

Spain's struggle for human rights

A human rights approach to the consequences of the economic crisis in Spain and the demands of the Indignados movement

by *Marta Sánchez Dionis*

Abstract

Since 2008, the global economy is experimenting a severe downturn: a deep financial and economic crisis has spread globally. This crisis is having devastating effects on lives and livelihoods across the world, threatening the whole range of human rights, but specifically economic, social and cultural rights. Spain, deeply affected by the European sovereign debt crisis, has implemented tough austerity measures as a precondition for the reduction of public debt, inflated by the constant capital injections



Compilation of some of the posters and banners used by the Indignados in demonstrations and mobilizations.

made to the troubled Spanish banks. The United Nations Committee on Economic, Social and Cultural Rights, given the context of the economic crisis, decided on May 2012 to have a close look at the situation of human rights in the country, and expressed its concern over reductions in levels of protection afforded to the rights to housing, health, education, and work, among others, as a consequence of austerity measures. The Committee has echoed in its observations the demands of the Spanish society: on May, 2011, protests marches against the current political and economic system were organized in more than fifty Spanish cities. This marked the emergence of a broad social movement, the so-called 15M movement, or the Indignados, that has generated a process of re-politicization of society and placed human rights at the top of the public agenda. At the same time they have identified

and denounced the flaws in the current system, the Indignados are experimenting with new ways of ensuring human rights, attempting to create their own communal spaces under the principles of solidarity and self-organization.

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1 The starting point: the global financial crisis and its consequences. The case of Spain

1.1 The global financial and economic crisis

Since 2008, the global economy is teetering on the brink of recession: a severe **financial and economic crisis** has spread globally. The downturn after several years of relatively fast growth was due to a number of factors: the spill-over effect of the financial crisis in the United States, the bursting of the housing bubbles in the US and in other large economies, and the stock market volatility have turned out to be more persistent and profound than expected in the beginning of 2008. Four years later, the world is still facing the consequences of a *global financial crisis* that has turned into a *global economic crisis*, as the credit crunch started affecting the “real” economy.

Following Andrew Haldane, we can point out that “the heart-stopping global recession of the last years was largely induced by the financial sector excess” (Haldane, 2012). The crisis has reflected the failure of the entire system of financial sector governance: it is a *banking crisis* that has provoked a *sovereign debt crisis*. The growing financial deregulation that took place worldwide in the last decades led to a spiral of **excessive bank lending**: whether they lent to governments (Greece, Portugal) or to homeowners (Spain), they simply lent too much (Roos, 2012). The recent bailouts that have taken place in the European Union (Ireland, Portugal, Greece, and now Spain and Cyprus) have clearly shown the real roots of the financial crisis: the interdependence between banks and countries' economies, due to the excessive lending, has created the “too-big-to-fail problem”: if the financial titans that banks have become would fall, they would drag down the whole country's economy. This financial excess has consequently provoked a **sovereign debt crisis** in the Eurozone, since public money has been used to prevent the financial system from collapsing. In this way, countries in Southern Europe are having trouble in financing their increasing government debt without assistance of third parties (Haidar, 2012). While sovereign debt has risen substantially only in a few Eurozone countries, it has become a perceived problem for the area as a whole.

1.2 The case of Spain

The economic crisis in Spain began as a part of the *world financial crisis* and continued as a part of the *European sovereign debt crisis*, which has affected primarily the southern European states. Spain's problems come from the **housing bubble** that was fueled by Spanish banking system. Assuming that the housing boom would last forever, Spanish banks lended billions of euros in loans to the construction industry and in mortgages to families. And when the financial crisis started in Wall Street in 2008, it brought housing construction in Spain to a standstill, provoking a steady fall of housing prices (which had tripled between 1996 and 2007¹), sending the economy into recession and provoking a rise in unemployment (Roos, 2012).

How did this transform into a *sovereign debt crisis*? In Spain, the private debt that arose from the property bubble was transferred to sovereign public debt as a result of banking system bailouts and the government responses to slowing economies post-bubble. Spanish banks, which are largely exposed to the country's troubled property market and saddled with billions in toxic real estate loans, have received capital injections in successive cleanup plans that amount up to €20 billion since 2010², and an additional bailout plan of €19 billion was accorded to Spain's largest bank, Bankia, on May 2012.

As a result, Spain's economy is flailing and foreign investors have fled from its government bonds all year, so the country is finding it really hard to finance itself. The knot between government and bank insolvency is so strong, that Spain had to formally request help from the European Union to recapitalize its banks. A **bailout deal** was agreed by the Eurogroup on June 10, 2012, to provide as much as €100 billion to Spanish banks, but through the country's sovereign debt. The subsequent policy conditions which are linked to any financial assistance are still to determine.

1 Spanish Ministry of Housing, *Property Prices in Spain*, available in <http://www.spainrei.com/MiV-Spain-Property-Prices-95-07-yearly.htm> (last accessed July 1, 2012).

2 Source: *Wall Street Journal*, <http://online.wsj.com/article/SB10001424052702304840904577425730120083816.html> (last accessed July 3, 2012).

Since the beginning of the sovereign debt crisis, **austerity measures** have been imposed as a pre-condition for the reduction of public debt, the consolidation of public budgets, increases in international competitiveness, and, eventually, economic recovery³. Following this path, Spain has already undertaken *the toughest austerity plan in its history*: a €27.3 billion austerity drive (with further €10 billion cuts in health and education) was approved⁴ on March 2012, and new spending cuts measures have been announced on July 13, 2012, aiming to cut up to € 65 billion from its budget this year⁵. Moreover, further austerity measures are likely to be implemented later on. These restrictive approaches to budget consolidation may not reach their objectives, but risk further exacerbating the crisis and dramatically worsening the living standards of countries population, as pointed out the Council of Europe on resolution 12948 (CoE, 2012). These measures have led to further economic recession and have affected growing sections of the Spanish population, thus deepening the downturn and having a negative impact on the enjoyment of several socioeconomic rights.

2 Economic, social and cultural rights in Spain

The **International Covenant on Economic, Social and Cultural Rights** (ICESCR) imposes to each State party the duty to report regularly on the situation of the economic, social and cultural rights in its territory. This report is to be submitted to the United Nations body charged with supervising the compliance of State parties with the obligations enshrined in the Covenant, the **Committee on Economic, Social and Cultural Rights** (UNCESCR). The Committee, comprising 18 independent experts of different nationalities, occasionally examines these reports to verify that they adjust to the real situation. The UNCESCR decided on May 2012, to revise Spain's last report, submitted in 2009. The last time the country appeared before the Committee was in 2004.

3 The Council of the European Union recommended to Spain in July 2011 to "strictly apply the existing deficit and debt control mechanisms for regional governments, and to adopt further measures to accelerate the deficit reduction" (http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/ecofin/123611.pdf, last accessed July 4, 2012).

4 Source: *BBC*, <http://www.bbc.co.uk/news/business-17557172> (last accessed July 3, 2012).

5 EL País in English (http://elpais.com/elpais/2012/07/13/inenglish/1342206062_759543.html), last accessed July 14, 2012).

Given the context of the economic crisis, which is having drastic effects in **Spain**, the Committee had a close look at the situation of socioeconomic rights in the country on May 7-8, 2012, and approved the *concluding observations* on May 18, 2012. In them, the Committee expressed its concern over reductions in levels of protection afforded to the rights to housing, health, education, and work, among others, as a consequence of austerity measures (UNCESCR, 2012).

The Committee put particular emphasis on the **inadequacy of measures adopted by the State to mitigate the negative impacts of the crisis** felt by the most vulnerable and marginalized individuals and groups, and noted a need for the State to make greater efforts to ensure that human rights guide its economic recovery strategies. The Committee also recommended Spain that all the austerity measures taken should maintain the current levels of economic and social rights' protection, and are, at all times, temporary, proportional and non-detrimental to these rights.

The Committee **has echoed in its observations the demands of the civil society** concerning the cuts made to social spending in response to the crisis. A coalition of twenty civil society organizations presented a *joint report*⁶ before the Committee, on the occasion of Spain's appearance, on the barriers to enjoyment of economic, social and cultural rights, putting particular emphasis on the impact of the economic crisis, a phenomenon that was hardly touched upon in the State report made to the Committee in 2009. The coalition is lead by Amnesty International Spain and the Center for Economic and Social Rights in Madrid, and it comprises human rights organizations, defenders of persons with disabilities, LGBT rights, persons living with HIV, immigrants, the Roma community, as well as anti-poverty and anti-human trafficking networks, housing rights coalitions and sexual and reproductive health rights advocates, among others.

In its final observations, the **main recommendation** made by the Committee concerns the austerity measures: on the one hand, it calls on Spain to **revise the already adopted austerity measures**, which are causing a disproportionate harm to the most vulnerable and marginalized groups and individuals, and have reduced

6 Joint report by civil society coalition, available at http://www2.ohchr.org/english/bodies/cescr/docs/ngos/JointSubmission19NGOs_Spain_CESCR48_sp.pdf.

the level of effective protection of the rights enshrined in the Covenant. On the other hand, the Committee emphasizes that **the reforms to come should identify the minimum core content of all of the rights of the Covenant**, and all the measures adopted should respect and protect this content under all circumstances.

In this sense, the Committee refers to an **open letter addressed to governments worldwide on May 16⁷**, with the occasion of Spain's recent appearance, in which the Committee urges governments to **prioritize human rights in times of economic** crisis, and clarifies a set of criteria by which to judge the lawfulness of austerity measures. The letter begins by calling on States Parties to "avoid at all times taking decisions which might lead to the denial or infringement of economic, social and cultural rights". It goes on to explain the **criteria regarding austerity measures** and other crisis-response policies which States must respect in order to comply with their obligations arising from the Covenant. First, any policy that may impede the progressive realization of economic, social and cultural rights must be *temporary* and limited to the period of crisis; second, the policy must be *necessary and proportionate*, in that not adopting it would put human rights at even greater risk; third, the policy must *not be discriminatory* and must comprise all possible measures to support the social transfers needed to mitigate inequalities that can grow in times of crisis and ensure the protection of most vulnerable groups; and fourth, the policy must *identify and protect the minimum core content of the rights* enshrined in the ICESCR at all times.

Following these criteria, the Committee in its concluding observations analyzes one by one the economic, social and cultural rights considered currently at risk in Spain. In relation to the **right to work**, the Committee is concerned about the increasing rate of *unemployment*, which reached 24,6% of the active population in June 2012⁸, constituting the highest rate among the OECD countries. Youth unemployment soared up to 52.1% of those aged less than 25 years old. In total, 4.6 million people

7 Letter available at <http://www2.ohchr.org/english/bodies/cescr/docs/LetterCESCRtoSP16.05.12.pdf> , last accessed July 18, 2012.

8 The data provided in these lines comes from three sources:

- Eurostat
- National Statistics Institute of Spain (INE)
- CESR, Center for Economic and Social Rights, *Fact Sheet Spain*, 2012 (<http://www.cesr.org/downloads/FACT%20SHEET%20SPAIN.pdf>).

do not have a job, among this number, 40% are in long-term unemployment. Concerning the active population, 25.3% is employed on a short-term temporary contract, which affects job precarity. The Committee calls on the state to avoid any retrogression in this regard, including in the protection of workers' labor rights. Concretely about the **right to the enjoyment of just and favorable conditions of work**, the Committee raises particular concern about the freezing of the *minimum wage* this year at 640,41€, already at levels which do not allow for a decent standard of living, taking into account that already 31% of the workers receive salaries equivalent to this minimum wage or less. The Committee thus recommends that wage levels should be adjusted periodically to adapt to changes in the cost of living.

Another cause of concern for the Committee, affecting the **right to an adequate standard of living**, is the increasing number of population whose living standards have been drastically affected by the crisis, observing that *average household income* has fallen 4.4% in 2011, *no-income households* are rising sharply (580.000 households as of may 2012), 26,1% of total households show difficulties to meet monthly obligations and 35,5% don't have ability to face unexpected expenses. Even more worrying is the rising number of *population living below poverty threshold* (25.5% at the beginning of 2012). The Committee therefore vigorously recommends that the State adopt a comprehensive national plan to combat poverty including "specific measures and strategies to mitigate the adverse effects of the crisis". The Committee notes the high rates of child poverty and the situation of older persons dependent on pensions, which in many cases are set below the minimum subsistence level. The Committee also highlights that the inequality level has risen at a large scale. The gap between the wealthiest and the poorest has grown to unprecedented levels since the crisis began: the top 20% of Spanish population earns seven times more than the bottom 20%. The Committee reiterates that all possible measures, including tax measures, should be adopted to support the social transfers needed to mitigate inequalities.

Concerning the **right to health**, the Committee calls on the State to ensure that all persons residing in its territory, regardless of their administrative status, have access to healthcare services in compliance with the principle of universality of health services, clearly referring to the recently approved Decree-Law 16/2012 which

excludes undocumented migrants from medical care. It also urges the State to give full effect to the new regulations to improve living conditions in the immigrant detention centers.

The Committee recognizes that the **right to adequate housing** is being dramatically affected, taken into account that over half the population (51.4%) reports experiencing a heavy financial burden due to housing costs and the amount of foreclosure proceedings in courts spiked from 25,953 in 2007 to 93,636 in 2010, totaling almost 350,000 since the crisis began (2007-2012, 58.241 only in the last year). The Committee strongly recommends that the State make legislative reforms that would authorize “dación en pago” (cancellation of the debt upon turning over of the foreclosed property) in a way that does not depend exclusively on the discretion of banks. Moreover, the Committee notes the need to increase the supply of social housing, particularly rental housing, since the social rental stock covers only 2% of the total housing stock (the average of the EU-15 is 11,4%), and the need to implement a legislative framework that establishes human rights safeguards which must be satisfied before carrying out an eviction.

The Committee criticizes the fact that the **right to education** has been deeply affected by recent budget cuts in the sector (which amount to €3billion) and affirms that the measures adopted by the State to increase university fees are “retrogressive” (the students will pay between 15% and 25% more depending on the region) and put at risk access of disadvantaged individuals and groups to university education. It recommends the State ensure “a sustained and sufficient economic and budgetary investment” in education and redouble its efforts to reduce rates of early school leaving, the rate of which in Spain (28% in May 2012) is double the EU average (14%).

3 The Indignados movement

On 15 May 2011, with the Arab Spring as background, and in the context of serious economic crisis and growing disrepute of public institutions, protest marches called by the "¡Democracia Real Ya!" (Real Democracy Now!) movement were organized in more than fifty Spanish cities. This marked **the emergence of the so-called 15M movement**. The origin of these ongoing protests in Spain can be traced to several social networks and civil platforms, mainly *Real Democracy Now!* and *Youth without a Future*, grassroots citizen's organizations that emerged in 2011, gathering approximately 200 smaller organizations and collectives.



A big banner in which "Indignados" is written hangs from a building in Puerta del Sol, Madrid.
Photo: El Economista (CC).



Puerta del Sol packed with people on May 2011.
Photo: Fotografación (CC).



REAL DEMOCRACY NOW MANIFESTO

We are ordinary people. We are like you: people, who get up every morning to study, work or find a job, people who have family and friends. Some of us consider ourselves progressive, others conservative. Some of us are believers, some not. Some of us have clearly defined ideologies, others are apolitical, but we are all concerned and angry about the political, economic, and social outlook which we see around us: corruption among politicians, businessmen, bankers, leaving us helpless, without a voice.

This situation has become normal, a daily suffering, without hope. But if we join forces, we can change it. It's time to change things, time to build a better society together. Therefore, we strongly argue that the priorities of any advanced society must be equality, the right to housing, employment, culture, health, education, political participation, and free personal development. The current status of our government and economic system does not take care of these rights, and in many ways is an obstacle to human progress (...). Citizens are the gears of a machine designed to enrich a minority which does not regard our needs. We are anonymous, but without us none of this would exist, because we move the world. We need an *ethical revolution*. Instead of placing money above human beings, we shall put it back to our service. We are people, not products. For all of the above, we are outraged.

We, the unemployed, the underpaid, the subcontracted, the precarious, the young...we demand a change towards a future with dignity. We are fed up of reforms, of being laid off, of the banks which have caused the crisis hardening our mortgages or taking away our houses, of laws limiting our freedom in the interest of the powerful. We blame the political and economic powers of our sad situation and we call for a turn. Through this platform we want to coordinate a common and global action with all those groups, associations and movements which are trying to contribute in different ways to this change. We call all citizens to march out in the streets on the 15th of May, at 18.00 hours, under the slogan: 'Real Democracy, NOW. We are not merchandise in the hands of bankers and politicians'. We encourage you to join this single cry peacefully leaving behind exclusive political symbols.

Real Democracy Now! organized demonstrations in 50 Spanish cities for May 15, 2011: Thousands of citizens mobilized under the slogan "*Real democracy now, we are not commodities in the hands of bankers and politicians!*". After the very first demonstration in Madrid, a few of these protesters decided spontaneously to attempt an overnight occupation of the Puerta del Sol, with the idea of camping



May 15, 2011. Demonstration in Madrid for a "real democracy now!". Protest organized all over Spain on this date mark the emergence of the 15M movement.
Photo: Olmo Calvo, file licensed under CC (creative commons).

there till the local elections on Sunday 22. On the early hours of the morning, police cleared the Puerta del Sol square and removed the 150 people who had camped out. As a response to the eviction and police violence, protesters called via social networks for a mass response in several Spanish squares. In Madrid, more than 12,000 people gathered and about 200 protesters organized into an assembly, during which they decided to organize themselves for spending the night in the square. This is how the **Puerta del Sol Camp** (*acampada Sol*) emerged: for over a month (the movement agreed to dismantle the camp on June 12, 2011), Madrid's central square turned into a protest camp that started to look like a small city, organizing itself around the ideas of mutual aid and solidarity, autonomy and horizontality. Occupations are literally about refilling space: parks and plazas, a hollowed-out public sphere. That begins with bodies, then followed by tents, and then a whole self-sufficient *microcosmos* is built. If there were any order, it would be the following: first, occupation itself. Second, the General Assembly. Third, the kitchen and the food line. And finally, sleep. Day after day, the camp became more organized, with bright blue tarpaulins strung from statues and lamp posts and tents pitched on the floor. Sofas, mattresses and tents were collected, a company provided for free some chemical toilets. Different committees were created: for food, cleaning, legal affairs, communication, assembly organization and infrastructure, and daily assembly meetings that hear proposals and allow joint decisions were celebrated. A parallel city was created in the heart of the capital: those young people that had previously been called the "lost generation", because of their lack of opportunities under the suffocating economic crisis, renamed themselves as **the Indignados**.



Camp in Puerta del Sol, Madrid, May 2011. For three weeks, Madrid's central square, Puerta del Sol, is occupied with tents. Photo: Simon Schmitz.



Puerta del Sol, Madrid, May 2011. For over a month, a parallel city is created in the heart of the capital. Photo: Simon Schmitz.

The 15M is a **broad social movement**, dedicated to nonviolent protest, that maintains no affiliation with any political party or labor union. It has not appointed any single leader and is unwilling to join any of the existing political bodies. It is, however, not an entirely apolitical movement. It considers the current political and economic system incapable of listening to and representing its citizens and therefore demands

changes to the current social and economic policies, which have led many people into unemployment, loss of their homes, and poverty. They demand a real democracy, that goes in the sense of Benjamin Barber's concept of "strong democracy" as a "normative alternative where citizens are engaged at the local and national levels in a variety of political activities and regard discourse, debate and deliberation as essential conditions for reaching common ground" (Barber, 1984). The movement denounces the way big businesses and banks dominate the political and economic sphere and aims to propose a series of solutions to these problems through grassroots participatory democracy and direct democracy, which is based on people's assemblies and consensus decision making.

After it was decided to dismantle Sol camp on June 12, 2011, the idea of **decentralizing the movement towards the neighborhoods** emerged: the "toma los barrios", or take the neighborhoods, initiative supported and encouraged the creation of assemblies in every neighborhood of Madrid. In this way, the movement went local: since the creation of the neighborhood assemblies on May 28,

2011, around 120 assemblies have been set up, and they coordinate through the "Asamblea Popular de Madrid", the Popular Assembly of Madrid, also known as "Asamblea Interbarrios" (the Inter-neighborhood Assembly). As there were many thematic



Popular Assembly of San Juan Bautista Neighborhood.
Photo: Marta Sánchez.

working groups in the original Sol camp, working groups with similar interests were created in most of the neighborhood assemblies, which since then collaborate and coordinate with the general groups. The objectives of such decentralization aimed, in the first place, to promote direct and participatory democracy in the local sphere, based on an understanding of politics as the art of collectively creating an alternative pattern of social relations, thereby bringing people out of isolation and into a community. A second objective aimed to retake the public sphere, as defined by Habermas, as a place in which political participation is enacted through the medium of talk, the space in which citizens deliberate about their common affairs, hence, an arena of discursive interaction (Habermas, 1989).

This interaction is organized through a network structure of working groups (thematic groups on economy, politics, healthcare, social work, migration, international politics, housing rights, labor rights, environment, feminism, etc.) and neighbourhoods (division of space and interests) with communication between these many smaller groups of people and the main coordinating body: a small-group-to-large-group network model with many nodes but no center. The meetings, called assemblies, are based on the principles of consensus, articulating a **model of horizontal decision-making** in which the *process* of making a decision is just as important as the decision itself. Consensus actively seeks to include the voices and concerns of each and all, and it is defined as a creative thinking process: when an issue is selected, the range of enthusiasm, ideas and concerns about it are heard and then synthesized in a proposal that best serves everybody's vision. There is no narrative of uniformity: there are not clearly defined boundaries of who is involved and who is not, and there can't be a uniform code that applies to all involved in the network, because it is never clear who is involved. It is even not considered desirable to have uniformity, because one of the added-values of the network structure is that networks can be split without creating divisions. Networks are links between hubs and so there is no need for a centralized authority. This structure means that there is much more room for autonomy between the actors and groups within the network.

4 The Indignados movement through a human rights lens

4.1 Human rights and the Indignados movement

"The struggle for our rights as human beings underlies everything we have demanded in every square and every demonstration in this historic year of global change"

Take the Square International⁹

Why is it important to establish a connection between the Indignados movement and human rights? There are several reasons for which such an analysis will bring new perspectives and views into human rights literature.

First of all, the 15M movement has created a **new scenario of production of innovative ideas**, many of them related to the field of human rights. In fact, a *new social climate* has emerged. Philosopher Amador Fernández-Savater goes beyond that and claims that the 15M movement has opened a "new state of mind"¹⁰. The truth is that the Indignados movement has marked a turning point in Spain's social climate: it has opened up a whole new sphere of public debate. It has shown that it is possible to think differently, to feel differently, and to act differently. It has proved that it is possible to set up alternatives to the current system, and it has gathered together a large number of people who are now showing that there is more beyond the movement than only sporadic massive mobilizations. In hundreds of neighborhoods of Spain's main cities, every single week popular assemblies are held, working groups are created, and new initiatives are taking shape. Once a week, the inter-neighborhood coordination instances meet to analyze, discuss and adopt proposals coming from the different neighborhood assemblies. A silent interconnection of minds takes place on a weekly basis all over the country, in the squares and on the internet: we are witnessing the appearance of a parallel, alternative, underground social network, which is incorporating human rights demands in its discourse.

⁹ Call for an Alternative Day of Action on Human Rights Day, December 10, 2011, from Take the Square, the coordination network among all the Occupy movements. Available at: <http://dec10.takethesquare.net/english/> (last accessed July 27, 2012).

¹⁰ <http://blogs.publico.es/fueradelugar/1438/%C2%BFcomo-se-organiza-un-clima>

Secondly, the 15M movement was born in the aftermath of the global financial crisis, in the context of a wave of protest that swept Europe in reaction to the austerity measures chosen to address the crisis and the “financialization” of the world economic space. Since its emergence on May 2011, the 15M movement has been actively engaged in a public debate about the crisis and has promoted a deliberative process of *deconstructing* the mainstream discourse of the political and economic power around the global crisis and provides an alternative explanation of its causes and consequences. They are denouncing that economic interests have been prioritized over people's interests and people's rights: they appeal to human *dignity*, whose reverse side is *indignation*. They are making a connection between the financial structure and human rights: they are highlighting the impact of austerity measures on socioeconomic rights, and they are calling to reform the global financial architecture to be compatible with human rights. Thus, **they are challenging the current system with a people's-rights-oriented discourse.**

Finally, the Indignados movement is attempting to fill in the vacancies of the current system with their own communal spaces under the principles of solidarity and self-organization, many of them involving **collective protection of socioeconomic rights**. The occupy movements all over the world have one thing in common: they all consider that the failures of the existing order, and the current global crisis, are an opportunity to fill the vacancies of a dying world while building a better one: when the social order makes life impossible for a large number of people, and relatively deprives another large group that is not accustomed to barely getting by, they self-organize their communities while fighting for a just society that meets peoples' needs (King, 2011). These movements are experimenting with **new ways of ensuring human rights**: they are using demands for their rights as a way into a much larger political struggle that is not primarily about being granted specific rights by their governments, but which is about self-determination and autonomy. They demand and fight for their rights, but they do so as part of a larger political awakening in which people should start to determine for themselves what they need and how they can help each other fulfill these needs, as well as ensure for each other that these needs are met.

4.2 Human rights and the financial crisis

*"What does the financial crisis have to do with human rights? When we hear the words 'human rights' we may think about Darfur, stifled dissent in Burma, or the killings of protestors in Guinea, yet, **the biggest economic meltdown since the Great Depression continues to erode fundamental human rights**"*

Radhika Balakrishnan, Indian economist and human rights activist

Why is it important to connect human rights and the global financial crisis? As the crisis spilled over into the real economy, it has had devastating effects on lives and livelihoods across the world. The economic downturn is threatening the full range of human rights, but especially economic, social and cultural rights, as it was highlighted by the Center for Economic and Social Rights at the beginning of the crisis (CESR, 2009). The financial crisis *is* a human rights issue, as it has been a human rights disaster for millions who have lost their jobs, homes and hope through no fault of their own. Thus, it is necessary to emphasize that there is a **human rights dimension of the global crisis**. Ignacio Saiz goes beyond that and affirms that "what began as a financial crisis is rapidly turning into a *global human rights crisis*" (Saiz, 2009).

The financial crisis and the global economic recession are having severe **impacts on the realization of social, economic and cultural rights**, in both the developed and the developing countries. As it has been described above, the dramatic decline in aggregate demand globally has led to extensive unemployment and destruction of livelihoods, with harsh impacts on *the right to work*, while at the same time wages and working conditions are set to face further downward pressures (ILO, 2009). Following on the heels of the food crisis as this is, *the right to food* is also severely at risk, as the access to means to produce food or the means to an income that enables the purchase of adequate food are being threatened. *The right to adequate housing* has been deeply affected by the bursting of property bubbles, leaving many people without homes or shelters, facing foreclosures and forced evictions, or experiencing a heavy financial burden due to rising housing costs. The enjoyment of *the right to health* is more vulnerable as even less families have the chance to meet the costs of healthcare, and minority groups (mainly immigrant collectives) are seeing their right

to medical care deeply restricted. *The right to education* has been severely hit by the packages of spending cuts implemented by governments in the education sector. As public revenues fall, government options to provide core minimum basic services and social protections have become severely limited. The long-term consequences of the crisis are likely to be even harsher in both developed and developing countries, with life-long effects on children and youth.

Yet despite the obvious human rights dimension of the crisis, as Saiz stresses, human rights have barely figured in the diagnoses or prescriptions proposed by the international community. **Human rights analysis has generally been absent from mainstream public debate** around the origins and impacts of the crisis and the solutions to it (Saiz, 2009). There have been indeed some references to the “human dimensions” of the crisis: the United Nations Human Rights Council in its 10th Special Session (February 2009) adopted resolution S-10/1, calling on states to redouble their efforts to prevent the human rights fallout of the crisis¹¹. The G20 on their summit in London, April 2009, stated that “they recognize the human dimension to the crisis”¹². The UN Committee on Economic, Social and Cultural Rights addressed an open letter to governments worldwide on May 2012 urging them to prioritize human rights in times of economic crisis, recognizing that “economic and financial crisis, and a lack of growth, impede the progressive realization of economic, social and cultural rights and can lead to retrogression in the enjoyment of those rights”¹³. Nevertheless, the international community's response to recession has failed to take human rights as guiding principles underpinning recovery measures (CESR, 2011). The economic crisis has shown the bankruptcy of the values by which our societies are ordered, it has opened a new space for public debate about principles and it has created an opportunity to put human rights at the center of these discussions. Yet, the debate in the international community has mainly focused on the financial and economic aspects, on getting the economy “back in track”,

11 UNHRC, *The impact of the global economic and financial crises on the universal realization and effective enjoyment of human rights*. 23 February 2009, available at <http://www2.ohchr.org/english/bodies/hrcouncil/docs/specialsession/S-10-1-Final-E.doc> (last accessed July 4, 2012).

12 Group of 20, *The Global Plan for Recovery and Reform, London Summit- Leader's Statement*, April 2009, available at http://www.g20.org/Documents/g20_communique_020409.pdf (last accessed July 4, 2012).

13 UNCESCR, *Open Letter to Governments*, May 16, 2012, available at <http://www2.ohchr.org/english/bodies/cescr/docs/LetterCESCRtoSP16.05.12.pdf> (last accessed July 4, 2012).

leaving too little room for consideration of where the train might be heading (CESR, 2011).

The importance of the **Occupy movements** all over the world, and of the Indignados in Spain, as movements born in the aftermath of the crisis, relies precisely in that they are filling this space. They are doing what the international institutions have failed to do: to highlight the human rights dimension of the crisis and incorporate socioeconomic rights in their demands for a better world. “*We are the 99%*” is the original analogy brought by these movements, to symbolize their opposition to the widening gap between the obscenely rich and the rest: the 99%. The rethoric of inequality is deeply embedded in the movements’ core ideals. The many forms inequality has assumed in Spain, from lack of health care, to unemployment, foreclosures, and severe debt, point towards a generic set of imbalances that could all be placed under a common rights umbrella. These concepts recall economic and social obligations from within the human rights agenda. On December 10, 2011, International Day of Human Rights, Take the Square, which is the international coordinator of all the Occupy movements, decided to launch a call for an **Alternative Day of Action on Human Rights Day**, under the slogan “*Human Rights are not optional!*”¹⁴, through which they wanted to highlight that the current structure of power, exacerbated with the crisis, is not respecting human lives and livelihoods. Therefore, the Indignados movement does use the language of rights and denounce their violations, but they take this critique one step further, in the sense that they have wisely identified that a few powerful people and institutions hold the power to ensure and determine rights, and that disputes about rights can only be resolved by transforming the overall architecture of power that provokes continuously these conflicts. The Global Manifesto issued on May 2012¹⁵ to commemorate the year of the Indignados movement and to call for a “Global May of protests” clearly shows how the Indignados incorporate human rights demands in their discourse and claim for a reform of the structure of power that would lead to a better enforcement of rights.

¹⁴ See above footnote 9.

¹⁵ Full text from the Global Manifesto can be accessed here: <http://www.guardian.co.uk/commentisfree/2012/may/11/occupy-globalmay-manifesto>

GLOBAL MANIFESTO

We want another world, and such a world is possible:

1. The economy must be put to the service of people's welfare, and to support and serve the environment, not private profit.

Free and universal access to *health, education* from primary school through higher education and *housing* for all human beings. We reject outright the privatisation of public services management, and the use of these essential services for private profit.(...)

Retirement/pension so we may have dignity at all ages. Mandatory universal sick leave and holiday pay.

Every human being should have access to an *adequate income for their livelihood*, so we ask for *work* or, alternatively, universal basic income guarantee.

Apart from bread, we want roses. Everyone has the right to enjoy *culture*, participate in a creative and enriching leisure at the service of the progress of humankind. (...)

Food sovereignty through sustainable farming should be promoted as an instrument of food security for the benefit of all. (...)

2. To achieve these objectives, we believe that the economy should be run democratically at all levels, from local to global. People must get *democratic control over financial institutions*, transnational corporations and their lobbies. To this end, we demand:

Control and regulation of financial speculation by abolishing tax havens, and establishing a Financial Transaction Tax. (...)

Commercialisation of life and resources, as well as wage and trade dumping between countries must stop.

As long as *social inequalities* exist, taxation at all levels should maintain the principle of solidarity. Those who have more should contribute to maintain services for the collective welfare. Maximum income should be limited, and minimum income set to reduce the outrageous social divisions in our societies and its social political and economic effects.

No more money to rescue banks. We demand a social audit of the debts owed by countries. Illegitimate debt owed to financial institutions should not be paid.(...)

An absolute end to fiscal austerity policies that only benefit a minority, and cause great suffering to the majority.(...)

The public's right to protect workers, citizens and the environment should prevail over the protections of private property or investment. (...)

As long as the current Declaration of Human Rights defines our rights, it must be enforced in relation to all – in both rich and poor countries. Implementing institutions that force compliance and penalise violators need to be established, such as a global court to prosecute social, economic and environmental crimes perpetrated by governments, corporations and individuals.

This is a worldwide global spring. We will be there and we will fight until we win. We will not stop being people. We are not numbers. We are free women and men.

For a global spring!

For global democracy and social justice!

4.3 The process of *deconstructing* the crisis

Since its emergence on May 2011, the **15M movement** has been engaged in a public debate about the crisis and has actively promoted a deliberative process of *deconstructing* its causes. One of the recent initiatives emerged within this debate is the **“Dismantling lies” campaign** (“desmontando mentiras”¹⁶), which under the slogan “We were sleeping, then we woke up” seeks to deconstruct the mainstream discourse of the political and economic power around the global crisis and provide an alternative explanation of its causes and consequences. At the same time, the impacts of the crisis on the livelihoods of the Spanish people are highlighted, violations of fundamental rights are denounced and the causes of these violations are pointed out.

The Indignados believe that the crisis is affecting human rights in two ways: a) the set of economic policies adopted as an attempt to find a way out of the crisis (the austerity measures) are causing fundamental rights violations; and b) the financial system as a whole is considered as the main cause of the crisis and it is believed to be contrary to a human-rights-centered society. Therefore, the key issues for this campaign are, on the one hand, the *austerity measures* undertaken by the Spanish government under the recommendations of the European Commission, the European Central Bank and the International Monetary Fund; and, on the other hand, the contradictions in the architecture of *the global financial system*.

¹⁶ <http://desmontandomentiras.tomalaplaza.net/> (last accessed July 15, 2012).

FROM PUERTA DEL SOL

"We want to dismantle the lies of the Spanish government related to the labour market reform, the structural adjustment measures imposed by the European Union and the European Central Bank, the unprecedented *attacks against social and economic rights*, and the privatization of public services. We reject the unfair, unbalanced and ill-timed labour market reform, which punishes the workers (the real victims) and benefits the big corporations, while the toxic financial system (the guilty one) is left untouched (and even millions of euros are transferred to it as a gift). We denounce that the austerity measures, the spending cuts plans and the privatization of public services imposed with the excuse of the public debt only mean: UNEMPLOYMENT, POVERTY, JOB INSECURITY AND INEQUALITY".

Dismantling Lies Call to Assembly on May 1, 2012

The movement's spearhead: the austerity measures

Austerity measures are one of the 15M movement's central issues: from the beginning the Indignados have clearly stated that austerity harms the enjoyment of economic, social and cultural rights and that it is worsening the living standards of a growing number of the Spanish population. The movement has called to **massive mobilizations** as a reaction whenever the Spanish government has announced further austerity plans. The last program announced on July 13, 2012, aiming to cut up to € 65 billion from its budget this year¹⁷, responded to the International Monetary Fund recent recommendations¹⁸ to stay on the path of cutbacks to attain fiscal stability. The Indignados rapidly reacted against the new measures and called them an "attack" to social rights. On an extraordinary assembly celebrated on July 16, 2012¹⁹, the 15M Movement called for a "citizen re-action" against "the financial coup d'état" that is being perpetrated against the 99% of the population and called to join the massive mobilization statewide organized on July 19, 2012. Mass protests gathered thousands of people in over 80 cities around the country united against austerity: in Madrid, a spectacular and diverse demonstration of hundreds of

¹⁷ EL País in English (http://elpais.com/elpais/2012/07/13/inenglish/1342206062_759543.html), last accessed July 14, 2012).

¹⁸ IMF Mission to Spain, June 14, 2012, *Final Conclusions* (available in Spanish at: <http://ep00.epimg.net/descargables/2012/06/15/28203a21975aaf06b018939eb455602a.pdf>), last accessed July 14, 2012).

¹⁹ <http://actasmadrid.tomalaplaza.net/?p=3931>

thousands (200,000 to 800,000, according to some sources²⁰) marched under different banners, flags and slogans. The large central workers union's were present, as well dozens of other professional organizations, representing civil servants, firemen, nurses and doctors, public transport workers, teachers from every level of public education, miners, 15-M activists and a wide range of old and new political groups — each of them with their own demands but with one common goal: to fight back austerity.

The international organizations have started echoing the movement's demands and are starting to worry about *the impact of austerity measures on the enjoyment of human rights*. The serious social effects of austerity programmes have been highlighted by the **United Nations independent expert on foreign debt and human rights**, Cephias Lumina, who **warned** that the austerity measures and structural reforms proposed to solve Greece's debt crisis may result in violations of the basic human rights of the country's people²¹. The **Council of Europe** has pointed out the impact of austerity plans on social rights standards, and called on the member States to closely assess current austerity programmes from the point of view of their short- and long-term impact on social rights standards, social security systems and social services, such as pension and health systems, family-oriented services and assistance services to the most vulnerable groups (CoE, 2012). Moreover, following Spain's appearance before the **United Nations Committee on Economic, Social and Cultural Rights** on May 7, 2012, the Committee called on Spain to review austerity measures which are causing "disproportionate" harm to the most vulnerable and marginalized groups and individuals, and it reminded the government that it is precisely in times of economic crisis when efforts must be redoubled to guarantee human rights for everyone, without discrimination, and in particular for the most vulnerable (UNCESCR, 2012). These expressions of concern pick up what **the 15M movement** has been denouncing since its emergence: that the austerity plans are mainly cutting spends on social investment, thus affecting the poorest sector of the country's population. The Working Group of Economy of Sol

²⁰ El País, http://politica.elpais.com/politica/2012/07/19/actualidad/1342711453_843667.html (last accessed July 26, 2012).

²¹ <http://www.un.org/apps/news/story.asp?NewsID=38901&Cr=austerity&Cr1> (last accessed July 6, 2012).

denounced on a manifesto in February 2012²² that the cutbacks' design doesn't address inequality, and therefore it is having a devastating effect on the fundamental rights of the most vulnerable sections of the population while the wealthiest layer of society has hardly seen its living standards affected. Vice-president of the Advisory Committee of the United Nations Human Rights Council **Jean Ziegler** agrees with the Indignados and considers that austerity policies are "absurd and stupid", and denounces that "they are applying them only to the working class, and not to the bankers²³".

FROM PUERTA DEL SOL

"They are fooling us, when, at the bursting of the financial bubble and the beginning of the crisis, they start to pay with public money the private debt of bankers and financial speculators.

They are fooling us, when they impose to us, through a constitutional reform, the payment of this debt, which is not ours, over our needs and social guarantees.

They are fooling us, when they say their measures are austere. This is not true: the austerity is only being applied to the people, but not to the ones that committed the excesses.

They are fooling us, when, while implementing the spending cuts plans, they always touch first those areas more important for the citizens: the social and economic rights.

They are fooling us, because there is a way out of the crisis without cutting on social rights".

Sol Working Group on Economy, "*They are fooling us*" Manifesto, February 2012

The main reason that has been alleged for the implementation of austerity measures is the need to tackle governments rising debt and consolidate public budget. The Indignados movement consider that in this process one essential step has been ignored: before tightening up, public debt should be examined in order to determine if it comes from legitimate public expenditure or if, as they suspect, most of it comes from retroacting on states budget the rescue packages for banks. The **15M**

22 <http://madrid.tomalaplaza.net/2012/02/25/desmontando-mentiras-23f-contra-el-golpe-de-estado-financiero-nos-enganan/> , last accessed July 15, 2012.

23 Interview in Spanish newspaper "El Confidencial", available at <http://www.elconfidencial.com/alma-corazon-vida/2012/05/23/el-vicepresidente-de-la-onu-que-quiere-ocupar-y-nacionalizar-la-banca-98503/> (last accessed July 19, 2012).

movement has then decided to create a **platform for a "Citizen Debt Audit"**²⁴ with the objective of promoting a popular analysis of the government's public debt and the private debt subject to become public through bailouts and cleanup plans. Through this platform, the characteristics of the debt will be revised in an open, participatory process, which will also have a comprehensive vision, analyzing not only economic and financial issues, but also the impact on gender, environment, culture and the social and political aspects. The platform has promoted the creation of an International Citizen Debt Audit Network (ICAN25), that under the slogan "We don't owe! We won't pay!" celebrated its first meeting in Brussels in April 2012, bringing together movements and networks in different European and North African countries that are fighting against austerity measures.

FROM PUERTA DEL SOL

"With this campaign we are opening a people's oriented process to deal with the debt problematic. In Spain, as well as in other countries of the European periphery, we are witnessing how the sovereign debt crisis is being used to justify adjustment and austerity policies with which the social and economic rights are being destroyed, those rights that were conquered after years of struggle by the past generations. With complete impunity basic public services are being privatized and cut, such as education, health and social services. The citizens are witnessing helplessly how the retirement age is being held up, living standards are worsened, retirement pensions are being frozen and labor rights are disappearing. The debt of the Spanish government is very high, but, who contracted this debt and who benefited from it? Have we all lived "over our possibilities", as we are told constantly? Or, on the other hand, has this debt only benefited a powerful and rich minority who keeps making profit out of the austerity policies? Are we the people paying for a debt that we have not generated and that is contrary to the people's interests? From the Citizen Audit of the Debt Platform, under the slogan 'we don't owe, we don't pay', we demand the right to know what happened in this process that lead to the current situation".

Citizen Debt Audit Platform Founding Manifesto, March 2012

24 <http://auditoria15m.org/>

25 <http://acampadabcninternacional.wordpress.com/2012/04/12/coordinated-efforts-in-europe-and-north-africa-to-fight-against-debt-and-austerity-eng-esp-holadeudocracia/>

Redefining the relationship between finance and human rights

The 15M movement has claimed since its emergence that the implementation of austerity measures can't be seen as the only cause that is damaging the enjoyment of fundamental rights, but that **the main cause of the crisis and of human rights violations is the structure of the financial system**, whose design has prioritized the market over the state as driver and guarantor of human development. On the International Call to an Alternative Day of Action on Human Rights Day²⁶, the Indignados stated that "our freedom and dignity are under attack as a result of market dynamics and corrupt government institutions that are turning our local and global societies into increasingly unjust places" and that "governments of this planet must work for the people, not against them".

In fact, what the Indignados are denouncing is that in the last decades, through the shaping of the financial structure inspired by neoliberal ideology, **the Spanish government has abdicated from many of its responsibilities towards its citizens related to the fulfillment of economic and social rights**, because they have left to the market the fulfillment of these responsibilities. According to the International Covenant on Economic, Social and Cultural Rights (ICESCR), States have three obligations regarding the rights contained in the Covenant: *the duty to respect* (States must refrain from taking measures that may directly or indirectly interfere with the enjoyment of these rights), *the duty to protect* (whereby States must prevent any third party, individual, corporation or state entity from interfering with the access to these rights) and *the duty to fulfill* (which entails taking positive measures to allow the full enjoyment of the rights enshrined in the Covenant with the maximum resources available).

²⁶ See above footnote no.9.

Governments have failed to fulfill two of these obligations: the duty to protect human rights against third parties action, and the duty to support the realization of human rights with the maximum resources available. On the one hand, as Radhika Balakrishnan argues, the financial institutions have harmed human rights taking advantage of government's impassivity, which has failed to regulate the financial sector and protect people's rights, in spite of its obligations under international law to protect economic and social rights when an individual business or institution threatens to interfere with these rights. On the other hand, the public funds spent in

FROM PUERTA DEL SOL

"While more than 25% of the Spanish population, and among them 2.200.000 children, is living below the poverty threshold; while thousands of families have been and are being forcibly evicted from their homes; while thousands of immigrants have seen their right to healthcare denied after years of precarious (if not illegal) work; while thousands of chronic sick people are being obliged to pay expensive medical treatment for themselves; while our children and youth are seeing how the constitutional guarantee to a free and public education is being threatened; the politicians, at the service of the banks, are extending the cuts and the neoliberal reforms, and thus tightening the net around the welfare model that was built with the struggle of our parents and grandparents. And all that to save the banks.(...).We, the citizens, and our rights, have become again the price to pay so bankers and politicians will emerge from the crisis benefiting. "

Sol Working Group on Economy, *We won't pay bank bailouts*, Manifesto, June 13, 2012

massive bailouts to the banks question the human rights principle that the state should use the maximum available resources to fulfill human rights, since it shows that public money has rather been spent in saving the too-big-to-fail banks instead of providing social nets of support to those most affected by the crisis, in a genuine process of "privatizing profit but socializing losses" (Balakrishnan and Heintz, 2010).

Leaving the fulfillment of human needs to the market without any kind of correction has left an open space for financial institutions and banks to pursue profit through unstable forms of speculation, which at the end has involved speculation with millions of people's livelihoods (as the bursting of the housing bubble in Spain shows). Therefore, the Indignados movement has demanded since its emergence that the financial institutions, bankers, and speculators engaged in such a behavior should be held accountable. In this line **the 15M has launched a new initiative to hold responsible the head of Spain's fourth-largest bank Bankia,**

Rodrigo Rato, and his chief executives. Bankia, whose balance sheet is burdened with toxic real estate assets, requested a public aid for €19 billion on May 2012 to clean up its accounts²⁷. The bailout was accorded by Rajoy's government for a final sum of €23.5 billion, constituting the biggest bank bailout in Spain's history. Some weeks before, a budget-adjustment plan of €27 billion introducing cuts in main social services had been approved. It was then logical that the people reacted strongly against Bankia's bailout, even more when it came out that the bank had manipulated its balance sheets in order to hide losses, and even then no government inquiry was planned to determine responsibilities. The Indignados took the lead and decided to give a clear message: "Impunity is over". A campaign called [15MpaRato](#) was launched aiming to bring legal actions against Bankia's board of directors²⁸. The working group driving the initiative presented a set of guidelines for action, started recruiting volunteer lawyers and looked for and identified more than 50 stockholders who felt they'd been personally defrauded by Bankia and were willing to support the campaign. While the lawyers are volunteers, a massive lawsuit costs money, so the movement turned to "crowd-funding", calling to the masses of supporters through a specialized crowd-fund website for small donations. In less than a day, they raised 19.348€ through 965 individual supporters, a number that exceeded the initial expectations (15.000€ were presented as the required budget). The lawsuit was filed in June of this year and accepted by the Spanish National Court in July. In the proceedings, the 15M plans to demand *reparations for the human rights violations* that Bankia has committed against hundreds of clients and citizens.

27 <http://www.eleconomista.es/seleccion-ee/noticias/3998248/05/12/Bankia-could-be-the-biggest-bailout-in-history-at-235-billion-euros.html>

28 <http://15mparato.wordpress.com/>

FROM PUERTA DEL SOL

"The message is clear: impunity is over. This is not a rescue, it's a rip-off.

Our government has not held Rato accountable for the rip-off committed, but we, the people, we are asking for accountability, we have the tools through the net to unveil their accounts and manipulations, discredit them, and persecute them. Because those responsible have names and surnames, and they should be held accountable for what they have done. This is about building a world with the minimum inequality possible, where no one over the majority would be insultingly wealthy while the rest are all working for him. We will achieve all this by peaceful means, because we are peaceful. And we are peaceful because we are right. We are not one, we are not ten, we are not a thousand or a million. We are countless, we are everywhere, because we are the 99%. They have the power of money, but we have the power of the people organized around a common objective: accountability".

15MpaRato founding manifesto, May 2012

Nevertheless, at the same time they persecute bankers and speculators demanding accountability, the Indignados go further and clearly state that judging those responsible for the crisis is not enough, that **the relationship between finance and human rights should be re-conceptualized**. This relationship has been highly influenced by a recent process, the so-called "*financialization*" of the world economic space in the last decades, which has led to a situation in which the financial system has such a broad impact on economic structure and performances, that it is *affecting the socioeconomic rights of the people* on an increasingly global scale. The Indignados denounce that governments have allowed a permissive environment for speculation, and have acted as guarantors of bankers who act this way, by assuring they will bail them out when needed. But they have not acted as guarantors of the citizens who are losing their homes in foreclosures and forced evictions, and there has been no bailout for the poorest people. Therefore, they advocate for a redefinition of the relationship between finance and human rights, that would require "a 'revaluation' of life and a 'de-financialization' of reality"²⁹, in other words, a new approach that would prioritize people's rights over economic interests. That has been one of the central demands of the movement since the very

²⁹ *15M o barbarie*, <http://madrid.tomalaplaza.net/2012/05/17/15m-o-barbarie/> (last accessed July 26, 2012).

beginning, when thousands of people took to the streets in Spain under the slogan “We are not commodities in the hands of politicians and bankers!”³⁰.

4.4 Experimenting with new ways of ensuring human rights

We aim to describe in this paper the relationship between the 15M movement and human rights, and up to this point we have shown that the movement has incorporated human rights demands in its discourse, that the struggle for people’s economic and social rights is the core of all the movement’s protests and mobilizations. This *first dimension* can be characterized as a phase of denouncing in which the flaws in the system are identified and pointed out.

There is a *second dimension* which is still a work in progress, that can be defined as the process of experimenting with new ways of ensuring human rights. We have introduced before two concepts that are consistent with this new state: first, the process of filling system’s gaps, and second, the collective or self-determined protection of rights.

The **vacancies of the current system** are gaps in two ways: on the one hand, they are physically vacancies embodied in empty houses (the burst of the housing bubble in Spain left a notably large number of them: around 20% of houses sit empty – nearly 6 million), in millions of people unemployed (4.615.269 at the end of June 2012), in a large number of undocumented immigrants being denied the access to medical care (after the last spending cuts plan), in 24% of the Spanish population living in risk of social exclusion. On the other hand, they are gaps in the sense that they have created a metaphorical hunger for a better world (King, 2011). The inability of the system to learn from past and current problems by lessening people’s pain (a pain that is not equally distributed among all the population - again the rhetoric of inequality is present here), has given rise to a space of collective action and solidarity in which this pain is self-alleviated.

30 *We demand a new model!*, Manifesto read on Sol’s General Assembly on November 13, 2011, available at: <http://madrid.tomalaplaza.net/2011/11/15/reclamamos-otro-modelo-leido-en-el-foro-de-sol-13n/> (last accessed July 20, 2012).

This leads us to the second concept: a different conception of rights is emerging from these vacancies, deeply rooted in a project of self-organization. As we have shown in the previous sections of this paper, the Indignados have framed their struggle in terms of human rights, but, at the same time, they have created **spaces of solidarity and collective action** to ensure these rights. This can be better described through the paradigmatic case of housing in Spain: the bursting of the real



Youth without a Future: No House, No Job, No Pension, No Fear.
Photo: El País (CC).

estate bubble at the beginning of the crisis has provoked that more and more homeowners lose their houses due to predatory loans or outright bank fraud, and renters get evicted because they either lost their jobs or cannot pay continuously rising rents. This is leaving a landscape of empty homes and homeless families.

The Indignados movement has joined civil society collectives active in the field of housing (such as the Platform for Those Affected by a Mortgage, "Plataforma de Afectados por la Hipoteca – PAH³¹) and together they have engaged in what they called **direct action**: first of all, they have set a campaign oriented to **stop forced evictions** ("stop desahucios³²"). Forced evictions and foreclosures have become a drama in Spain: only last year, 58.241 evictions were processed in the country, a rise of 22% comparing to 2010³³. The movement has achieved to stop around 200 evictions since last year³⁴. A working group on housing right was constituted inside of the Indignados movement, which created the Housing Office ("Oficina de Vivienda³⁵"). The Platform of Those Affected by a Mortgage fastly connected with the 15M movement, and this one was able to provide its people-gathering strength and visibility to the stop evictions actions. The neighborhood assemblies served as the means to channel the *desahucios* initiative: they started collecting information of the evictions planned in their area, and organizing the mobilization of activists on evictions dates.

31 Webpage of the Platform: <http://afectadosporlahipoteca.wordpress.com/>

32 Stop Forced Evictions Campaign: <http://stopdesahucios.tomalaplaza.net/>

33 <http://www.lavanguardia.com/economia/20120330/54279163926/record-desahucios-espana-58-241-expedientes-2011-22-mas.html>

34 <http://www.publico.es/espana/431521/la-lucha-por-la-vivienda-el-frente-con-mas-victorias-del-15-m>

35 Housing Office website: <http://oficinavivienda.net/>

Secondly, they have actively promoted the “**dación en pago**” initiative (cancellation of the debt upon turning over of the foreclosed property), collecting the signatures needed for a people’s legislative initiative. The aim of this action is to introduce in the Parliament a petition to reform housing legislation, in order to introduce the “dación en pago”, in a way that does not depend exclusively on the discretion of banks.

In the third place, they have set up an “**Occupation**” Office (“Oficina de Okupación”³⁶), in other words, an advisory service for squatters. Squatting consists of occupying an abandoned or unoccupied building, usually residential, that the squatter does not own, rent or otherwise have lawful permission to use. Squatting is being used by the movement in two ways: on the one hand, some spaces are occupied to develop self-management projects, such as “self-managed social centers” (“centros sociales autogestionados”) as multipurposed cultural centers, hubs for a huge variety of direct action groups, campaigns and activities. On the other hand, squatting is being used as a technique to provide a decent place to live to the thousands of people that have lost their homes due to the crisis. One successful story is that of “Corrala La Utopía”³⁷ in Sevilla: 32 families, supported and assisted by members of the 15M-Sevilla, squatted an empty building, property of a real estate agency, on May 16, 2012³⁸. These families were facing serious housing problems, many of them had been forcibly evicted from their homes or were about to be foreclosed on, without enough income to meet monthly rental or mortgage obligations. They got in touch with members of the 15M movement in Sevilla, who provided them with support and free consultancy, and with their assistance they occupied the empty building.

Creative radical direct action is integral to this phase of the movement: it connects the dots between the Indignados grievances and their struggle for a different system. While denouncing the failures of the existing order, the Indignados have engaged in a process of collectively building a different society, starting locally, finishing globally. The struggle for human rights has been placed at the heart of this

³⁶ Occupation office website: <http://www.okupatutambien.net/>

³⁷ Corrala La Utopía website: <http://corralautopia.blogspot.com.es/>

³⁸ http://ccaa.elpais.com/ccaa/2012/05/25/andalucia/1337966175_270511.html (last accessed August 2, 2012).

process. The Indignados movement has set up a laboratory of a **new culture of rights**: their struggle is not only about being granted specific rights by the government, it is a political uprising in which people are starting to determine for themselves their needs and how they can help each other fulfill those needs. The Indignados are intentionally, but as well unintentionally, creating a system of rights based on self-determination and autonomy, that doesn't rely on the conventional structure of power and the conception of rights as state-based. They are experimenting with a community-based way of ensuring human rights: they have realized that their rights are at risk since they rely on the conventional architecture of power (and, as we see, austerity and adjustment programs keep being implemented by governments without any human rights assessment). Therefore, as anthropologist Razsa argues in the case of Occupy Slovenia, they are finding new ways of producing rights, by defining them in such a way that they simultaneously build their power to realize them (Razsa and Kurnink, 2012). We could define it as a project of self-organization enlivening a parallel power structure, in which rights are produced collectively, and we possess them only insofar as we build together with others the collective capacities to exercise them. As activist Andrej Kurnik expresses it, this is a politics of small steps to accumulate new forms of alternative power (Razsa and Kurnik, 2012). This conception of rights is linked to the alternative view of democracy that the Indignados movement upholds: democracy starts with citizens caring about one another and acting responsibly on that sense of care, taking responsibility both for oneself and for one's family, community, country, people in general, and the planet (Lakoff, 2011). This responsibility to care lies at the root of the movement's networks, the responsibility that we all have as a community or collective to ensure that people meet their needs, are respected and included, and free of coercion.



General Assembly in Puerta del Sol, Madrid, May 2012. The anniversary of the emergence of the 15M movement is celebrated with massive assemblies and concentrations.
Photo: Marta Sánchez.

5 Conclusion

In this paper we have intended to show that the 15-M movement has succeeded in altering the collective imagination and the political atmosphere at its very roots, generating a process of re-politicization of society and placing human rights demands on top of the public agenda. The movement has raised its voice to point out that the violations on socioeconomic rights are not inevitable but the consequence of concrete human decisions that refer to the structural contradictions of the financial system.

This is a twofold process: the deconstruction of the crisis has been the first step. The next one to undertake, in which the Indignados are currently engaged, interacting with a wide range of well-established, long active social organizations and collectives, is the formulation of alternatives to the current system, that would realize a society in which human dignity and human rights would take a central position. In this sense, it is being suggested to leave behind the public/private binary that recognizes only two unequally satisfactory options (state or market control), and new alternatives are being proposed, mainly based in a decentralized, community-based, democratic management of commons, politically, socio-economically and culturally inspired rather than financial-economically motivated. The Indignados are attempting to create their own communal spaces under the principles of solidarity and self-organization, they are experimenting with new ways of ensuring human rights as part of a larger political struggle. They have unleashed a radical imagination with the aim of liberating the collective consciousness of every sector of society to challenge the current structure of power, and replace it with civilized, horizontal, and human alternatives.

“To create is to resist. To resist is to create”

Stéphane Hessel, *Indignez-vous!*

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15M movement websites

Acampada Sol: <http://madrid.tomalaplaza.net/>

Neighborhood Assemblies: <http://madrid.tomalosbarrios.net/>

Take the Square International: <http://takethesquare.net/>

Real Democracy Now: <http://www.democraciarealya.es/>

ⁱ Marta Sánchez Dionis is a writer, researcher and activist, currently pursuing postgraduate studies at the Barcelona School of International Studies. She graduated in Law and Political Science from Universidad Autónoma de Madrid, and she's an active member of the Indignados movement in Spain.