% families and individuals

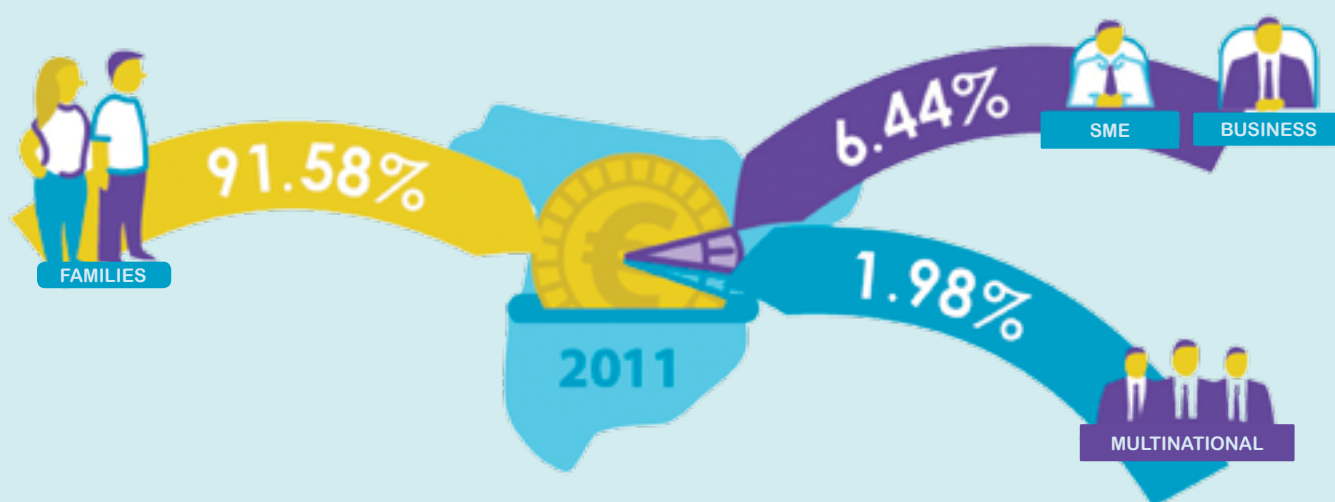
Total: 24% tax fraud in Spain.





c) What is left of the banknote is the actual amount the government collects. Let's see how much each group contributes.

Look at the graphic below and the figures that go with it and colour in the banknote according to the percentages it shows. Although the figures are from 2011, the current percentages are very similar.



91.58% families (yellow)

6.44% companies and SMEs (purple)

1.98% multinationals (blue)

Source: Oxfam Intermón report, *Tanto tienes, ¿tanto pagas?*





d) Look at the following graphic on how the government invests public money:

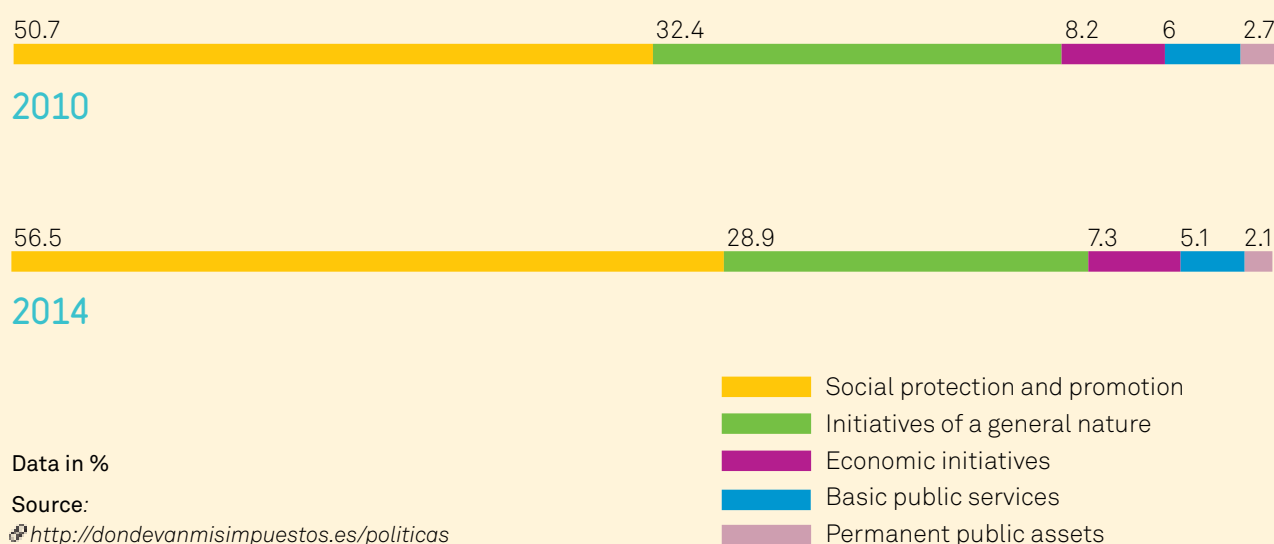
Social protection and promotion: pensions, unemployment, employment promotion, etc.

Initiatives of a general nature: public debt, transfers to other public administrations (e.g. autonomous communities, which themselves have competencies in education, health...), etc.

Economic initiatives: infrastructure; agriculture, fisheries and food; industry and energy; research and development; etc.

Basic public services: defence, public safety, justice, etc.

Permanent public assets: health, education and culture, etc.



Answer the following questions, giving reasons for your opinion:

Do you think that the government could invest more in public policies? If yes, how could it do it?

Why do you think it does not do so?

If the money the government has to set the budgets comes from citizens, it is also our responsibility that it is invested in those things we feel are important. As citizens, what can we do to make sure that the budgets are fair?



8. Fighting for our rights

It is an afternoon like any other and you are at home, reading or studying, when suddenly you hear noises and shouting on the staircase of the building.

You have a look to see what is going on and see that there are several police officers arguing with the neighbours opposite, the Martis, who you have known all your life. Their children go to the same school as you and you know that recently things have not been going so well; you also know that their parents have been out of work for some time. A struggle between the family and the police breaks out, you are a little frightened, and you ask one of the other neighbours who has come out what is going on. 'They are being evicted', they answer, but at that moment a police officer tells you to go back into your flat. You go in and close the door and you can hear, after a few more minutes of fuss, that the noise is slowly receding and, finally, there is silence... What is going to happen to the Martis?, you wonder. Could the same thing happen to my family? We should have done something, but... what?

This story represents what has happened and continues to happen in thousands of home across Spain in recent years. In fact, the figures are outrageous: in 2012 alone **30,034** evictions were recorded in Spain, one eviction every 15 minutes. Between 2007 and 2011 there were **328,000**. Nevertheless, it is calculated that there are **3.44m** empty houses in Spain as a whole (although it is difficult to get accurate figures). What is going on?

This link shows you an eviction filmed by the *Plataforma de Afectados por la Hipoteca*:

<https://www.youtube.com/watch?v=5pToHQclmXU#t=150>

The bubble collapse

Buy now! The price of houses never goes down. Renting is throwing money down the drain. Investing in a property (or more) is the best way to invest. Until 2008 it was very common to hear these phrases repeated like mantras in the media, banks, bars, get-togethers with friends, etc.

The price of property was rocketing year after year at never before seen rates, and it was not only speculators who profited from this. It was a real party for builders, banks, estate agents, small investors, etc. Many of the laws and policies in the 90s were aimed exactly at this, to facilitate the liberalisation and urbanisation of Spanish land with the

aim of stimulating economic growth (which, as we have since seen, was economic growth with feet of clay).

We suggest you reflect quickly to understand how some people made a profit out of the high prices. It is obvious that if you buy something (such as a house) at one price and sell it at a higher price, you make a profit.

Activities

a) But what profits did those who lent the capital, mainly the banks, make? Do some quick calculations: how much profit does a bank gain from a loan at 2% if it lends €100,000? What about €200,000 or €300,000? You will certainly have understood the dynamics by now.

You can use the link below to calculate it: www.bde.es/clientebanca/simuladores/simulador_hipotecario.htm

As we were saying, the banks were not the only ones to benefit, and it would be wrong to generalise, but with hindsight we can see how in the end a basic right has been played with and speculated on, and the losers are, as always, the weakest in society.

However, in the same year that the housing bubble burst, hundreds of thousands of people lost their jobs and found it impossible to continue paying their mortgage. And that is when they started to read (and fully understand) all the clauses in their loan agreements which they had so

happily signed, and to discover the laws that regulated the Spanish mortgage market, and the many traps and trickery of doubtful legality to discover the disagreeable reality they were now in.




A few weeks after the eviction of the Martí family, you hear your mother telling your father that your neighbours still owe the bank €100,000. €100,000! But they have been thrown out of their home! You ask indignantly how this is possible... Your mother folds up the paper she has been reading, she looks at you with bitterness in her eyes and says: 'Yes, they have to pay back the entire loan they took out'. 'I don't understand', you think. 'If you take out a loan to buy a house and you cannot pay it back, the bank gets the house back and in one way or another will get back the money they lent you too...'.




Photo: Olmo Calvo

The bank (almost) always wins

It is logical not to understand why thousands of citizens lose their homes and still have debts outstanding for sometimes hundreds of thousands of euros. The main problem for these families is that the law which governs the Spanish mortgage market does not recognise the **handover of property in lieu of payment**, a clause which in theory means that when the owner of the property cannot keep up payments on a mortgage, the bank gets the property back and the owner is freed from the debt he or she signed up to. The banks are private, profit-making entities that do business and want to make a profit, and argue (not without reason) that that the handover of property in lieu of payment means their taking on losses, and no one likes to lose money (the profits of the main banks in 2010 reached **€15bn**). It is

important to stress the complexity involved in a **mortgage foreclosure** process, that is, the process by which a property, whose owner has a contracted debt with someone (in this case, a bank), is publicly auctioned. There are innumerable variations that determine how much the owner ends up owing the bank, but one of the most controversial is the interest on arrears: when a person does not pay the instalments at the correct time, interest rates that increase the debt that cannot be paid are applied... what is certain is that once again it is the weakest and most vulnerable in society who end up carrying the can.

Let's look at the example of the Martí family:

The Martí family bought their home in January 2006 for €300,000. They went to the bank to ask for a loan for this amount and they got it

without any problems, because at that time both of the partners were in work and money was flowing in. In 2011 both lost their jobs but one way or another they managed to carry on paying the monthly instalment until December 2013, when they were declared bankrupt and stopped paying: the bank started foreclosure proceedings. But, what a surprise! The value of the house at that time was less than the value of the debt contracted... Remember, the bank lent them €300,000 but the amount to be paid back is much more (as we saw earlier, general interest and interest on late payment etc. has to be paid). Normal procedures were followed and the house was auctioned and finally the bank received €200,000. The Martí family had amortised €70,000 in the monthly payments, but the interest to be paid increased to €90,000, in addition to the initial €300,000...

- b) Can you calculate how much the debt of the Martí family to the bank had risen to, once the house had been handed over?
- c) And the second question you might want to ask is: what is going to happen to the Martí family, with no home and both partners out of work?



You are walking through the streets with your friends and you see a placard on a balcony that says 'NO MORE EVICTIONS'. You think that perhaps these people are also being evicted, like the Martí family. After the episode with the police, you continually see pictures on television of demonstrations, **scratches** and **flash mobs** at bank branches, with associations and citizen groups confronting the police to stop the eviction of families with no resources, old people, and families with dependents... You have heard of people who have even attacked bank employees out of feelings of pure impotency and desperation, who have even committed suicide, drowning in debt... But, generally speaking, people (and governments, of course) do not seem to have reacted or to have achieved anything... Or have they?



Platform for those affected by the mortgage crisis

Citizens react

On the 22nd February 2009, a group of citizens drowning in their mortgages met for the first time in an assembly promoted by a group (V for Vivienda) which publicly complained of the difficulty of obtaining housing in 'the mad years'. Paradoxically, the people complaining now were not doing so about the impossibility of obtaining a home, but about what not being able to continue paying for one meant for families. This is how the **Plataforma de Afectados por la Hipoteca (PAH)** was born and, a little later, its first campaign, NO MORE EVICTIONS.

Soon, dozens of local platforms appeared in numerous places across Spain, well organised and which had an important media impact in their fight to put a stop to evictions, especially the ones affecting the most vulnerable. In only a short space of time, they achieved something very important: attracting the attention of society to the serious problem of evictions, by grabbing the attention of front pages of newspapers, television debates and even political parties with their actions.

We suggest you do some research on what PAHs are, establishing specifically:

- What their **objectives** are,
- How they are organised (**structure and working tools**), and,
- What their **successes** have been.

d) As working material, you can use articles, news reports, videos... whatever you find useful, but here are some links, including an interview with Ada Colau, the most visible face of PAH and its spokesperson for a number of years.

1. Video: 'PAH presents: from the bubble to community public housing'
www.youtube.com/watch?v=TkrM-zBGjBQ
2. Platform for those affected by the mortgage crisis' web
www.afectadosporlahipoteca.com
3. Interview with Ada Colau
www.eldiario.es/catalunya/entrevista-Ada_Colau-ILP-PAH-Desahucios_0_101489868.html
4. "The PAH has already won" (Ada Colau and Adrià Alemany)
www.eldiario.es/contrapoder/PAH-ganado_6_231386862.html
5. "The protest" - Eviction special
elpais.com/especiales/2013/desahucios/la-protesta.html

To make your work a little easier, we suggest a series of key concepts which you should definitely include in your research:

- Popular Initiative
- Consultancy services
- Use of social networks
- Stopping evictions
- Handover in lieu of payment
- Rehousing · PAH social work

You could also search the link below to the Facebook page or blog of the nearest Platform to your neighbourhood or town (there are 215 hubs across Spain) and study their content to assess their usefulness:

www.afectadosporlahipoteca.com/contacto