



Sonia Olea Ferreras  
Human Rights Officer

" When governments adopting regulatory measures of Human Rights that have a restrictive impact , they are required to justify the need of those measures"  
United Nations



Law 4/2015, 30 march, Act Protection of Public Safety.



## “Gag law”

It is a law that confuses his constitutional nature, that is to protect the exercise of the rights and freedoms of people. All people



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It is a law that was not necessary



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It is a law that does not respect fundamental principles of law :

- Legal certainty
- Legality in the sanctioning power of the Administration.
- Proportionality.



Therefore it is being reviewed by the Constitutional Court of Spain



It is a law with less security in access to  
justice

- No immediate effective remedy
- There is no presumption of innocence
- “First pay and then appeal ”





It is a law that " through the back door " criminalizes poverty.



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601-  
30.000  
Euros

**Article 36 (Serious infraction) Point 11: It will penalize people who are offering sexual services and persist in not stopping after a police order.**

Entities such as the Platform of the Third Sector and the Spanish Network Against Trafficking had warned about the proven ineffectiveness in sanctioning prostitution - although in this case it indirectly does it by not obeying orders from the police-, in addition to the damage that can cause by forcing to perform these services in clubs, enclosed areas, etc, especially for trafficked persons





601-  
30.000  
Euros

**Article 36. 16: It will penalize people who are using drugs on the street.**

Both the majority of political parties and social organizations working with people with addictions have expressed the terrible mistake of having suppressed by law the possibility of suspending the penalty for drug consumption when proving be undergoing a rehabilitation process.

In the last 30 years this measure has been very effective to start treatment processes.

The bill contemplates this measure only for minors (<18).



100-600  
Euros

**Article 37(Mild infraction) Point 7: It will penalize the occupation of property, housing etc and the public space. Also in the case of unauthorized hawking.**

Of particular relevance in two respects:

- Currently, there are many cases of occupation of empty and abandoned houses by platforms against housing evictions.
- In recent years there have been several attempts to criminalize peddling that call in Spain "*top manta*". Hundreds of foreigners survive with this activity in many cities and towns in Spain. These are people who have no other option to survive for themselves and their families. Penalizing their only means of livelihood is not the way for labor and social integration.



100-600  
Euros

**Article 37. 11: It shall punish those who lose their national identity three times in a year.**

Despite our complaints, it is not taken into account that for many people keeping their documentation in order is very complicated, and also, that they would have to pay a high cost (10 euros) for each duplicate



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100-600  
Euros

**Article 37.13: It will be sanctioned people who spoil or damage public property or property.**

Current law punishes damaging public property. The bill introduces a vague legal concept: “*deslucimiento*”. Difficult to translate into English: shabbiness? ruined? Not causing any harm or diminishing the value, nor eroding. It is something that causes a negative reaction. We are concerned that the police can be understood that the presence of a homeless person sleeping on a bench or sitting in a corner can ruin the bench or the corner and therefore, the homeless person can be sanctioned



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It is very important to consider what will come later, once approved the reform because **many local regulations must be adapt to it.**

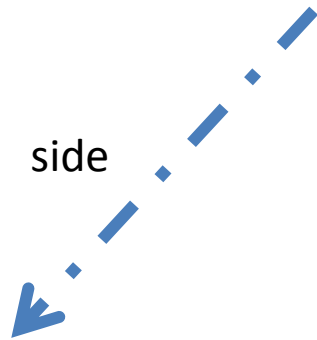
- For example, the new ordinance of coexistence in public space in Madrid has been waiting over a year to implement what this state law determines. The draft of this ordinance considered infringement begging "at the entrances and exits of schools, social care, hospitals, commercial and business establishments"
- Today begging is sanctioned in Barcelona , Seville , Malaga , Granada and Valladolid. In the case of Barcelona, they are also sanctioning to offer sexual services.
- Sevilla, punishes people who "are looking for food in the trash" with a fine of 300 euros.



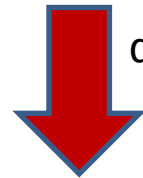
For reasons like security, order and health



Governments criminalize poverty



side



direct

**Administrative Law enemy**

Hate crime  
Social Exclusion  
Housing Exclusion  
Discrimination  
+ Poverty



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# What about the exercise of their Human Rights ?



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