

# 22

## Barcelona Societat

Journal on social knowledge and analysis



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Barcelona's neighbourhoods

Ten years of civility "by law". A study on the application of the byelaw on coexistence in Barcelona's public spaces

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## Presentation

**Laia Ortiz** Deputy Mayor of Social Rights, Barcelona City Council

Saskia Sassen says that 'the sociability and physical contact the city offers is irreplaceable'. The city provides places where people of different social and geographical origins can meet. Places of coexistence and conflict where part of people's everyday activities and human relationships take place.

This issue of *Barcelona Societat* magazine is dedicated to tackling the social problems that are expressed on the streets, in squares, in parks, in stations, on beaches, etc. Most of these problems have a hidden background and they are ignored until they are manifested in areas we call *public places*. In Barcelona, realities such as homelessness, illegal settlements, unauthorised street hawking and begging attract the interest of public opinion when they become visible. Poverty, exclusion from the job market, the lack of housing or the perpetual administrative exclusion of many migrants are problems with structural causes, which are treated as conflicts concerning the use of public places when they emerge onto the streets.

These problems leave no one indifferent and they lead to discussions on the limits of coexistence and freedom, on the role of the administrations or on their ability to transform reality. Which players define the use of public places? What should the role of the municipal administration be? What activities put people at risk? What are the limits of social intervention?

Barcelona, a destination city as well as a city for passing through, with an economic activity that creates opportunities for living and for surviving, where it is increasingly difficult to gain access to housing, and with one of the highest population densities in the world – around 16,000 inhabitants per square kilometre – has extremely dynamic public places that are subject to a number of tensions.

We have asked various authors to reflect on and provide evidence of conflicts caused by the privatisation of urban areas, on the dynamics of criminalisation and stigmatisation of poverty, on how gender inequality is expressed in public places, on successful social intervention experiences in realities such as settlements and caring for homeless women.

Reflections which are added to what has been learnt by social intervention services in public places under Barcelona City Council's Area of Social Rights, which after two decades of experience, has become a benchmark in Europe.

An inclusive urban area is where people are not penalised because they are in an economically and socially vulnerable situation, and where it is easy for everyone to continue with their daily lives, with self-sufficiency and freedom. For this reason, this issue includes experiences and reflections concerning the role of the Administration and neighbourhoods in the transformation of public

places, in avoiding commercialisation and making them friendlier for functional diversity, and making it easier for neighbours to meet and look after one another.

Setember 2018

## Editorial

### Albert Sales

Peter spent the afternoon sitting in his wheelchair, with his back to the supermarket door and a carton of wine in his lap. On the crowded pavement, a little over four metres from a well-known Barcelona shopping street, it was an uncomfortable sight for the pedestrians going in and out of the supermarket, carrying plastic bags or taking their trolleys to do the shopping. His untidy, dirty appearance when he arrived at around 2 pm was compounded by the stench of urine from mid-afternoon onwards. Apart from his visual impact and the smell, the large, bearded man didn't interact with passers-by at all.

The new, strange presence of Peter caused local residents returning from work or going shopping to express two different reactions by making comments out loud: there were those who were clearly worried about the man in the wheelchair's state and there were others who expressed their annoyance at what they believed was incivility and the improper use of a public place. And of course, most people just continued on their way trying to absorb a combination of both feelings in silence.

During the afternoon, a patrol from the Guàrdia Urbana city police force came and talked to him on three occasions. All three times, the officers just talked to him for a few minutes and then walked away. By closing time for most of the shops on the street, the officers had informed the specialised Social Services teams about the case and were watching developments from a distance, driving by in their patrol car every now and then. Sometime after 10 pm, the man fell from his wheelchair onto the ground unconscious, due to the alcohol he had imbibed. Some local residents called the Medical Emergencies Services (SEM), but by the time the ambulance arrived, Peter had recovered consciousness and, with a little help, was back into his wheelchair, singing a song in his native language. The SEM specialists left, after asking him if he needed help and seeing that he refused any offer of a medical check-up.

From that moment onwards, some local residents and retailers, who had been following the situation all afternoon, began to show their anger. Some expressed their indignation because the Guàrdia Urbana 'hadn't done anything'. 'They came here three times and they didn't take him away', said a woman, seeking agreement from two people who were observing the man lying on the ground. Others focused their anger on the homeless man himself, considering him to be an example of incivility and the neighbourhood's decline. 'If they allow people to hang around here, without doing anything... what's going to happen? [...] there are more and more people like this on the street'.

Sometime after 11 pm, without the pressure from local residents and after a long conversation, two educators from municipal social services convinced Peter to let them take him to the Social Emergency Centre, to minimise the risks of spending the night outdoors after consuming a large

quantity of alcohol and because of his obvious inability to protect himself from the cold. The aim of the intervention was not to get the man off the street, but to reduce specific risks. This was certainly difficult to explain to local residents who were shocked by the obviously deteriorated condition of an adult who had settled down on a well-known shopping street.

In Barcelona, between 900 and 1,000 people sleep on the street every night. About 150 metres away from Peter, another man has been sleeping on a mattress in a corner of a quiet, narrow street for months. A number of local residents have approached him to offer solidarity and provide him with blankets and food, and there have also been complaints to the City Council about his presence, but he has never caused the same local-resident response, nor the same number of calls to the *Guàrdia Urbana*, the medical emergency services or social services.

The mere presence of Peter on a city street, which is conceived and imagined to be at the service of economic activities, makes it an act of "incivility". Staying on the street without buying anything, without moving, without doing anything productive, constitutes a source of conflict that is more intense with the higher commercial value of the place concerned. Lines of normality are drawn, based on the economic use of the urban area. Local residents who carry out their everyday activities within these limits of normality are surprised when the police do nothing about a clearly abnormal situation.

When what is behind the reactions of local residents is not annoyance or criticism but compassion, the onus of responsibility is transferred to the medical and social services. Once again, "homeless" persons or "tramps" are identified as "others" who have no rights. They are infantilised to the point where it is considered desirable for these services to protect them and take them out of the sight of the general public. It is thought that the Administration should act independently of these people's wishes, for their own good.

Peter is probably still living on the street. Emergency accommodation can be a chance to establish more lasting connections with social services and to find support, but when failures and frustration accumulate, the possibility of this connection becoming a reality, leading to a recovery process, becomes smaller and smaller. If he stays away from the city's main shopping streets, in a place of little commercial value, the chances are that local residents won't bother him and that visits from the *Guàrdia Urbana* will be scarce. If he stays in an out-of-the-way place, Peter will only be visited by street educators from the social services or an association of some kind.

Peter's situation reveals the limited scope of the Administration's actions. When faced with Peter's visible presence, local residents demand more places in hostels and more professionals (educators or police officers) on the street, to guarantee that someone will remove inappropriate inhabitants from the more visible areas of the city. Due to either the compassion or annoyance aroused by visible poverty on the street, it is easy for local residents to agree that 'something must be done', but the day-to-day management of coexistence and conflict requires looking beyond the emergency and questioning what the purpose of social intervention in public places really is.

Setember 2018

**Key words:** Urban space, privatisation,  
Poblenou, terraces, social movements

## The city, a battlefield. Privatisation dynamics of urban spaces in one of Barcelona's neighbourhoods

José A. Mansilla López

Observatory of Anthropology of Urban Conflicts (OACU)

The privatisation of urban spaces plays an increasingly prominent role among the measures designed to promote and sustain the dynamics of capital accumulation. In cities like Barcelona, bar and restaurant terraces have proliferated under the cover of measures designed to enable the productive reorientation of the city: from a Fordist and industrial past to a flexible present where tourism and restaurants have become predominant features. This productive shift has greatly affected Poblenou, a former manufacturing stronghold. Various social groups and movements in the neighbourhood have responded to and denounced such events, in addition to making proposals and suggesting alternatives, disputing the role of ownership of these processes, electing for collective appropriation protests, where the emphasis is placed on the value of use.

### Introduction

On Saturday 23 April 2016, La Rambla del Poblenou woke up to a partial lockout by bars and restaurants that would normally have had terraces in the neighbourhood's popular main street. Although the businesses remained open, their owners had decided not to set out the ever-present tables and chairs in response to the imminent application of the *Ordenança de Terrasses* [Terraces Law] in the area by the Barcelona City Council. Ten days prior to this, protest posters appeared demanding "unique and fairer planning", among other issues. The City Council argued that the area was already highly saturated and that therefore, almost one third of existing terraces needed to be removed<sup>1</sup>. The lockout was the last in a series of signs of a conflict that had been brewing for some time: the partial privatisation of the urban space in La Rambla del Poblenou, where neighbourhood residents would traditionally gather to socialise in a neighbourhood that lacks a central plaza and uses this area for local celebrations and activities, as well as neighbourhood protests and demands<sup>2</sup>.

As reported by authors, such as David Harvey (1977 and 2007), Swyngedouw, Moulaert & Rodríguez (2002) and Brenner, Peck & Theorore (2015), the crisis of the capitalist economy that took place in the 1970s was solved by moving from a rigid accumulation model, Fordism with Keynesian undertones, to a more flexible model known as neoliberalism. Cities played a crucial role in this move by allowing the continued extraction of income and capital gains, giving land and

<sup>1</sup> El País newspaper, 24/04/2016

<sup>2</sup> See, among others, Poblenou.org, 24/02/2014 <http://poblenou.org/index.php/2014/02/el-carnaval-omplira-de-festa-els-carrers-del-poblenou/> or Eldiario.es, 31/07/2016 [http://www.eldiario.es/catalunya/barcelona/Poblenou-sobreviure-primer-turistic-Barcelona\\_0\\_542795954.html](http://www.eldiario.es/catalunya/barcelona/Poblenou-sobreviure-primer-turistic-Barcelona_0_542795954.html)

urban planning a prominent role. Harvey (1982), however, in examining and updating the work of Marx & Engels (2001), pointed out that cities also allow a form of secondary exploitation; “This is secondary exploitation, which runs parallel to the primary exploitation taking place in the production process itself” (Ibid. 381). This is where issues such as rent prices, basic supply costs, basic necessities and the privatisation of urban spaces must be addressed. Precisely the latter aspect, raised as a hypothesis, is what I will examine over the next few pages: the occupation of the urban spaces comprising Poblenou’s streets and plazas for commercial purposes. This phenomenon is seen by neighbourhood social movements, which develop forms of resistance and propose alternatives to the dominant model<sup>3</sup>, as a form of dispossession, of secondary exploitation on the part of the capitalist regime in its neoliberal form - an authentic liberal Utopian project (Polanyi, 2003).

### 1. The city as a battlefield

Coming back to Brenner, Peck & Theorore (Op. cit.), as well as the aforementioned position of the city within contemporary capitalism, the neoliberal strategy involves deregulating all those aspects of social and economic life that are thought to constrain the action of market forces: the world of work, finance, borders and mobility (of capital, not people), etc. This manifests itself in the privatisation and deregularisation of national strategic industries, weakening the role of trade unions, reducing taxes on large companies, dismantling or outsourcing public services and criminalising urban poverty, among others. The idea that underpins all of this is the hypothesis that releasing capital bonds fuels the system, allowing the accumulation process to continue.

With regard to these assessments of neoliberalism, the French philosopher and sociologist Henri Lefebvre (1972), in his well-known works on cities and urban spaces, pointed out something that would only be confirmed four decades later: that the city has become an indispensable instrument in capital formation. Lefebvre also predicted that urbanisation would come to substitute industrialisation in capital production, turning it into one of the main factors in determining social processes. Among the consequences of liberalisation of capital movements and repositioning the role of the state, is the appearance of global competition which derives from making cities attractive on a global level (Sesson, 1999), stimulating investment and facilitating the establishment of companies by making regulations more flexible and creating infrastructure. Moreover, accompanying the inherent dynamic character of capitalism, new narratives are continually being created; narratives that, especially through urban marketing (Precedo, Orosa & Iglesias, 2010), make cities more attractive, giving them content and meaning in an attempt to turn them into commodities. This is how adjectives such as creative, smart, environmentally friendly, sensitive, participatory, etc. emerge. Although some aspects, such as new technologies, play an increasingly prominent role and urban planning continues to be a main element, sectors such as tourism are beginning to show considerable strength. These narratives also aim to make the reality of cities less political and remove conflict, giving the impression that the solution to problems can be found in technical aspects, not in politics (Gibbs et al, 2013). It is in this vein that works such as those of Claudio Milano & Jordi Gascón (2017) appear, defining this type of dynamic under the umbrella of a *duality dilemma*. Regarding this case study, the duality dilemma refers to the paradox of positioning neoliberal dynamics in the city versus the risk of generating certain deprivation and exclusion practices.

Thus, the tertiarisation of cities, their conversion into true centres of power and information control (Castells, 1995), with the consequent transfer of industrial production to the peripheries of the world system (Harvey, 1990), has been followed by their conversion into authentic “social factories” (Lithuania, 1990: 173). The urban space is not just the social sphere where life is played out, but a productive sphere that organises that life. Thus, if we take Lefebvre’s definition of *the urban space*

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<sup>3</sup> The field work was conducted, intermittently, from December 2012 to January 2017, over four years, in which a large quantity of data was gathered and numerous events participated in. The main tools used included participant observation (in assemblies, occupations, neighbourhood meetings, protests, social media, etc.), holding semi-structured interviews, as well as taking part in informal conversations and dialogues with some of the protagonists.

as a way of meeting, uniting and confronting all the elements that constitute social life (1976: 67-68), the conflict avails. Neoliberalism, as an *urban dystopia*, when it lands somewhere *creating space*, unleashes the struggle in that social life. The application of the neoliberal recipe is, however, always irregular and contradictory (Brenner, Peck & Theorore, 2015: 215). If we truly want to understand neoliberal processes we need not only to examine its theoretical or political and ideological suggestions, but also evaluate how they have come to fruition in urban areas, what their effects and contradictions have been, what institutional forms they have adopted and, finally, what forms of resistance or alternatives they have articulated.

The city is thus presented as a *battlefield*, a scene of and for conflict, and its social spaces form the basis for struggles over the production and reproduction of urban life (Harvey, 2013). In the context of *flexible* societies, the disappearance of factories does not mean the disappearance of production relationships, but rather their elevation to the spatial plane (Herin, 1982, López, op. cit. and Gaudemar, 1991). We could therefore talk about the formation of a class front (Garnier, 2017) in which, on the one hand, social movements and groups affected by the city's transition from the scene of *social life* to commodities, would appear and, on the other hand, the financiers, businessmen, builders, advertisers, etc. would be grouped together, i.e. the bourgeoisie, elected politicians [councillors], their ministers, their planners, their specialists in 'urban problems'; a local elite that belongs to the upper and middle classes of the salary earning middle class, the small intellectual bourgeoisie (Ibid.: 90)".

Finally, and as authors like Gabriel Hetland & Jeff Goodwin (2013) remind us, the capitalist system not only manifests in cities in a direct manner, but also indirectly, shaping collective identities and solidarity, distributing power and resources among different classes and fractions of classes, facilitating class divisions and the emergence of new ideologies and cultural forms.

## 2. The role of urban spaces in Barcelona's capital dynamics

In this article we will look at urban spaces from the perspective described by Delgado, of town planners, architects and designers, [i.e. the] empty space between buildings that has to be filled in line with the aims of developers and authorities (Delgado, 2011), something which has, in certain fields, come to be known as *public space*.

As highlighted by the authors Di Masso, Berroata & Vidal (2017), beyond ideological considerations (Ibid.) of the topic, however, which appear when the idealised characteristics of the space [...], on being invoked in the context of certain socio-spatial practices, serve to justify and legitimise, or to undermine and delegitimise, particular configurations of power, privilege and domination relations [...] (Ibid.: 71).

What is certain is that, in relation to the contemporary process of capital accumulation, this *common space* in cities has ended up becoming a means of production, another element in the chain that enables capital expansion and multiplication. The difference between this and other elements that also form part of this accumulation process is, among other issues, that it occurs under the logic of dispossession (Harvey, 2007), disaffecting assets that are still under public or collective control and, on the other hand, allowing unwanted appropriation practices (Delgado, 2008) on the part of some social players (as we have already mentioned) who dispute the continuity of the accumulation dynamic itself.

The processes of privatising urban spaces, sometimes justified by the need to create *quality public spaces* (Delgado, 2013), are shown to be necessary when it comes to implementing urban policies that promote the improvement of neighbourhoods<sup>4</sup>. These interventions, however, often result in

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<sup>4</sup> In this regard, it is worth highlighting Law 2/2004, of 4 June, on the improvement of neighbourhoods, urban areas and villages that require special attention. Some of the interventions that have been conducted under the umbrella of this Law have made a clear commitment to the creation of so-called public spaces. See El País, 20/06/2014 [https://elpais.com/ccaa/2014/06/20/catalunya/1403289026\\_784261.html](https://elpais.com/ccaa/2014/06/20/catalunya/1403289026_784261.html)

gentrification (Hernández & Tutor, 2015), or they end up being merely decoration for large real estate operations (Ibid.). The objective underlying this rhetoric is none other than trying to attract population groups with greater purchasing power and certain consumption patterns; the middle classes are the real recipients and final beneficiaries of the above-mentioned policies, since they are thought to be the only ones that can make investments profitable. Thus exclusive, and therefore excluding, areas emerge, attracting people of a certain status that is befitting to the space designed. We are therefore talking more about land than urban spaces, and a process of commercialisation and privatisation that is nothing more than a veritable assault.

### 3. El Poblenou neighbourhood: origin and context

El Poblenou neighbourhood, in the District of Sant Martí, has experienced a radical change in its appearance over the last one hundred and fifty years. In the middle of the nineteenth century, the area did not even figure on maps (Figure 1). At that time, El Poblenou was a brackish area<sup>5</sup> used by the rudimentary industry of printed calico textiles for some of its productive activity. However, it would soon be overtaken by the accelerated process of industrialisation that took place in Barcelona during the second half of the 19th century.

The so-called *Catalan Manchester* thus emerges, one of the largest industrial concentrations in the whole state, driven both by the availability of land and by its proximity to the port and its connection with the railroad, which passed along the nearby coast. It was then that the first speculative processes based in the area occurred. Some of the industries that moved their head offices to Poblenou came from other industrial areas in the city, like El Raval, and took advantage of their relocation (through a change of use) to obtain the resulting capital gains. In addition, some of the new factories - such as Can Girona, later MACOSA - even appropriated the urban framework, occupying and privatising streets and roads that, in Cerdà's city planning, appeared as public roads (Fabre & Huertas Claveria, 1976).

Industrial expansion, which saw a period of consolidation and stagnation between 1905 and 1939, continued until the mid-1960s. Then, a clear period of decadence began caused, among other things, by the appearance of the Zona Franca free-trade zone, promoted by Franco, and the aforementioned limits of the Fordist model and the geographic expansion of the capital (Marrero, 2003 and Tatjer & Vilanova, 2002). From that moment on, the well-established neighbourhood, with historical and sentimental boundaries situating it between Av. Meridiana, Gran Via, La Rambla del Prim and the sea, would see its old and increasingly decadent industrial zone share space with new and emerging productive sectors such as logistics and transport.

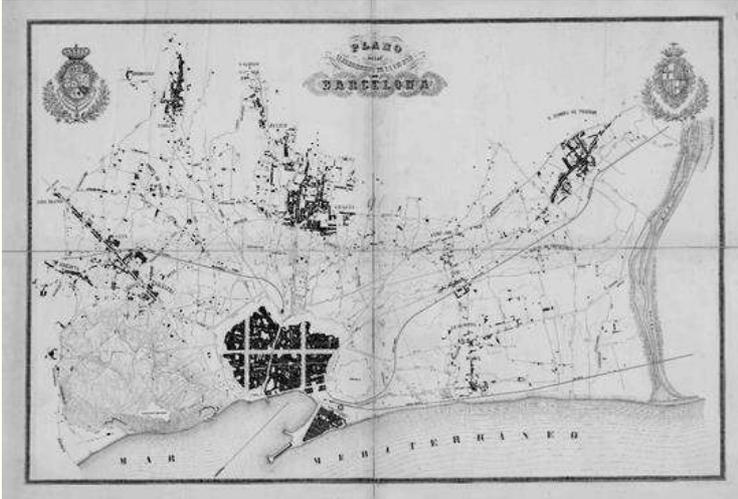
In 1966 the Ribera Plan was created. This was an attempt, by a group of businessmen with interests and real estate in the area, to transform part of its urban, industrial and services network (those located between la Barceloneta, el Besòs and C/ Enna, currently Ramón Turró), into a luxury residential complex by the sea. This plan, which included wiping the slate clean inside the aforementioned boundaries, including Poblenou cemetery, was driven by the Ribera, S.A. company, and had the support of the Francoist City Council of Josep Maria de Porcioles. However, the overwhelming neighbourhood response, which included a counter-plan drafted by Manuel de Solà-Molares, together with the political instability at the end of the Franco dictatorship and the incipient economic crisis of 1973, finally put an end to it (Tatjer, 1973 & Mansilla, 2015).

Despite the failure of the Ribera Plan, however, the area closest to Ciutadella Park was eventually radically transformed when it was chosen as the ideal place to accommodate the Olympic Village of the 92nd Games in the late 1980s.

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<sup>5</sup> There are still references to this in the streets of today, such as C/ Juncar or C/ Llacuna.

Figure 1.- Topographic map. Barcelona (1855).



Source: [www.anycerda.org](http://www.anycerda.org)

The works deployed to construct the new neighbourhood involved an investment of approximately €168 million divided between coastal defence works, the seafront promenade, the purchase of land, creating Av. Litoral, restructuring the railway, building collectors, urbanisation, landscaping and, finally, the facilities. All this without taking into account the apartments intended for sportsmen and women, which would later be sold, freely, as dwellings on the city's property market. The *Proyecto de Reordenación Urbana del Sector del Poblenou* [Poblenou Urban Planning Project] was designed by the City Council architect at that time, and their Urban Planning Director, Oriol Bohigas, and involved the development of 125 hectares, 15 of which were reclaimed from the sea, as well as the construction of two thousand houses. The final result is a neighbourhood of *wealthy classes* where most of the free space between buildings is privatised (Montaner, 2010); the Olympic Village neighbourhood of Poblenou, which had a Territorial GROSS Disposable Household Income for 2015 (DHI) of 150.2, compared to a city average of 100, making it three times higher than other neighbourhoods in the District, such as Besòs i el Maresme, which has a DHI of 54.4.

This huge neighbourhood transformation with land playing a leading role would not, however, be the last. In the same year as the Olympic Games were held, a new urban reform began in the area: initially known as Olympic Village 2, which comprises the Front Marítim area today. This time, 20.4 hectares were developed on land reclaimed from old MACOSA and Catalana de Gas industrial installations, the two companies that made up Ribera S.A, almost 30 years earlier. Seven blocks were built in the spirit Cerdà's grid pattern, with inner courtyards open to the public combined with small private gardens, resulting in 1,723 flats. This, along with the fact that the new neighbourhood Diagonal Mar i el Front Marítim del Poblenou has one of the highest DHIs in Barcelona (162.5), is what has led people like Zaida Muxí (2011) to state that, in the end, we have witnessed the birth of the Ribera Plan, but under a "revised" model.

It did not take long for new interventions to be implemented. The Diagonal Mar neighbourhood was completed on the eve of the *Fòrum de les Cultures* cultural festival in 2004. The project, developed entirely using private capital, occupied 34 hectares of land, 13 of which were semi-public. The design centred around the construction of a commercial centre, the *Diagonal Mar* leisure and shopping complex measuring more than 87,000 m<sup>2</sup>, which was accompanied in the second phase by offices, hotels and housing. These buildings were contained in five super-blocks, each of which contained 400 units, as well as a 15 hectare park designed by Enric Miralles. Today, it is still possible to see the HINES branding on some of the signs around the Park (Figure 2). HINES is the company that developed the whole area, giving a new face to the famous "Barcelona Model", and abandoning one of its foundational principles: municipal leadership (García-Ramón & Albet, 2000).

District 22@ was developed around the same time. At that time, Plan 22@ constituted the city's most important transformation, as it affected almost 116 hectares of industrial land, the equivalent of almost 120 blocks in the Eixample neighbourhood. The name 22@, given to a District of the territory, came from the reclassification of old land, which was classified as industrial in the original PGM (General Metropolitan Plan) in 1976, receiving the cadastral label 22a. The Plan was framed within the Amendment of the General Metropolitan Plan document in 2000 (Barcelona City Council, 2000), which was intended to be flexible since it recognised the complexity of the transformations, as well as the operations that Barcelona City Council intended to promote, along with those developed by private initiatives who demanded its flexibility. As stated in its introduction, the purpose of the Plan was to face the challenge of the new economy by presenting Poblenou as the main economic and technological platform of Barcelona, Catalonia and Spain, from a 21st Century perspective (Ibid.). As the anthropologist Isaac Marrero (Marrero, op. cit.) pointed out, 22@ sought nothing more than to promote the move from an industrial Fordist to a flexible post-Fordist production model, facilitating the establishment of new companies through the creation of infrastructure and amenities, as well as public support in aspects related to research and technology transfer.

**Figure 2.- Signposting at Diagonal Mar Park, bearing the name of the company that urbanised the area, HINES.**



Source: Drafted by document author.

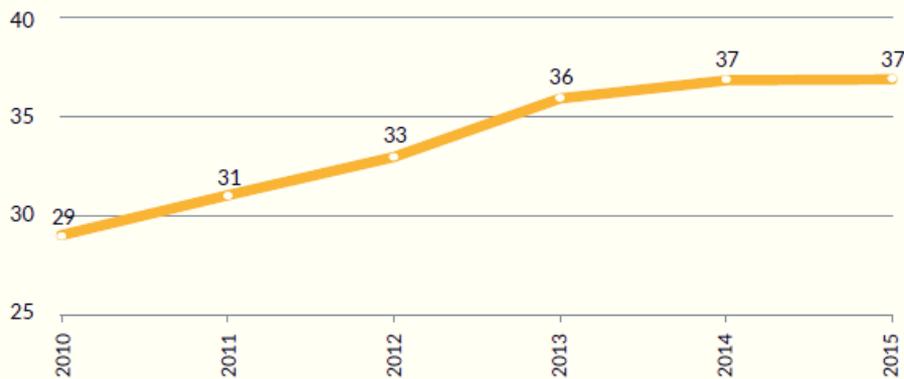
The results, however, have not been as satisfactory as the City Council might have hoped. In a recent report (City Council, 2016) prepared by the INNOVA Team, alongside the CRIT Consolidated Research Group 'Creativity, Innovation and Urban Transformation' at the University of Barcelona, for Barcelona City Council, it was shown that, by 2016, 50.60% of the land initially planned was still pending completion of its transformation: the targets set were far from having been achieved. Thus, of the 4,000 public housing units planned, only 1,600 had been built for the year in question; only 28.09% of the green areas had been developed and only 9.66% of the total original surface area for facilities had been built upon. In addition, similarly to what happened when the industries of the nineteenth century moved to the neighbourhood, 52.7% of the companies established in the District came from other areas of the city, with the consequent risk of unleashing speculative processes, while only 30% of the total economic activity generated belonged to new technologies and/or knowledge sectors. As a Letter to the Editor of the *El País* newspaper as early as 2005 already warned: it is clear that this neighbourhood, which was supposed to house technology companies, is a failure and the only thing the Mayor has thought to do, in addition to getting rid of the workshops and the little industries still in this area, is to encourage the odd company to move their head offices from one part of Barcelona to another, at the cost of speculation and increasing house prices (Saguer, 2005).

**Table 1.- Hotels, category and exact location in District 22@, Barcelona (2016).**

Hotel Hilton Diagonal Mar Barcelona	Pg. Taulat, 262-264	Hotel 5*
Hotel Amrey Diagonal	Av. Diagonal, 161	Hotel 3*
Hotel GBB 4 Barcelona	Doctor Trueta, 164	Hotel 4*
Hotel Barcelona Princess	Av. Diagonal, 1	Hotel 4*
Hotel Confortel Barcelona	Ramon Turró, 196-198	Hotel 4*
Hotel Barceló Atenea Mar	Pg. Garcia i Fària, 37-47	Hotel 4*
Hotel Sallés Pere IV	Pallars, 128-130	Hotel 4*
Hotel Apsis Porta Marina	Sancho de Ávila, 32-34	Hotel 4*
Hotel Me Barcelona	Pg. Taulat, 272-286	Hotel 5*
Hotel & Spa Villa Olímpic@ Suites	Pallars, 121	Hotel 4*
Hotel Rafaelhoteles Diagonal Port	Lope de Vega, 4	Hotel 4*
Hotel AC Barcelona	Pg. Taulat, 278	Hotel 4*
Hotel Husa Barcelona Mar	Provençals, 10	Hotel 4*
Holiday Inn Express Barcelona City 22@	Pallars, 203	Hotel 3*
Hotel Ibis Barcelona Pza. Glories	Ciutat de Granada, 99	Hotel 2*

Source: Barcelona City Council

**Graph 1.- Hotels, aparthotels and apartments in the Sant Martí District (2010-2015).**



Source: Drafted by document author based on Barcelona City Council data.

Finally, it should be noted that something that did flourish in the 22@ area, as well as in the rest of the District, as a consequence of the urban policies implemented, were hotels. Thus the area, which at the beginning of the project did not have a “critical mass” (Ibid.) of hotel rooms suitable for the type of tourism they had hoped for, now has 15 hotels (Table 1) in different categories<sup>6</sup>. If we

<sup>6</sup> The neighbourhood platform #EnsPlantem, veïns en perill d’extinció [residents in danger of extinction], highlights that there are a total of 32 hotels in the District as a whole, amounting to more than 12,000 beds, and more than 700

take into account the whole of the Sant Martí District (Graph 1), the number of hotels increased to 37 in 2015, with a total of 11,509 rooms, 18.91% more than only six years earlier.

#### 4. Urban spaces and social movements in the neighbourhood of Poble Nou

Although the trigger for the lockout on the Rambla del Poble Nou had been the planning of terraces in this area in the context of the Law approved in this respect, the conflicts surrounding the privatisation of this unique urban space in the neighbourhood began some time before.

During the Autumn of 2012, the Sant Martí District, at the time governed by *Convergència i Unió* (CiU - Convergence and Union), paved La Rambla without consulting local residents, business owners or other Poble Nou organisations. According to neighbourhood residents<sup>7</sup>, this became, on the one hand, the trigger for a series of subsequent protests crying out against a certain way of governing based on unilateral decision-making by the District and, on the other hand, it awakened the neighbourhood to the need to take the initiative regarding the meaning and future of the Rambla itself. Some months later, in March 2013, and following a period of consultations and meetings between different local players, the *Associació de Veïns i Veïnes* (AAVV - neighbourhood association) del Poble Nou, held a meeting under the name *Espai Actiu Veïnal* [Active Neighbourhood Space]. During that meeting, the creation of a common front with regard to non-consensual decisions made by the City Council was approved. A few days later, on 9 April, news arrived that the paving process, which had been stopped at the roundabouts along La Rambla, would continue. That same day, a last-minute meeting held at one of the roundabouts, where La Rambla meets C/ Llull, during which locals decided to ask the District to bring a complete halt to the works and begin a participatory process that would allow local residents to contribute to decisions about the type of Rambla that would be created. Despite the request made, the following day, on 10 April, contractors began the works that would eventually be halted by a neighbourhood protest (Figure 3). *Fem Rambla* [Let's Make La Rambla] thus began, a process that aimed to: co-define the remodelling of La Rambla; establish the uses that would co-exist on La Rambla and ways to make them compatible with one another; empower local residents in decision-making; and define a participatory method that would act as a regular link between the District and the neighbourhood.

Figure 3.- Poble Nou local residents halt the works on La Rambla. Barcelona April 2013.



Source: Drafted by document author.

The final results of *Fem Rambla*, detailed in a proposal document of December 2013, highlighted, in relation to terraces, the need to reduce the space taken up by them; the way they are planned, in order to allow people to walk between them; clear marking out of the space allotted for each

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tourist apartments. This platform made it so that in the approval of the Special Urban Tourist Accommodation Plan (PEUAT), the district of Poble Nou was considered as an area of natural decline.

<sup>7</sup> *Fem Rambla*, 2013. The *Fem Rambla* initiative continued into the middle of 2014. The urban development of the last stretch of the road between C/ Taulat and Passeig de Calvell is the result of decisions made by this initiative.

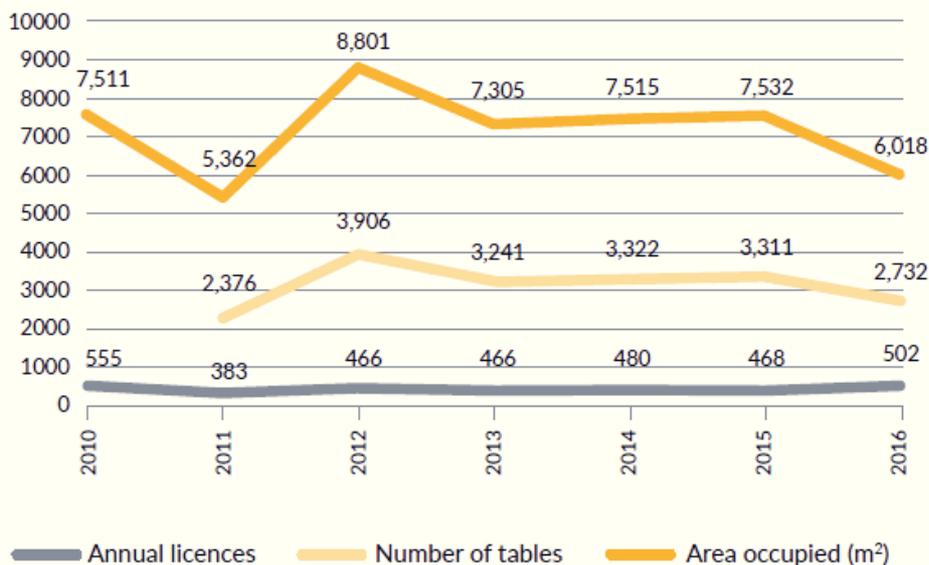
terrace; guaranteed regulatory compliance; visibility of permits and, finally, an effective limit on the opening of new bars and/or restaurants.

In this sense, Manel, a local Poblenou resident and active participant in *Fem Rambla*, sees a clear relationship between tourist development, the failure of 22@ and the role of La Rambla in the neighbourhood's new production framework within the city, stating that "the growth of tourism in Poblenou brings a very big problem with it. We will collapse, like La Rambla in Barcelona. Once 22@ failed, local government changed their focus to tourism. This is precisely what *Fem Rambla* wants to see monitored. We all like to enjoy a beer on La Rambla, but we cannot privatise or obstruct the use of public spaces by city residents".

The proliferation of terraces is directly related to the neighbourhood's productive shift. Taking 2010 as a starting point, the tourism and hotel sector has gone from representing 5.6% of Poblenou's economic activity to 9.9% seven years later. Sectors such as industry, on the other hand, have decreased their participation in the local economy, going from 50.3% to 37.7% for the same period. This increase in the hotel sector has, inevitably, physically manifested itself in the neighbourhood's streets and plazas in the form of gradually occupying them with the tables and changes synonymous with terraces.

Barcelona City Council does not collect statistics on the number of licences granted for terraces, the number of tables that make up a terrace or the area occupied by them in each neighbourhood, although they do for the District. Figures at a territorial administrative level would, however, allow some conclusions to be drawn with regard to advances made in terms of privatisation of urban spaces as a consequence of a greater number of terraces.

**Graph 2. Annual licences, number of tables and area occupied by terraces in the Sant Martí District (2010-2016)**



Source: Drafted by document author based on Barcelona City Council data.

As shown by Graph 2, the number of annual licences for terraces has gone down from 555 in 2010 to 502 in 2016, 53 fewer licences. This apparent reduction, however, is deceptive, as in 2010 and 2011 the City Council's statistics system only showed total licences, without distinguishing between annual and weekly licences, whilst the data was separated for 2012. If both types of licence were added together, by 2012 there would be as many as 630 while, from that moment onwards, there would be a gradual decrease, down to 544 in 2016. A curious fact, however, is that six-month

licences practically disappeared in that year, dropping to 42. This suggests a disruption in the classic seasonality of tourism and hospitality; not only in the Sant Martí District, but throughout the city.

If we were to highlight a turning point in the proliferation of this type of licence, however, and the subsequent occupation of urban spaces, this would be represented by 2012, just one year after CiU entered local government, headed by Mayor Xavier Trias. The leap is clearly exponential, with an increase of more than 64% in the urban surface area that has been privatised. This seems to confirm the assertion made by geographers Adrián H. Cordero and Aritz Tutor when they affirm that the change of political party in the city government was characterised by undertaking neoliberal management in Barcelona (Hernández & Tutor, 2015).

In this way, among others, this neoliberal management brought about an increase in the demand for the use of urban spaces from a commercial point of view, an issue taken advantage of by CiU when drawing up a new Terraces Law in 2013. The document finally approved and published in the Official Bulletin of the Province (BOP) of Barcelona is clear in this regard; the reasons for establishing these regulations were: to broaden and improve the services offered by establishments in the current crisis situation; to make the most of the city's good climate by allowing bar and restaurant customers to sit outside; and to satisfy the demand from the growing number of tourists visiting Barcelona<sup>8</sup>. Again, the relationship between urban spaces, terraces and tourism. The proposal was immediately responded to by different organisations, including the Federation of Neighbourhood Associations of Barcelona (FAVB) and the Neighbourhood Association (AAVV) of Casc Antic. The arguments put forward by these associations pointed to the fact that terraces were being allowed “en masse and with many exceptions” and, in addition, “selling and privatising the whole city”, which is counter intuitive to a pleasant neighbourhood co-existence and to facilitating other uses of the street (BTV, 2013).

The Law did not, however, satisfy bar and terrace owners either. They found it inflexible and demanded regulations that would guarantee the development of economic activity. This fact was also accentuated when it came to planning spaces that were considered “unique” (Bes, 2016), such as La Rambla del Poblenou, something that ultimately led to the lockout of April 2016 (Figure 4).

**Figure 4.- Lockout of bars and restaurants along La Rambla del Poblenou, April 2013**



Source: Drafted by document author

Although after the Law was brought into force, the number of licences granted and in the area occupied by terraces both fell, at least across the Sant Martí District as a whole, and conflicts

<sup>8</sup> Preamble to the *Ordenança de Terrasses* [Terraces Law]. Barcelona City Council (2013) <https://bop.diba.cat/scripts/ftpisa.aspx?fnew?bop2013&12/022013032523.pdf>

surrounding the privatisation of urban spaces did not end, but rather they took new directions. So it was that in May 2016 the neighbourhood platform *#EnsPlantem, veïns en perill d'extinció* (#Let's Plant, city residents in danger of extinction) was born. The main objective of *#EnsPlantem* was to reject the touristification process of the neighbourhood and its effects: increased housing and rental prices; the change in the physiognomy of the environment i.e. the appearance of tourist establishments and businesses that have little or nothing to do with the daily necessities of local residents; and, finally, the overpopulation of bars and terraces in Poblenou's traditional social spaces, the Rambla itself standing out among these.

Rosa, a member of *#EnsPlantem*, defines the platform as a movement "in favour of public spaces and housing", arising as a consequence of the confluence of social movements that were already working in the neighbourhood and that were occasionally found in different areas in Poblenou. Among the first protests proposed by the group were the symbolic occupations, one month later, of a plot of land in the neighbourhood next to which two hotels were planned to be built. The plot, popularly known as "La Vanguardia" as it formerly housed La Vanguardia newspaper's printing press, was owned by the public and was pending designation as a green area following approval of the General Metropolitan Plan (PGM) in 1976. The occupiers, through their protest, rejected the arrival of tourism in Poblenou, with properties having become more expensive, shops opening that did not meet the needs of local residents but of tourists, and 'the increasingly large presence of foreign visitors in bars and terraces' (La Vanguardia, 2016). For Roser, who is also an *#EnsPlantem* activist, as well as other neighbourhood groups, the privatisation of urban spaces in Poblenou "is a form of exclusion [...] people have been excluded in terms of consumption, from social spaces, [...] including other more commercialised spaces, such as bars or restaurants, because there are people who can now no longer afford to use them [...]".

The collective response was to symbolically "plant themselves"<sup>9</sup>, but also to demonstrate that it was possible to create spaces far removed from the commercialisation that was typical of the neoliberal city. Thus, from then on, the *Huerto de La Vanguardia* [La Vanguardia Allotment Garden], or *Huerta Indignada 6* [Indignant Allotment Garden 6]<sup>10</sup>, was created, its name owing to it being the sixth plot of land occupied for that purpose in the neighbourhood. The reason behind the movement (a powerful gathering) to occupy the green spaces in Poblenou, as Paco, who took part in the protest, told us, was "to reclaim urban spaces and appropriate them. The slogan is 'abandoned plot = occupied plot'. Poblenou's urban development plan, the 22@, arose in times of boom, of fat cows, and of course... it was for high standing offices and hotels... this plan does not take into consideration the people of the neighbourhood [...]. We have a right to occupy a space with no life and change this by giving it life".

This was not the last plot of land to be occupied by *#EnsPlantem*. In January 2017, another protest was carried out in the same area of La Vanguardia, this time on the opposite side of the block. The fate of this piece of land was to become a new allotment (Figure 5). The following entry in the field notebook of ethnographic research about the neighbourhood was made by a protest witness "It is starting to rain and some people are leaving. Morale is good. It is 1.03 pm - and the allotment is practically finished. The black earth looks like it has green measles. I notice there are a few foreign people here, English and French speakers, I can tell by their accents. Young middle class people, of course, are attracted by the atmosphere of Poblenou's "protest district". "Next we will plant 2000 tomato plants here - says Sergio", an Argentinian who also took part in the occupation and creation of allotment garden 6".

<sup>9</sup> Ens Plantem translated into English means Let's Plant.

<sup>10</sup> Facebook page of the Huerto de La Vanguardia or Huerto 6 <https://www.facebook.com/Poble9Huerta6/>

**Figure 5.- Creating the La Vanguardia allotment, January 2017.**



Source: Drafted by document author

Another of the alternatives suggested by the platform was that of temporary, unwanted appropriations (Delgado, 2011), of the neighbourhood's highly disputed areas, such as La Rambla. Thus, in mid-June #EnsPlantem called a meeting/dinner at the point where La Rambla meets C/ Ramón Turró. The objective, as mentioned in a press release drafted by the group was “on the one hand, re-appropriation by local residents of an emblematic neighbourhood space that, these days, has been seized by bars and restaurants with their terraces and, on the other hand, as well as gathering support for protests, to inform people of the steps taken in relation to PEUAT's allegations and design the next steps for the neighbourhood<sup>11</sup>”.

Both #EnsPlantem and other neighbourhood groups took part, at the end of January, in the so-called *People's occupation of La Rambla*. The protest, coordinated by up to 30 associations and organisations in the city, attempted, among other things, to respond to “the commercialisation of public spaces”<sup>12</sup>. Another extract from the field notebook serves as a record of the protest.

As the initial idea was to conduct a *people's occupation* of La Rambla, some people had brought chairs, tables, food, coffee, etc., with the intention of eating breakfast in the street. In fact, #EnsPlantem first came up with the idea of bringing breakfast from home and eating it in La Rambla (Figure 6).

**Figure 6. Participants in the people's occupation of La Rambla eating breakfast. Barcelona January 2017**



Source: Drafted by document author

<sup>11</sup> <https://laflordemaig.cat/2016/06/nota-de-premsa-veins-del-poblenou-celebraran-aquest-divendres-una-assemblea-oberta-i-un-sopar-al-mig-de-la-rambla-del-poblenou-16062016/>

<sup>12</sup> El Periódico newspaper, 2017.

## 5. Brief final considerations

The *productive shift* that has taken place in the Barcelona neighbourhood of Poblenou, in line with what has happened in the rest of the city, as well as in the capitalist global North, could be framed within the neoliberal policies implemented by different political, administrative and economic institutions since the 1970s with the aim of promoting and sustaining the general accumulation process. In the context of Poblenou, the move from spatial specialisation focused on classic industrial production to one focused, firstly, on logistics and transport, secondly on urban planning and new communication technologies, and on tourism and the hotel industry, which have reached remarkable prominence, would fit within what David Harvey calls the spatial and temporal solution to the capitalist crisis, i.e. the rapid decline in manufacturing employment since 1972 has highlighted rapid growth in employment in services, not so much in retail trade, transport distribution and personal services, as in services to producers, finance, insurance and real estate (Harvey, 1982 and 1990: 180-181). In this sense, tourism and the hotel industry play a fundamental role: the acceleration of consumption rotation time, which is intimately linked to the production of events and/or services rather than tangible goods. In order for this shift to take place, however, clear and forceful intervention from the State is required, in this case, the City Council through the accelerated privatisation of urban spaces.

In certain circumstances, the implementation of this dystopian experience clashes with the democracy demanded of urban policies by urban social movements (Castells, 1986). In Poblenou, this manifests itself in local residents demanding to be taken into account when it comes to designing the future La Rambla, and in the creation of groups such as *Fem Rambla*. The dynamic set in motion even led to the requirement for a limitation on the proliferation of terraces, since the phenomenon was observed as a form of privatisation of this emblematic part of Poblenou.

A clear answer to the dynamics unfolding in Barcelona is the mere existence of democratic consultation and spaces for participation in drafting urban policies. Neighbourhood social movements, however, have managed to go even further. Occupation, both symbolic and effective, of plots of land in the process of being transformed, and their subsequent democratic management, are acts that generate substantial strain. They are statements that demonstrate that other forms of managing spaces are possible: those emphasising the value of use versus the value of change. They are also accompanied by acts of unwanted appropriation; acts that place the emphasis not on the ownership of space, but on the space as something belonging to, right for or suitable for urban life without needing authorisation from those who claim to be its owners. This is the case when it comes to organising dinners, assemblies, leisure and festive events, in highly symbolic public spaces, not just in Poblenou, but also in the city of Barcelona.

In short, faced with the commercialisation of spaces promoted by different political institutions, alternatives aimed at “bringing life” to spaces, as well as recovering forms of popular appropriation of streets and squares. As measures to combat dispossession, they have yet to prove their potential as regular and stable forms of creating space within the framework of a political, social and economic system that is moving in the opposite direction.

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Setember 2018

**Key words:** public space, coexistence,  
civility, byelaws**Ten years of civility “by law”. a study on the application of the byelaw on coexistence in barcelona’s public spaces**Cristina Fernández Bessa<sup>1</sup> and Andrés Di Masso Tarditti<sup>2</sup>  
University of Barcelona

**This paper includes the main results of a study on the application of the “Byelaw on Measures for Promoting and Ensuring Civic Coexistence in Barcelona’s Public Spaces”<sup>3</sup>, better known as the “Coexistence Byelaw” or “Civility Byelaw” (henceforth, CB), which we were commissioned to carry out by Barcelona City Council’s Area of Citizen Rights, Participation and Transparency.**

**The CB is an administrative regulation intended “to be an effective tool for dealing with new situations and circumstances that may affect and alter coexistence” and “to avoid all types of behaviour that may disturb coexistence and to minimise incivility in public spaces” (Preamble to the CB) To that end, it establishes a set of standards for behaviour in public spaces as well as the infringements, penalties and other specific interventions which correspond to each.**

**The aims of the research were to learn how the CB operates according to the operators tasked with applying it and to explore its effects on people in a situation of vulnerability, as well as groups and individuals classed as anti-social or other. The purpose of the study was to identify aspects relating to the application of the byelaw that were seen as ineffective, counter-productive, disproportionate, abusive, stigmatising or diverging from human rights standards.**

**1. Theoretical notes: public spaces, co-existence and right to the city.**

Around 2005, the proclamation of civic behaviour or civility as a guiding value and normative ideal for community life in Barcelona underpinned the proposal to establish a regulatory framework for the uses of and interactions in public spaces shared by all citizens (OSDPH, 2008). This proposal was based on the realisation that public life out in the streets and squares is governed not only by harmony and peaceful relations between various social players but also by tension and conflict, in a frequent and particularly noticeable way, between players with several ways of interpreting, using and needing spaces in the city. The logic of civility then, is that it works as a mechanism for regulating community life in public spaces, on the assumption that pacifying conflict is one of its most characteristic traits.

<sup>1</sup> Researcher at the Penal System and Human Rights Observatory, University of Barcelona.

<sup>2</sup> Reader in Social Psychology, University of Barcelona.

<sup>3</sup> Approved at the Full Municipal Council Meeting of Barcelona City Council held on 23 December 2005; published in the BOP [Official Province Gazette] on 24 January 2006.

### 1.1. Coexistence conflicts in public spaces

Conflict is inherent in urban dynamics. Henri Lefebvre (1968) highlighted the central role of tension between population segments in heterogeneous social contexts in capitalist industrial cities, and he regarded conflict not as an abnormal breakdown in the urban equilibrium but as the inevitable affirmation of social change in cities as a great collective endeavour. In the same vein, authors such as David Harvey (2003) and Don Mitchell (2003) have pointed out the need to work with urban conflict as a tool for promoting radical social transformation processes that are capable of fostering the logic of independence towards the market and the shortcomings of the State, and of redressing the dynamics of injustice and social exclusion, as reflected in specific practices in public spaces from groups in a situation of vulnerability or non-normative life logics.

This critical vision of conflict points to one of the best-known controversies surrounding the promotion of civility and the censure of incivility as a mechanism for regulating behaviour in public spaces, and concerns the interpretation of coexistence conflicts as problems in themselves or as signs of deeper social problems. In the former case, they represent occasional disagreements, mismatches or confrontations that arise from different, simultaneous uses of public space that cause a nuisance to one of the parties involved when the parties are equal and free to choose their conduct (for example, skating in a square and bumping into someone). In the latter case, coexistence conflicts imply tensions relating to practices carried out by people in a vulnerable situation (legal, economic, work, social or material) who use public spaces as a means of survival, where the margin for freedom is significantly reduced or non-existent in the absence of reasonable, available alternatives (for example, sleeping on a bench because you have nowhere to live, or selling products informally on the streets because you do not have a work or residence permit). In conceptual terms, we speak of *conflicts over diversity* in the former case, and *conflicts over inequality*, in the latter (Di Masso, Dixon and Pol, 2011). Differentiating between them is key if we want to avoid over-penalising, criminalising and increasing the exclusion of groups that are vulnerable or have “non-normative” conceptions of what it is legitimate to do in public spaces. While conflicts over diversity arise from internal frictions in the “moral geography” of the included population, conflicts over inequality show the political map of exclusion (Sibley, 1995). So, whatever is good or bad to do in public spaces from a “good citizen” logic (that is, from the logic of civility) is unlikely to be seen in the same terms by groups that are regarded, in the hegemonic view, more as a problem for than a part of the citizenry (Staeheli and Thompson, 1997). Therefore, to be “(un)civic”, the right to the city and the privilege of inclusion must be guaranteed: certain civic duties towards the community cannot be equally required of people who are deprived of or have limited access to, under equal conditions, the basic civic right of legitimately belonging to the community that is calling for civility.

Either way, the conflicts and dynamics of coexistence in public spaces that are linked to the issue of civility usually revolve around uses of spaces that are perceived to be unsuitable, practices that are regarded as improper in public, occupations judged to be unacceptable in public places, attitudes considered to be disrespectful and forms of spacial control seen as inadmissible (Burte, 2003). In all these situations, the civility mechanism intervenes from the perspective of defending and promoting a normative standard geared towards redirecting a conflict towards a situation of peace and harmony, so that the boundaries of (in)correct, (in)admissible, (im)proper and (il)legitimate behaviour in public places can be established and defined, with compliance enforced, while helping to gradually shape a civic common sense based on apparently common precepts.

### 1.2. Coexistence and civility

The social representation of civility, in the case of Barcelona, has been very closely linked to several contexts that have marked the progressive social construction of the problem of incivility, in the last 15 years, from the initial institutional determination to raise public awareness of the nuisance caused by noise, dirt and occupation of the public highway (Plan for Promoting Civility, 2003-2006), followed by the approval and application of the Coexistence Byelaw (January 2006),

as a tool for sanctioning multiple types of behaviour of a diverse nature (OSPDH, 2008), to occasional amendments and variations in the way the aforementioned byelaw has been enforced in recent years. This social construction process, where anti-social behaviour or incivility has gone from being a practically non-existent concept in the public mind to being accepted as common sense, has involved the media and institutional campaigns, as well as everyday communication circuits and, from the cultural background, a legal view genealogically related to earlier legislation and firmly rooted in punitive and hygienist conceptions of public space (see the *Ley de vagos y maleantes* [Vagrancy Act] of 1933 or the *Ley sobre peligrosidad social y rehabilitación social* [Social Danger and Social Rehabilitation Act] of 1970).

From a conceptual point of view, civility has been defined as the everyday management of living together (Amin, 2006) and a distinction can be made between proximate and diffuse civility (Fyfe, Bannister and Kearns, 2006). In the case of the former, it means behaving correctly, in a tidy fashion, without any bad manners, a concept similar to what John Dixon, Mark Levine and Rob McAuley (2006) have called “moral decorum”. The latter recognises that the parameters we use to judge someone as right-moral or wrong-immoral relate to group subcultures and different structural factors, so diffuse civility is conceived as the attitude of considering the effects of our actions on others and taking care of spaces we share with others, regardless of the presence or not of others at that precise moment. (Fyfe *et al.*, 2006: 855). From that perspective, “diffuse” civility assumes that regulating one’s own behaviour is not conditioned by the physical presence of others with whom it is necessary to coordinate *in situ*; rather it implies a personal disposition to behave respectfully and show self-discipline in public spaces in general.

From a different perspective, Richard Boyd (2006) distinguishes between civility with formal connotations and civility with substantive connotations. Formal civility includes manifestations of attitudes and conduct associated with good manners, courtesy, respect and the formalities of everyday, face-to-face interaction, while substantive civility relates to belonging to a political community, where the very rights of citizenship may be exercised, required and requested. This latter meaning of civility relates to the conflicts over inequality referred to earlier, by creating a space which is not usual in the civic imagination by considering urban demonstrations that are civic and disrupt the established public order at the same time.

In the area of the Spanish State, Carolina Galais (2010) has proposed a distinction between passive and active civility. She believes that the former involves all respectful practices and attitudes, i.e. that do not interfere in the private space of other citizens and do not undermine coexistence [...] From that point of view, a civil citizen neither disturbs the peace and comfort of their neighbours nor needs to take great pains to improve them. (Galais, 2010: 25) In general, according to the author, passive civility relates to noise, dirt, vandalism, safety and security. By contrast, active civility covers all those practices and attitudes that help to improve the harmony, social cohesion and democratic autonomy of communities, so that active civic citizens not only abstain from doing things that may harm others but also take action to try and improve relations between people and the surroundings (Galais, 2010: 26). Galais thereby links passive civility to rights towards the community and to a negative conception of freedom based on respect for the other person's limits of the freedom (e.g. to rest and not to be disturbed by noise coming from the square). Active civility, on the other hand, relates to duties and a positive conception of freedom based on exercising it in relation to others (e.g. becoming actively involved in a community campaign to reduce noise.) Consequently, this conceptualisation leads to a comprehensive strategy for approaching civility, which is geared towards both ensuring passive civility (safety, security, respect, tolerance and understanding) and actively promoting involvement in the community for cohesion and through active participation.

### 1.3. The Post-Fordist city and ideological tensions in public space

Despite the aforementioned conceptualisations, civility and good coexistence are never invoked and promoted in the abstract but in the context of broad city policies and, more specifically, within the framework of specific policies for managing public space.

In the city context, it must be borne in mind that the evolution in the uses and regulation of coexistence in public space is closely linked to planned and unplanned changes of a demographic, economic, technological, urban development and cultural nature. In the specific case of Barcelona, the exponential increase in tourism, the variable flows of migrants, from differing origins and in changing numbers, urban development geared towards attracting private capital (property and companies from the technology sector) and the promotion of festivals, conferences and mass entertainment, among other structural vectors of urban transformation, have meant a gradual change in the ways in which shared space in the city is shaped, used, managed and controlled. In recent years, these factors have intervened forcefully in the structure of Barcelona's public and private urban spaces and in social composition, in line with the global flows of capital circulation and accumulation that characterise a Post-Fordist city (Groth and Corijn, 2005), which are based on competition between cities, the exploitation of monopolistic earnings from urban land, the "urbanicide" of public space and the streets (Harvey and Smith, 2005) and the economy of images and signs (Degen, 2008). This approach, as has been very strongly argued (Balibrea, 2004; Degen, 2008; Delgado, 2007), has gradually turned Barcelona into a "city brand", where social needs have come after the demands of the global market, a city characterised by a massive number of residential housing evictions, the destruction of whole neighbourhoods described as obsolete, a rise in the levels of poverty and exclusion, police attacks on immigrants without papers and repression meted out to the unruly. (Delgado, 2007: 14)

Putting more or less critical emphasis on the negative consequences of the controversial "Barcelona model" in its Post-Fordist phase of accumulation by dispossession (Harvey, 2004), the civility mechanism has been introduced and developed as another cog in that city logic. Regulating public space by means of the CB has put to the test a normative ideal according to which public space belongs to everyone and is for everyone, and does not belong to anyone, a normative ideal that shows itself to be contradictory in practice, as has been pointed out a number of times (Mitchell, 1995; Orum and Neal, 2010). More specifically, defining and regulating incivility raises four big ideological tensions intrinsic to public space that are problematic for the basic characteristics of the normative ideal (see Di Masso, 2015; Di Masso, Berroeta and Vidal, 2017):

- *Ideal of universal accessibility.* Common sense suggests that public space belongs to everyone, with no access restrictions. In practice, however, there are groups and individuals that are unable to access it under equal conditions, due to the space's architectural features or urban furniture, or because those groups and individuals are controlled, dispersed or expelled. Such circumstances point to a tension between inclusion and exclusion in a public space paradoxically impervious to the access of certain people as legitimate public types. From that point of view, it is not defined as the imaginary space of maximum inclusion and universal social integration but as the practical space with maximum effectiveness in naturalising forms of exclusion that are socially accepted.
- *Ideal of freedom of use.* It is a widely held belief that public space is a space of freedom, where the public can basically satisfy their desires for social relations. In practice, however, many coexistence conflicts involve powers to interfere in freedom itself and in the right to use public spaces and enjoy them undisturbed, for groups in a situation of diversity or a situation of inequality. In that regard, public space does not function as a space for actively promoting freedom but rather as a regulated space that continually restricts freedom. Public space is not so much defined by freedom of use as by constant tension, with variable intensity, between freedom and control.
- *Ideal of spontaneous appropriation.* Besides limits to freedom through various forms of control, public space is also said to be public because it can be put to uses that are more or less spontaneous and not planned. In practice, though, spontaneous appropriations of public space are limited by an acceptability in the institutional protocols of what is permitted, based on requests for permits, by the criteria of police officers responsible for applying the rules for

regulating public spaces, and by institutional initiatives in response to complaints from the public. In short, spontaneous appropriations of public spaces do not cause controversy if, paradoxically, they are overseen in some way by the State or if, where the latter does not intervene directly, they are mediated by performance in the market (practices that reproduce capital circulation). Spontaneous and unplanned ways of using public space that run parallel or contrary to the State or the market (for example, occupying a municipal land site indefinitely, moving or constructing urban furniture, or selling products informally) are subject to additional control. Such circumstances clearly show a *tension between social order and disorder*, the third ideological pillar of public space which expresses a conflict between institutional logics hegemonically linked to the “nomic” order and the self-regulated city-making forms associated, from the dominant ideological framework, with “anomic” disorder

- *Ideal of citizen space.* Public space is usually regarded as the natural arena for exercising citizenship; the setting where citizenship manifests itself in day-to-day things and “makes itself visible” on a daily basis, in festive occasions and large demonstrations. However, the routine functioning of public space shows us there are individuals and groups that are subject to supervision and control because of their status or situation (age, behaviour, country of origin, dress mode, gender, and so on.) As Joe Painter and Chris Philo (1995) argue, something is going wrong in the citizenship sphere if there are people who cannot occupy public space with peace of mind, even though they have not committed any crime or taken part in any illegal activity. De facto, then, public space functions in a way that establishes a hierarchy in the right to the city, so the “usual suspects” get less respect, recognition, acceptance and peace in public space than people who are regarded as ordinary citizens and accepted members of the legitimate public category (Crawford, 1995). In line with the tension between social inclusion and exclusion, public space is characterised not so much by the idea of citizen territory *par excellence* as by the practical fact of reproducing the logics of privilege and subordination in the internally differentiated and contested sphere of citizenship and right to the city.

#### 1.4. The right to the city and the right to exclude

To conclude this theoretical framework, we refer to the right to the city, a concept that connects public space policies with the regulatory designs of the democratic ideal. If public space is the natural space of citizenship, and citizenship, in the modern liberal tradition, is the status of legitimate belonging to a political community with rights, we understand the right to the city and the right to public space as essential prerequisites for exercising citizenship.

However, in line with the problematisation of the normative public space referred to above, the concept of citizenship frequently operates as a kind of ideological fetish, the “citizenism” (Delgado, 2016) that mystifies relationships of inequality between privileged publics and hierarchically subordinate counterpublics at the heart of an internally differentiated and contested citizen community. This idea enables us to assert that the right to the city, like other rights, may act as a discourse resource that legitimises excluding actions. However, the right to the city may also be used as a political horizon for overcoming inequalities that characterise the practical reality of many social collectives, as a common language with significant legitimising weight, useful for organising various types of demand and struggle in the name of the indisputable discourse of rights (Mitchell, 2003).

The European Charter for Safeguarding Human Rights in the City, which came out of the Barcelona Commitment (1998) and was approved in Saint Denis in 2000, implies legal recognition of the right to the city and its enforceability by the city authorities that are signatories to the Charter. More specifically, Article 1 recognises the city as a collective space belonging to all its inhabitants, who have the right to conditions which allow their own political, social and ecological development but which also means assuming the duties of solidarity. Likewise, it calls on local authorities to encourage, by all available means, respect for the dignity of all and quality of life of their inhabitants.

Within the framework of promoting civility the right to the city could be an important element for overcoming processes that reproduce exclusion and over-penalise inequality. The right to the city cannot only be understood as the right to participate in the proposals and possibilities that the city offers and to finding a space there but also as the right to demand and make a space for oneself in the city, to contribute to its transformation and emancipatory appropriation of citizenship. (Harvey, 2003). As we were saying at the start of this section, this conception of the right to the city understands public space not as an egalitarian space but as an eminently contested and conflictive space, characterised more by the normalisation of the exclusion of certain groups than by respect for and the inclusion of these groups. (Staeheli and Mitchell, 2008). This conception contends that, historically, public space has been characterised by some form of exclusion of "uncomfortable" groups (barbarians, foreigners, beggars, vagabonds, sex workers, and so on), and that what really makes public space *public* is the use, appropriation and direct transformation that the most disadvantaged groups do there to highlight their situation, achieve recognition and geographically articulate forms of political struggle for social justice. Consequently, the question of civility is intimately linked to regulating the practical possibilities of exercising, defending and demanding the right to the city, understood in the full sense as the right to use and to emancipatory appropriation of public space. This regulation is never neutral, but always implies a symbolic policy of a contested definition of the regulatory contours that set the limits to belonging to the category of citizen and of legitimate public uses.

## 2. Methodology of the study

The indicators offered us by the CB enforcement monitoring reports provide a large amount of data on perceptions of the state of the city, incidents, public complaints and demands, as well as on the interventions and activities carried out in public spaces by municipal operators from the social intervention area, cleaning and maintenance, and the police. These indicators are useful for evaluating the action of municipal operators but insufficient for finding out the consequences of applying the byelaw has on coexistence or its impact on the basic rights of people who are penalised. The study presented here has therefore analysed, on the one hand, the secondary data produced by municipal operators over the direct application of the CB (number and breakdown of infringements reported by the city police and the fines processed by the Municipal Tax Office). And on the other hand, it has adopted an empirical approach of fieldwork for bringing together the main and most varied voices round the CB as a tool for regulating coexistence in public spaces.

The purpose of this fieldwork was to gather significant, quality information on the perceptions and evaluations of how the CB operates from the main actors involved in its application. In this context, the methodological framework adopted was the one suited to qualitative research from an interpretative epistemological perspective (Silverman, 2005). From that logic, the type of knowledge contributed was ideographic and contextual. It was therefore geared to producing a framework for understanding specific cases and phenomena situated in a certain place and time, not necessarily valid for or applicable to other cases, contexts and times.

The sample was propositional or intentional for critical cases (Flick, 2006); in other words, the participants chosen were those who best reflect the critical aspects that have a bearing on the research or are particularly relevant for the functioning of a programme or intervention (the CB in this case).

The study had a *synchronic* dimension (knowing what is happening now as regards the functioning of the CB) and above all a *diachronic* one (knowing how it functioned in 10 years of application). The group of participants, then, included people regularly affected by the CB or particularly sensitive to the fact that it affects them, such as the entities, organisations, municipal managers and operators who, in line with their professional role, can provide this information with a time perspective.

The fieldwork was carried out between September and December 2016 by a team of five researchers<sup>4</sup> with previous experience of conducting qualitative interviews. More specifically, 18 semi-structured individual interviews were conducted, along with 14 semi-structured group interviews and three participant observation sessions, which adds up to a total of 60 people with the following roles, positions and situations:

Table 1. Groups particularly affected and likely to be affected by the CB (people and entities). 2016.

Type of participant	Sphere and participant
Groups that may be affected by the CB in a situation of social inequality	<b>Homelessness</b> 2 homeless people. 1 person from the Arrels Foundation (care for homeless people).
	<b>Street hawking</b> 4 street hawkers (2 <i>llaners</i> (unlicensed canned-drink sellers) and 2 <i>manterers</i> (unlicensed street hawkers who display their goods on a blanket), one of whom is a member of their union, the Sindicat de Manterers).
	<b>Informal collection of scrap metal</b> 2 people who collect scrap metal (one is a representative of the African collective).
	<b>Sex work</b> 2 sex workers (Putas Indignadas). 1 person from the Àmbit Prevenció Foundation - Àmbit Dona Team (sex work). 1 person from Lloc de la Dona - Germanes Oblates ("Women and Prostitution" programme).
Groups that may be affected by the CB in a situation of social inequality	1 person from the Associació per a la Defensa del Dret a la Nuesa (ADDAN - Association for the Defence of the Right to Nudity).
	3 skaters
	4 buskers
	Groups of young people enjoying night-time leisure activities in public space.

Table 2. Municipal operators. 2016

Type of participant	Sphere and participant
Municipal managers and technical staff	<b>Institutional managers</b> 4 district managers (Gràcia, Ciutat Vella, Sants-Montjuïc and Nou Barris). 2 people from the Prevention and Security Department. 1 person from the Life Cycles, Feminisms and LGBTI Department. 1 person from the Conflict Management Service (Social Intervention in Public Space). 2 people from the Municipal Tax Office.
	<b>District prevention and coexistence technical staff</b> 8 district prevention experts (Ciutat Vella, Gràcia, Les Corts, Horta-Guinardó, L'Eixample, Nou Barris, Sants-Montjuïc and Sant Martí).
	3 district civility and coexistence experts during the years of the Plan for Promoting Civility and one year after (2003-2007).
Professionals in the social action in public space sphere	2 people from the Conflict Management Service (Social Intervention in Public Space).
	1 person from the Social Integration Service (SIS).
	4 civic agents or promoters (Gràcia).
	5 street educators (Zona Nord, Nou Barris, El Carmel and the middle of La Meridiana).
Police officers	2 officers from the Guàrdia Urbana Territorial Unit in Ciutat Vella.
Right-guarantee instruments	2 people from the Barcelona Ombudsman's Office.
	1 person from the Institute of Childhood and Adolescence.

The empirical material gathered from the interviews and participants' observations have been wholly transcribed, codified and analysed in accordance with the subject analysis guidelines. (Braun & Clarke, 2006, 2013) That has enabled us to produce a thematic synthesis which draws together the main lines that provide a structure to the accounts obtained in relation to the subject of the research.

### 3. Results

The perceptions and evaluations of the functioning of the CB are arranged in four large content subject areas:

- a) Evolution and changes in public space dynamics in the course of the last ten years.

<sup>4</sup> Cristina Pradillo, Pau Canals, Adrián Guerrero, Andrés Di Masso y Cristina Fernández.

- b) The nature, content and functions of the CB as the general rationale behind regulating coexistence in public space.
- c) CB enforcement, that is, what happens in practice when coexistence is regulated by this byelaw.
- d) The effects and consequences of enforcing the CB on groups that may be affected, as well as the broader consequences of the regulatory patterns of CB enforcement on the actual uses of public space.

### 3.1. Evolution and changes in public space dynamics

The social reality and public space on which the CB was conceived have changed significantly over time and continue to change as a result of social, economic, demographic, legal, urban and cultural transformations. All these factors have influenced the perception that the public have of the main problems facing Barcelona. The results of the Barcelona City Council Survey on Municipal Services show that, while the most serious problem in the city for a significant number of people surveyed in 2006 was insecurity, followed by cleaning and problems associated with immigration, the most common problem in 2016 was unemployment and working conditions, followed in second place by the problems generated by tourism and those caused by traffic.

Not only have people's concerns changed, so too have the dynamics of public space. More specifically, the various sectors interviewed say that the most common coexistence conflicts today are linked to noise, bicycles and pet ownership, mass tourism (especially in specific parts of the city), cultural and generational clashes between the native and migrant populations in certain neighbourhoods, and the night-time leisure model, among other factors. Changes linked to the economic crisis have also occurred and given rise to coexistence problems of a social nature (new profiles of homeless people, collecting cardboard with vans, new settlements, an increase in the amount of street hawking, a reduction in the clientèle of sex workers, and so on).

There is an overall consensus that serious differences exist between what is regulated and the realities that define public space today, as well as on some of the shortcomings of a regulation that in several respects is out of date and therefore needs revising and amending.

### 3.2. Nature, content and functions of the CB

The CB is an administrative regulation with a municipal scope that includes many different types of behaviour which appear to have little in common, except for the fact they have been identified as anti-social. For example, undermining a person's dignity; visual damage to the urban environment (graffiti, painting and other forms of graphic expression such as placards, poster or flyers); gambling; playing games not suited to public spaces; behaviour in the form of begging or which implies the use of public space for offering and soliciting sexual services; performing physiological needs; consuming alcoholic beverages; unlicensed street trading or hawking; unauthorised activities and services; improper use of public spaces; vandalising street furniture; contributing to the deterioration of urban space, and other kinds of behaviour that threaten civic coexistence in natural areas and green spaces, such as noise pollution. In the above list we can find phenomena arising from social breakdown or exclusion (conflicts due to inequality), criminal activities (vandalism) and conduct linked to certain uses of space or to leisure (conflicts over diversity), for which fines of a specific amount are set.

With regard to the byelaw's functions, the accounts of the participants in the research vary, depending on the relationship the operators have with the CB. The police highlight the need for a public space regulation that enables actions to be reported and allows them to seize certain items as a preventive measure, while the socio-educational sphere take a positive view of the CB as a framework for establishing citizen rights and duties. Although the usefulness, effectiveness and

intended function of the current CB are broadly questioned, the general view is that a regulatory framework is needed to ensure civic coexistence in public spaces.

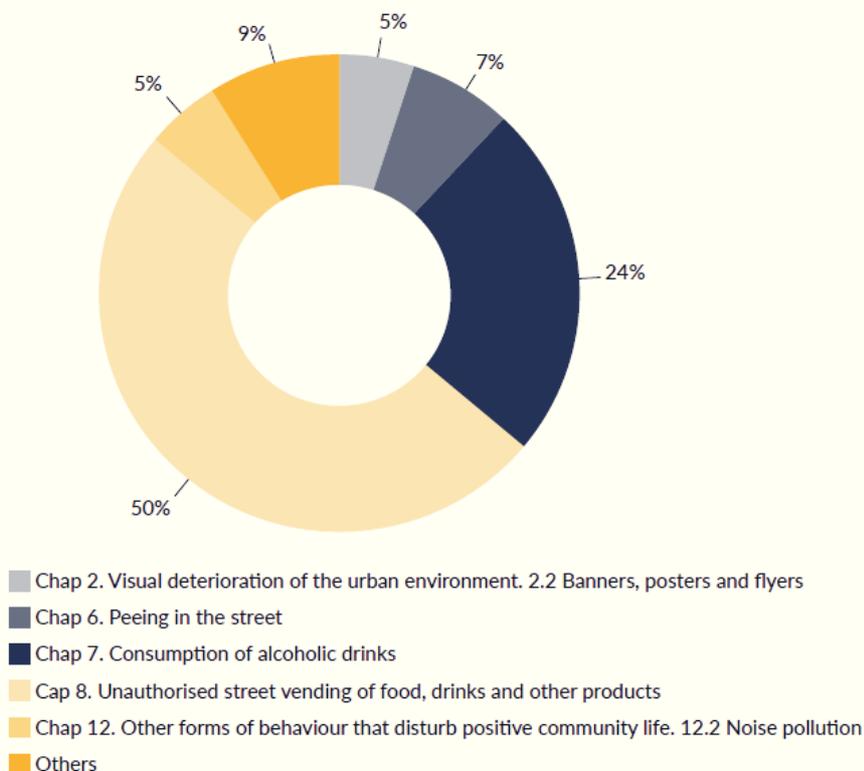
There is also a general consensus among the various sectors interviewed on the need to increase public sensitivity towards situations of vulnerability, so there is a clear differentiation between the way they are treated and conduct associated with diversity and leisure; so people are not excessively penalised and these situations are not directly included in the CB.

As regards its content, one point that was highlighted is that the CB uses concepts and expressions that are difficult to specify, which undermines the principle of legal certainty due to the lack of precision when describing unlawful conduct. Nor does the byelaw clearly define the harm caused to coexistence by certain forms of behaviour and not others (the definition of protected legal interest is rather vague) and that creates enforcement difficulties.

### 3.3. The CB's application

Barcelona's city police force, the Guàrdia Urbana de Barcelona (GUB), reported approximately 102,855 infringements a year between 2007 and 2016 (in 2013 the figure reached 137,942). Over 50% of these reported infringements were committed in Ciutat Vella for each of those years. The other districts with the most reported infringements after that were Sant Martí (12%) and L'Eixample (10%), followed by Sants-Montjuïc (7%) and Gràcia (7%). In the other districts (Les Corts, Sarrià - Sant Gervasi, Horta-Guinardó, Nou Barris and Sant Andreu), the figure did not reach 3% of the total number of reported infringements for the whole city (Manager's Office for Security and Prevention, Barcelona City Council). The following chart shows the distribution, by byelaw chapter, of the average number of infringements reported between 2006 and 2016.

**Chart 1: Average number of reported infringements per byelaw chapter  
(%) Barcelona. 2006-2016**



Source: Original. Data from the Manager's Office for Security and Prevention

The distribution of infringements reported per chapter during the ten-year application of the CB studied in this paper was very unequal. More specifically, Chapter 8, on unauthorised street selling of food, drinks and other products, which includes the sale and supply as well purchase of these

products, was by far the main ground of reported infringements (50%), followed by consumption of alcoholic beverages (24%) and urinating or defecating on the street (7%). Reported infringements for putting up placards and posters, or handing out leaflets, as well as noise pollution, were also the grounds for frequent fines under the CB (5% in each case), while the other seven chapters of the byelaw accounted for an average of 9% of the reports.

Civility policies were not equally applied over those years. If we take the infringements reported over the last two years (2015 and 2016) for the entire the city as our benchmark, we find the proportion of those for street hawking and consumption of alcoholic drinks went up compared to the others. The proportions of reported infringements for urinating or defecating in the street and for noise pollution remained much the same as those for the previous years, whereas the proportions of Chapter 2-related reported infringements, for causing visual deterioration of the environment (placards, posters and leaflets), declined. That means, more than 95% of total number of reported infringements were based on four of the CB's twelve chapters in the years 2015 and 2016.

Note too that the highest number of reported infringements during those years was between the months of May, June, July, August and September, and came from the night-time police units. We can therefore confirm from these data that a large part of city police activity relating to the application the CB was concentrated on reporting infringements for conduct associated with night-time recreation, involving the consumption of alcoholic drinks out in the street (above all, in the city's more central neighbourhoods and during the summer months), as well as the sale of canned drinks and urinating or defecating in the streets associated with that.

Police work has always been guided by selective criteria and it could not be otherwise, given their limited resources and the number of officers, the scope of the legal system and the enormous number of situations that could arise (Reiner, 2010). That fact means it is impossible for the police to deal with all the illegal acts that can take place in a given area, or even those they know about. On the contrary, they have to act at their discretion and under established guidelines. As Agustín Yñíguez Navas (2007) maintains, their discretionary power is generally applied to minor criminal infringements (minor offences that take place in confused or unclear circumstances) and especially administrative infringements, such as those contained in municipal byelaws. This discretionary power enables the police to respond flexibly to regulations, procedures and ambiguous situations, avoid giving an automatic response and choose the option best suited to compliance with the law.

That is why it must be borne in mind that the figures for infringements under the various CB chapters, far from reflecting the state of coexistence in the city, show us which areas police reporting has been focused on, which could have varied, depending on the priorities set for each district and period. It was here that those interviewed told us that throughout the period police actions had been varied in attitude, conduct, procedures and intensity and been variable at the time, depending on the places, groups and situations.

According to the people interviewed, Barcelona's city police had managed public spaces combining different police strategies. That ranged from the classical reactions after the event to situations already reported, to community policing actions, based on interrelating with a variety of social players, including local residents (with a favourable attitude to dialogue, a friendly approach and understanding on the part of the police), in order to boost prevention. We also found police actions similar to dispersal strategies (Walby and Lipet, 2012), often based on experience and technical analysis of situations, that were designed to avoid the accumulation of people who might be carrying out forbidden activities in certain areas. We refer, for example, to the deterrent police presence in strategic places at specific times (hotspots), in Gràcia or Ciutat Vella, where the presence of police cars in squares prevents people from gathering together to drink in the street, without the need for reporting anyone. This type of strategy, of dispersing people, or even expelling them from public places, was also noted in cases of social vulnerability and as a form of control, not directly penalising them but certainly making them more vulnerable, as it prevents forms of

subsistence in public spaces without offering an alternative (sex workers, street hawkers and homeless people). Finally, various accounts show how, sometimes, young people from outlying neighbourhoods, skaters and streets sellers have been fined repeatedly for things which, even though they are punishable, are not a nuisance to anyone (e.g. playing music or games in a square). This strategy, based on maintaining order by taking firm action against little disorders provoked by certain risk groups, reminds us of what are known as zero tolerance strategies (to prevent bigger problems).

During the interviews, some of the groups most affected by the CB, such as sex workers and street hawkers, complained they had suffered police abuse, humiliation, dehumanising treatment and intimidation. Sex workers have an ambivalent relationship with the police. They complain about police repression and intimidation of their clients but they also demand a police presence so they feel protected. As for streets hawkers, those we interviewed spoke of police aggression that consisted of beatings, being hit with a truncheon or pushed against a wall and persecution, besides having their goods and money seized.

We recorded cases of people being fined and not fined for the same behaviour at the same time and in the same place, of wrong fines (for things they had not done) and incongruous fines (for drinking on the street during a local festival). The variable nature of police actions, as a result of the byelaw's vagueness and necessary police discretion, which implies adapting action criteria according to the circumstances, sometimes leads to circumstances that are perceived as arbitrary (outside the byelaw) by the people fined or when police abuse goes unpunished. According to the hawkers' accounts, "they do what they feel like and leave". These situations could undermine people's legal security and end up being arbitrary or discriminatory.

The city police force is not the only institutional operator that takes part in public space management by making use of the CB. We also find non-punitive actions, more or less effective depending on the context and the type of action, that were carried out by civic officers, street social educators and mediation teams. Street educators use the CB to work with young people, by raising their awareness, monitoring and supporting them on the basis of proximity, familiarity and trust, so they can work on controversial behaviour. Civic officers perform different functions, depending on the area. They have been criticised for not transmitting authority, and it is felt it would not be opportune to give them educational tasks, although they are useful for carrying out logistical tasks (e.g. regulating tourist flows at the Sagrada Família) and cooperating with the police (e.g. informing people about controversial behaviour, places and dynamics).

Another strategy municipal operators intervene in to manage coexistence, besides enforcing the CB, consists in bureaucratising public space, i.e. in authorising certain activities in some zones (zoning) and granting permits. The results of these actions are mixed: Some of the people interviewed were willing to receive such forms of authorisation to use public spaces without fear of being penalised but, at the same time, they feel there is a lack of clarity in the processes for obtaining them (in the case of street music); that zoning does not always take the groups involved into account (such as the skaters) and that these processes, although they are not viewed negatively, are often a pretext for persecuting more forcefully forms of behaviour that remain excluded.

The reaction of the social environment when faced with coexistence conflicts or the problems that occur in public spaces is a very important factor in selecting the behaviour and places that will be subject to police or social intervention. The interviews have shown us that information and complaints from local residents and businesses, especially those from influential groups received directly by the districts or the Mayor's Office, are often the driving force behind the initiatives for managing public spaces. Complaints from the public relating to coexistence, which are mainly conveyed through the police information and help lines (092 and 112), repeatedly serve to justify police interventions. Although the demands of the public often have no direct relationship with the police's activities, new complaints are sometimes made if the police fail to take action.

As for the person or group the CB applies to, there are situations where, whether they agree with the reason for the fine or not, they accept it and the consequences. Others try to mediate or speak with the police to avoid fines, identifications and other types of situations. Likewise, there are people who, faced with a fine, the seizure of goods or police aggression, adopt resistance strategies, both physical (e.g. struggle with the police) and political, by forming a group with others who are in the same situation so they can make themselves visible with the capacity to challenge the institutions (e.g. the *Sindicat de Manters* or the sexual worker collectives).

### 3.4. Effects and consequences of the application

The commonest direct effect of a reported infringement of the CB is the imposition of a penalty, which frequently takes the form of a fine. However, the effects of the CB's application go beyond that and often include a series of legal and economic effects that may increase the precariousness and vulnerability of the people penalised and provoke significant psychological and social effects, as well as having negative repercussions on the uses of public space as such.

#### 3.4.1. Legal and economic effects

Once someone has been reported by the city police, the City Council starts proceedings to collect a fine from them, under the corresponding procedure (fast-track for minor offences and ordinary for serious and very serious offences).

Fines not only affect the people actually being penalised. When they are meted out to clients in the case of street hawking and sex work, they have a direct impact on the possibility of the workers, often in a vulnerable situation, to obtain an income. Therefore, they can find themselves in a more precarious economic situation and, in the case of sex work, women may expose themselves to greater risks to make up for the difficulties they have in contacting their clients.

The amount of the fines is often seen as excessive both by the people fined and the municipal operators. Although the CB (Article 88) provides for some criteria for grading the penalty according to, among other factors, the seriousness of the offence, whether it was intentional, the nature of the harm or damage caused, whether it was a repeat offence and the ability of the person concerned to pay, it has been seen that, in practice, these criteria are not applied and the amounts are set by almost automatic processes that leave very little margin for establishing the specific circumstances of the cases, the individuals or the damage caused by the offending conduct. Such circumstances are contrary to the principle of proportionality.

The large fines imposed mean there are people who have no intention of paying them and, as Barcelona's ombudsman noted, this reduces the byelaw's effectiveness and increases the inefficiency of the local administration, which is imposing a large number of non-collectable fines. Processing coexistence fines represents a huge cost for Barcelona City Council (personnel, notifications, administration, print-outs, and so on) which, in most cases, it does not recover through payment of the penalty. Very few of the cases processed that end in a fine result in the City Council collecting it. For example, between 2012 and 2015, the percentage of fines paid varied between 39% in 2013 and 30% in 2014. The non-payment percentage is especially high in the case of certain offences, such as street hawking, which, as has been seen, represents more than 50% of all reported CB infringements, and, in general, those relating to social exclusion and situations of vulnerability.

But the fact that the fines are not paid does not mean they have no effect on the people concerned. For people in an economically vulnerable situation, it might mean a series of added disadvantages, such as making it impossible to access grants as a result of being in debt to the local authority, or it might act as a disincentive to finding work, in the case of young people repeatedly fined or fined large amounts and who are worried their wages will be embargoed.

It should also be borne in mind that not everyone who is reported is fined. Some offences reported do not reach the processing stage due to a technicality, for example, to a lack of information for starting proceedings, or the fact that the offending person is a non-resident foreign national. When referring to non-resident foreign nationals, we need to think of tourists and not migrants (the latter usually live somewhere in the city or its surroundings, whether they have a residence permit or not). Given that, at present, penalty notices are not sent outside the Spanish State, if the person does not pay the fine when they are handed the notice, it ends up being cancelled due to the impossibility of starting proceedings. In 2013, 2014 and 2015, the number of coexistence fines imposed on non-resident foreign nationals did not represent a very high number of the total (3%, 5% and 6%, respectively) but these figures have been steadily rising (Municipal Tax Office).

There is also the option of replacing fines with educational measures and community service (Article 93), or even cancelling them. However, not all fines can be substituted in this way.<sup>5</sup> The limited types of fines that can be substituted - for example, for street hawking, which account for about 50% of all reported infringements, do not fall within that category - as well as the practical difficulties facing technical prevention staff (especially in contacting the people who have been fined) means that the number of penalties substituted with community service measures in recent years has been very low. For example, of the 294 substitution applications in Barcelona's 10 districts in 2015, only 0.12% were approved and implemented. Also, as explained by the district prevention staff in charge of implementing substitution measures, the current way of handing these punishments means there are limits as regards their educational purpose, due to the delays in processing them, the number of hours of the actions proposed, the educational possibilities, the stigmatisation of the measures, and so on. The potential of these kinds of measures in terms of fostering and promoting civility and coexistence, as well as the possibility of reducing the economic impact of applying the punishments, are factors that are viewed very positively by both the people being punished and the street educators, although, given the nature of this measure, the latter motive ought not to be the most important when opting for an educational measure. For the organisations that work with people in socially vulnerable situations, the issue is not so clear. Those that offer support to sex workers regard these measures as totally misplaced, even absurd because of a conceptual error, since there is no sense in making a person who has been fined for being poor carry out a measure to change their anti-social attitude. In the case of homeless people, there is no consensus.

Even if certain types of conduct are reported, there exists the possibility of halting the penalty proceedings and no fine ending up being imposed. In various accounts on disproportionate fines, the same person accumulating fines or people in vulnerable situations being fined, the comment was made that when the ombudsman intervened to denounce the situation, these fines were often cancelled by municipal authority itself. However, while the cancellation of these fines alleviates the negative consequences they could involve, especially for people in a vulnerable situation (embargoes, denial of benefits, etc.,) the fact that the person fined has to have some sort of contact with that authority so it can "pardon" the fine could represent discriminatory treatment and imply a lack of legal security.

The CB also provides for so-called *specific interventions* which, together with some social measures, frequently consist of the possibility of preventively removing and seizing the materials or instruments used in the infringing behaviour and confiscating the goods and items that are the purpose of the infringement or serve directly or indirectly to perpetrate it, as well as the money, fruits or products obtained from the infringing activity. (Article 101). This legal provision implies that the police have to make a highly questionable assumption from a legal point of view, namely, whether or not the money someone has on their person has come from a banned activity. The

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<sup>5</sup> Under the terms of the Mayoral Decree of 10 October 2013, fines for serious and very serious infringements, such as those relating to activities subject to authorisation or a licence, or which are the result of carrying out regulated business or professional activities, are excluded from this possibility.

people involved in street hawking, busking or sex work said there were times when police officers had seized their goods, their musical instruments and their money.

The concept of confiscation as a precautionary measure is a controversial one, especially in cases where the above-mentioned procedure is not taken to a conclusion. In addition, the regulation for confiscating earnings derived from the byelaw infringements does not establish any rule that enables the illegal origin of the sums of money subject to confiscation to be discerned. Furthermore, the main weakness of the regulation lies in the fact that there is no rule for proportionality similar to the one established for much more serious cases by Article 128 of the Penal Code, which prevents indiscriminate application, even more so at the precautionary stage of the confiscation. This is a worrying circumstance if we take into account that the confiscated goods can include the goods of a licit trade (skateboards, musical instruments, etc.) whose value may not be proportionated to the infringement and could even belong to third parties not involved in the infringing behaviour. Such actions produce a feeling of great injustice among these groups which increases their lack of confidence in the police and security forces, thus making it more difficult to manage possible conflict situations on the basis of dialogue and maybe even escalating the conflicts.

#### 3.4.2. Psycho-social and socio-spatial effects

Apart from their objectifiable legal and economic impact, the punitive actions carried out or demanded under the law also imply an additional social punishment and symbolic marking that have psycho-social effects on the people who are fined or who are the usual control targets from the regulatory perspective of the CB. The fact that there is a municipal regulation in the form of a byelaw sets public opinion against previously stigmatised identities and, from the legitimacy of the law, reinforces the degradation of the morality and identity of groups in a situation of poverty and marginalisation, and who avail themselves of public places for unregulated uses. Furthermore, the CB opens the door to criminalising these socially marked groups because the procedures it uses (fines, community service work, police interventions, etc.) enables administrative offences to be equated with minor criminal offences, blurring the social boundaries between an uncivic person and a criminal. Finally, the fact that the citizenry can formulate demands for local-authority and police action in the legitimate application of a CB that revolves round penalising people as the normal procedure could be encouraging norms for relations between neighbours and between citizens and the local authority that are based more on informing and reporting, mistrust and a dependency on institutional authority than on co-responsibility, social support and self-management of conflict and coexistence.

More specifically, from the discourses of the people who took part in the study, the following psycho-social impacts of the CB can be identified:

##### a) Stigmatisation and criminalisation of groups in vulnerable situations

Non-compliance with the CB leads to an intensification of the negative marking of sex workers (a regular target of prejudice and discrimination for reasons of their alien status, "race" and gender). Also noticeable is the additional labelling of people with mental health problems who use public places intensively (living or sleeping on the street, stopping local people and offering them things, etc.) and a greater rejection of homeless people because of their subsistence activities which are punishable under the CB (sleeping, physiological needs, washing in fountains, etc.) In general, it is clear that situations of poverty and exclusion are being tackled from a logic of formal control and punishment which, within the procedural framework of the CB, is akin to the logic of criminal treatment (especially in the case of the street sellers).

##### b) Impact on the self-perception and behaviour of people who are fined

The fact of being a regular control target in public places, added to that of being repeatedly fined, has some negative implications for identity which are associated with a gradual internalisation of the stigma of criminality, both in the specific case of collectives in a situation of vulnerability (e.g. street sellers and sex workers) and that of young skaters or buskers who accumulate regular police identifications, fines, confiscations, embargoed accounts and administrative procedures derived

from the sanction. There are also situations of helplessness experienced by people who have been the target of what are perceived as arbitrary police actions. Not being able to anticipate or being clear about when and under what circumstances the same behaviour will be penalised or not, the persons concerned tend to feel there is no relation between what they might do and what might happen, and that increases the feeling of insecurity and vulnerability. Directly related to that is a perception of injustice and a lack of freedom when faced with fines for which they do not share the reason or are seen as unjust. The effects of psychological reactance can also be observed, which means that the perception of a restriction of degrees of freedom imposed by a source of authority not regarded as legitimate or fair tends to provoke the intention of wanting to restore the freedom lost and increasing the behaviour censured by the source of authority. This reaction could explain the rise in tension in the interaction with the police when goods, money or musical instruments are confiscated, i.e. when there are significant losses of money and informal means of work. The feeling of unfair control is most clearly felt among buskers, skaters and hawkers.

There is also a demand for more autonomy in the use of public space in the name of “responsible freedom” to carry out activities such as playing music or drinking alcohol, as opposed to continuous forms of coercion and control considered to be unjustified. A citizen has to be able to be responsible for their own conduct. It is not infrequent for them to show active resistance to paying fines when they have no money (e.g. not putting money in a current account to avoid having it frozen). In some cases people adapt to the fine and look for alternatives that enable them to continue with their activity, even though it might be punishable. Musicians buy cheap instruments so they do not have to meet the high costs of trying to recover an instrument seized, which would mean paying for the number of days it has been stored plus the fine which caused it to be confiscated. Adapting to the punishment therefore neutralises the intended effects of dissuasion and eliminating the punishable behaviour. As regards health, sex workers talk of the possible increase in the risk of diseases and other negative effects, basically HIV and other infections, because clients are more at risk of being fined and demand sex in conditions which are less safe for the women. Street hawkers talk of suffering the physical consequences of police mistreatment and affects on their health (back injuries caused by the weight of the goods).

#### c) Impact of formal control on relations in the community

There are reports of discrimination from residents organised in associations who act under the protection of the law (e.g. against sex work), as well as the racist prejudice of individuals who channel their rejection along the legitimate and “de-racialised” lines offered by the civility mechanism (e.g. phoning the police because “there’s a blackie selling round here”). In both cases, an extension can be observed of the formal control over punishable behaviour towards the organised and unorganised citizenry, which has the perverse effect of setting up channels for reporting and rejecting in the name of civility, but which extend the discriminatory logics of xenophobia-racism. Police officers frequently justify the control they exercise over certain behaviours and collectives by referring to the complaints of local residents who have reported or protested against them. The use of reports and formal complaints by a sector of the citizenry (associations, commercial establishments or individual citizens) against the activities of other people (groups in a precarious situation who use public space intensively or groups who make non-regulatory uses of it) normalises relationships of mistrust, processes of citizens informing on other citizens and calls for action on the part of formal external control agencies before any form of possible understanding between people in the neighbourhood. These relationship dynamics mean the community tends towards logics of fragmentation and social tension, and not towards optimal conditions of cohesion and mutuality typically associated with informal control as a preventive mechanism for problems of coexistence.

#### d) Effects of legitimising exclusive postures on public opinion

The existence of a municipal byelaw that penalises, within the same legal framework, behaviour linked to leisure and the free use of public space and behaviour linked to inequality and poverty, helps to create and normalise a negative public opinion of groups in a disadvantaged legal and socio-economic situation. So, within the framework of the debate on the right to the city and the right to the public space, the CB promotes what we might call *exclusive policies of belonging*. The

most vulnerable groups are conceived as non-citizens, people whose identity puts them outside the symbolic limits of the legitimate character of residents, and who are regarded more as a problem for the public and citizenship than as an integral part of the citizenry (sex workers, homeless people, hawkers, young people). In the same vein, we see the use of the label *uncivic* as an excuse for xenophobic discrimination (“foreign people are *uncivic*”), and there is criticism of the fact that people are made to do community service work who are not treated as part of the community (homeless people, sex workers) and duties are demanded of them without awarding them basic rights. Finally, it is pointed out that the problem of incivility is always viewed from the perspective of the included citizenry and not from the right to the city of a person in a vulnerable situation.

e) Effects on the perception and relationship between the local authority and the public  
 One of the stated aims of the CB is to promote the value of co-responsibility in exercising and ensuring community coexistence. But political, technical and police comments, as well as those of the groups interviewed, suggest a significant diffusion of responsibility in the management of public space. The political authority issues directives but does not implement them; the technical administration designs actions in accordance with the directives they receive; police officers use the text of the law as a guide for action, and civic officers merely take action on behaviour related to the tasks they have been assigned. Furthermore, actions to deal with and control incivility often respond to public complaints and are justified by citing that as the reason. Public complaints noticeably grounded in a criticism of action or lack of action on the part of the authorities and not in promoting public responsibility for fostering community coexistence. This structure of a diffusion of responsibilities is clear in accounts where the responsibility for actions always lies with someone else. We could describe this situation as an Argentinian State (Milgram, 1973) of various institutional actors and operators, which is characterised by a situation where what is correct and responsible relates more to adequately performing a role for others in a hierarchical chain of obedience rather than with the actual consequences actions to regulate behaviour have on the person affected. Thus, the responsibility for the real impact on the person punished is never attributable to a specific point in the chain and is always justified by claiming to be carrying out a role that always seems to depend on another authority. Within the framework of a diffusion of responsibilities, the CB is sometimes seen to encourage relationships based on dependence, individualism and paternalism, by means of a culture of reporting and complaining to the Administration so they “solve” the problem “for me”, and solve it “for me first”. Criticism is also raised of a tendency for the police to take over social control in public places and, sometimes, it is felt the *Guàrdia Urbana*, the city police, have too much power, because their scope for discretion can have very significant penalising effects in the legal arena. Finally, it is pointed out that the CB could encourage a tendency to control and punish groups predefined as probable offenders in line with its provisions and the statistics previously mentioned, thus reinforcing stigmatising and criminalising stereotypes and markings.

f) Socio-spatial effects

The CB is conceived and applied as a tool for regulating behaviour in public places. (In)civility and its regulation have an important geographic dimension in two inter-related senses in the accounts of participants in the study. First, punishable types of behaviour (urinating, making a noise, offering sex in exchange for money, etc.) are regarded as punishable because they are morally inappropriate for public places, i.e. they are censurable and inadmissible by virtue of taking place in a setting where it is considered they should not take place (public places, places for civility). Second, the regulation and control of incivility often means mechanisms for managing physical space and its use and movement in it (dispersal, zoning, confinement, expulsion, etc.). Therefore, the CB not only intervenes from the punishment angle but also through territorial control actions that result in the geographic re-distribution of punishable uses while, in many cases, leaving their occurrence intact.

Thus, we can see a marked tendency to disperse and displace problems around the urban space, without tackling the underlying social problems, especially in the case of homeless people, street hawkers and re-collectors. There is also a tendency to resort to punishable behaviour outside the

permitted time or by congregating in less space to make the most of rush hours and the most crowded places (mass of hawkers and buskers). Some participants also report facing situations of increased vulnerability due to having to find hiding places on the streets or in private spaces (as in the case of sex work). Skaters take a positive view of zoning skating by allowing it in certain places, even though they increase the control outside exercised outside these spaces, but they express criticism of the “anti-skating” design of urban furniture. The Administration’s determination to remove certain practices from public places considered undesirable in practically “hygienist” terms (activities that make them “unsightly”) is condemned.

#### 4. Conclusions

The CB has had a mixed effect in the ten years it has been in force. It has created a regulatory framework and generated a broad social debate that has enabled us to highlight and rethink the possibilities and limits of the institutional regulation of coexistence in public places, on which there is a consensus that it is both necessary and appropriate. However, the public space on which the CB was conceived in 2006 has changed significantly over time and it continues to change due to the socio-economic situation and the political changes that have taken place in recent years. That means its provisions are not suited to current needs. From the specific perspective of promoting the right to the city, and from a viewpoint that questions the normative ideal of public space (Harvey, 2003; Mitchell, 2003), the current CB provisions cover types of conduct already included in other municipal byelaws; they use imprecise legal concepts or expressions that are difficult to specify and undermine the principle of legal security due to a certain ambiguity in describing types of conduct that infringe the byelaw, and they fail to give a clear definition of protected legal interest. From the study carried out, it can be concluded that, in general, the CB does not achieve the aim of reducing undesirable attitudes and behaviour by means of a fine, whether the amounts are raised or lowered, although fines can be useful for types of conduct not linked to subsistence and following period of raising awareness, warning and offering alternatives. Repeated examples can be found of police actions to enforce the CB that are perceived as arbitrary and cannot be attributed to a discretionary interpretation that is proportional to the specific situation. The CB often has the effect of over-penalising the people affected and making them hyper-vulnerable when they are already in a situation of social and economic inequality, both in legal and economic terms. Sometimes it has increased the stigma of groups that are socially marked and tended to criminalise non-criminal uses of public space. In community terms, there are experiences of using the CB as a tool for initiating an inclusive social action strategy and not as a coercive instrument, but in general it is questioned whether the CB responds to a civility model based on joint citizen responsibility and social cohesion rather than, on the contrary, encouraging dynamics of mistrust and the diffusion of responsibility and mistrust, reinforcing exclusive identity boundaries in the heart of a plural community of “publics” and produces territorial effects that move social behaviours and problems on without properly tackling the causes.

On the whole, we conclude that the current provisions of the Civic Behaviour Byelaw and the ways they are enforced prevent some of Barcelona’s inhabitants from finding the conditions for political and social development in the city, because their dignity and quality of life, instead of being enhanced, end up deteriorating as a consequence of this regulation. For those reasons, we understand there is an urgent need to amend the byelaw and adopt a different approach to coexistence in public places that overcomes the civility idea and moves on to the right to the city.

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Setember 2018

**Key words:** Public places, homeless people, homelessness**Public places and the criminalisation of homelessness from a human rights perspective**Sonia Olea Ferreras<sup>1</sup>, Guillem Fernández Evangelista<sup>2</sup>

**Various concepts of homelessness are used simultaneously in Europe, and they influence the design of the public policies that aim to eradicate it. Various European countries are developing comprehensive national strategies for homeless people, while coercive, repressive approaches against some types of homelessness proliferate. The penalisation of homelessness is a process that involves the criminalisation of homeless people's everyday subsistence activities in public places; their access to the temporary accommodation system and exercising their right to housing is hampered or they are expelled from or concealed in certain areas of the city, and if they are foreigners, they are even arrested or deported to their countries of origin. This article argues that we are faced with the neoliberal approach to homelessness, based more on criminalisation than on satisfying these people's needs from a perspective of human rights.**

**1. Homeless people and public places**

Public places are an essential part of homeless people's daily lives, especially for people who spend their nights on the street or in temporary accommodation and therefore have to spend much of their time in those places. People need an adequate, safe and stable physical space to develop and carry out our basic functions, such as sleeping, washing and socialising. In western societies, housing plays an essential role in guaranteeing human development, and therefore the right to housing is fundamental for exercising other rights and satisfying basic needs. Not having access to decent housing, or being able to keep it, forces homeless people to use public places as a way of satisfying their needs.

Since the beginning of the 21st century in Europe, at both local and national levels, regulations have been passed in order to regulate and penalise behaviour such as begging, sleeping and washing in public places. There has consequently been a tendency to criminalise activities that help homeless people survive on the street.

From a historical perspective, the European Observatory on Homelessness (EOH) affirms that these coercive measures are nothing new; but rather that there is a weak regulatory trend for public places (O'Sullivan, 2007) that has varied in its structure and justifications in accordance with every regulatory cycle (Baker, 2009). For example, in the Middle Ages, "alms" was considered to

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<sup>1</sup> A member of Caritas Española's advocacy team and the Working Group of Legal Experts on Housing run by the European network Feantsa.

<sup>2</sup> PhD in Public Policies (IGOP-UAB).

be a means of saving "powerful people's" souls and balancing out their sins (Geremek, 1989), while in modern times, the criminalisation of begging and vagrancy has become established, because poverty is no longer a divine decision, but depends on an individual's morality and efforts to find work (Morell, 2002). The ideas expounded by Luther in 1520 laid the foundations for the model of assistance available at that time, such as the abolition of begging and helping only deserving poor people (those not fit for work) from the city concerned ("no strange beggars"), provided that they were not helped more than necessary, but "just enough so they do not die of hunger or cold". Today, we know that not all homeless people are beggars and that not all beggars are homeless (Cabrera *et al.*, 2003). However, the regulation of public places penalises and criminalises begging, with the justification of maintaining public order and avoiding antisocial behaviour (Baker, 2009).

The expansion of neo-liberal thinking since the 1970s and 1980s began a new phase for regulations concerning public places, which, due to their gradual privatisation and conversion into consumer environments, would play an essential role in economic growth and the accumulation of private capital, making it necessary to increase the vigilance and control of excluded populations that have a lower capacity as consumers (Brenner *et al.*, 2009).

The EOH produced a report on the conflicts and use of public places by homeless people (Meert *et al.*, 2006), which affirmed that public places are not uniform areas, but that, in accordance with the categories proposed by Carmona (2003), they could be differentiated into external public places (squares, parks, streets, etc.), internal public places (public institutions such as libraries and museums) and quasi-public places, i.e. places that are legally private, but which everyone has the right to enter because they are public domain (e.g. shopping centres, airports and train stations). The report stated that governance in Europe, under the influence of neoliberal thinking, has given rise to the privatisation of public places and an increase in quasi-public places which has had a major impact on the lives and rights of homeless people, as their ability to access or stay in these places is conflictive and a threat to the development of economic activities.

For that reason, the most common conflict situation for homeless people living on the street is with private and public security forces (Meert *et al.*, 2006). One of the examples cited in the EOH report is the impact of remodelling railway lines in Germany and Italy. Railway stations had traditionally been places that provided homeless people with opportunities for subsistence: people were able to beg, wash in toilet facilities free of charge, get food, rest and sleep on benches, leave their belongings in lockers and socialise with passengers and railway employees. However, as Busch-Geertsema explains (2006), in Germany, part of the Deutsche Bahn modernisation programme consisted of turning the railways into a more profitable business (for later privatisation). The redevelopment focused on central train stations, making them shopping centres owned by big companies or global-brand franchises. The 3-S-Programme (Service, Sicherheit und Sauberkeit, i.e. service, security and cleaning) was the fundamental Deutsche Bahn strategy for improving the image of its stations. The regulations imposed on railway stations prohibited begging, sorting through rubbish, excessive consumption of alcohol and sitting or lying on the ground, stairways or at station entrances. Tosi and Petrillo (2006) reveal similar measures in the case of Italy, while adding new motivations based on security measures against international terrorism, as a consequence of the attacks in New York (2001), Madrid (2004) and London (2005).

The main conclusion arising from the various investigations carried out by EOH members on the criminalisation of homeless people in public places (Meert *et al.*, 2006; Tosi, 2007; and Doherty *et al.*, 2008) found that homeless people were not the explicit targets of the regulations for controlling these places, but that they were disproportionately affected by them, because they depended on these places for their everyday activities. Conversely, in most European countries, immigrants and especially the Gypsy or Roma community, are usually the target population for the discursive mechanisms of criminalisation and coercive policies against poverty (Tosi, 2007).

## 2. Trends in European criminal policies and penal system

In order to understand the relationships between public places and homeless people, policies concerning crime and the eradication of homelessness must be analysed together. The process of regulating the use of public places under neoliberalism involves an increasing use of the penal system as an instrument for managing the social problems caused by processes of deregulation, privatisation and cuts to the social welfare system (Wacquant, 2003 and 2009). Since the beginning of the 21st century, academics, social movements and human-rights activists in the United States have denounced an increase in punitive responses to homelessness. The process of regulation and privatisation of public-place uses makes it increasingly difficult to survive on the street without contravening regulations, and as a consequence, there is now a disproportionately high number of homeless people in the penal system (Blower *et al.*, 2012). The origins of this trend are to be found in the development of the Criminology of Intolerance (Young, 1999), which synthesises criminal policies based on zero tolerance and the persecution of petty offences. By-laws for the regulation of public places, civic behaviour and peaceful coexistence were drafted, detailing the range of actions that would become punishable, based on the assumption that if petty crimes are not ruthlessly punished, this will result in more serious crimes. Punishments would be increasingly severe for reoffenders.

There is an academic debate concerning the importation of American criminal policies to a European context and their impact on intervention policies for homeless people. Some authors defend the existence of a process of Americanisation of homelessness and its policies, in all post-industrial societies (Von Mahs, 2011). Other authors believe that while there is no doubt about the restrictions on homeless people using public places in all European countries, the scope and depth of the regulatory process for public places is very diverse (Tosi *et al.*, 2006), responding to the particular historical motivations in each European Union country and their intervention policies for people living in poverty (Doherty *et al.*, 2008). Furthermore, Iñaki Rivera (2004) argues that in Europe, since the 1960s and as a reaction to the activities of armed groups, criminal policy is based on penal exceptionality, which justifies the creation of maximum-security prisons, "special status" for "special" prisoners, isolation practices in prisons, the dispersion of groups of prisoners and the creation of special data-base teams. Over time, penal exceptionality (based on its application only in cases of terrorism and for the duration of the phenomenon) has been maintained and extended to other social problems and legal areas (Aranda *et al.*, 2005).

Criminology of intolerance and penal exceptionality have both had a direct impact on the transformation of penal systems in western societies, which, in spite of differences in national contexts, have a range of common characteristics (Del Rosal, 2009). According to Manuel Cancio Meliá (2006), penal systems have evolved along three interconnected lines: symbolic criminal law, new punitiveness and criminal law for the enemy, although the latter is a combination of the previous two. Symbolic criminal law involves the adoption of regulations in order to achieve symbolic effects, although in practice, applying them is unrealistic or difficult to achieve, which is why it is shaped by messages from certain political players, who seek to reassure the population and transmit a sensation of security and control (Silva, 2001). However, forcefulness and severity are introduced into the regulations, leading to a resurgence in punitiveness and producing a perverse effect, as regulations that should in principle be symbolic, or which were introduced with that idea in mind, and for short-term effect, end up having real penal consequences for people (Cancio, 2006). This is the case with by-laws concerning civic behaviour and coexistence. They penalise activities like sleeping in public places and begging, which are related to situations of structural poverty. If homeless people living on the street beg and are then penalised, it does not matter if they cannot pay the fine, because the objective is the message of security and control that is transmitted to society. In addition to classifying a survival activity as a crime, in order to justify the new punitiveness, bellicose or violent rhetoric is used to demand and justify tough punishments; poor people practice "aggressive begging" and people who sort through rubbish containers looking for food or recyclable materials are "organised mafias". This alliance between symbolic criminal law and new punitiveness gives rise to criminal law for the enemy (Cancio, 2006).

In the opinion of Jakobs (2006), criminal law for the enemy is based on the distinction between citizens and the enemy (a person and a non-person). According to the author, the condition of being a person is a regulatory social attribute. Human beings, in a physical-psychological-biological sense, are not people *per se*; they are only people while society attributes that state to them. According to Jakobs, the social attribution of this condition, and above all, its preservation, depends on an individual's behaviour in a social context. If this behaviour is generally in line with behavioural models that are considered to be adequate for social acceptance, then the individual retains the condition of person, without any reservations. However, in cases where an individual's real behaviour transgresses these models, either through choice or because of an individual's inability to behave in any other way, they lose their condition of person and are reduced to non-persons. In that sense, according to Jakobs' theory, only people have rights and legal guarantees, but if these individuals represent a "danger", i.e. if they are a source of risk for the survival of the established social order, they must be subjected to the criminal law for the enemy. Therefore Jakobs (2006) defends the existence of a dual penal system: one being criminal law for citizens and the other criminal law for the enemy.

As Manuel Cancio Meliá (2006) has pointed out, criminal law for the enemy is characterised by three features: firstly, pre-emptive punitiveness, or in other words, it is possible to penalise the risk of committing a crime before it is committed; secondly, a disproportionately severe punishment, and lastly, certain procedural guarantees are played down or even suppressed. The aim of this legislation is therefore to exclude rather than prevent, and in consequence, it is not criminal law based on acts, but on risk groups and the authors of those actions.

All of the above leads us to affirm that criminal law for the enemy is not the result of an improvised response to an external aggression, such as the terrorist attacks of 11 September, nor is it a temporary measure, but the result of a new evolutionary stage for legal and criminal-law systems.

### 3. Criminalising homelessness

The United Nations Special Rapporteur for extreme poverty and human rights produced a report denouncing that the increasing control of people in a situation of poverty was hindering the exercising of human rights. The Rapporteur used the expression *penalisation measures* to refer to the administrative policies, laws and regulations used to penalise, segregate and control the people living in a situation of poverty. The Rapporteur distinguished between direct penalisation measures, such as the trial and imprisonment of these people, and indirect penalisation measures, aimed at excessively regulating and controlling various aspects of their lives and self-sufficiency (Sepúlveda, 2011). The report "Modes and Patterns of Social Control: Implications for Human Rights Policy" (ICHRP, 2010), was produced with the support of work carried out by the International Council on Human Rights Policy. It found that contemporary public and private control measures, implemented through administrative policies, laws and regulations in the fields of urban planning, social care, health, security and justice were disproportionately affecting the rights of people living in poverty.

In 2013, the book *Mean Streets* (Fernández *et al.*, 2013) was published, which develops the framework for the criminalisation of poverty in specific homelessness situations in Europe. The report found an increasing tendency to criminalise everyday survival activities undertaken by homeless people in public places; an increase in obstacles for gaining access to social housing for certain types of homelessness and evidence of measures to segregate homeless people in specific areas of cities, as well as the imprisonment, arrest or expulsion of homeless people to their home countries if they are foreigners.

In regard to the criminalisation of activities undertaken by homeless people in order to survive, it highlights the case of Hungary. In 2010, the Hungarian government drafted a strategy to reduce the number of homeless people living in the street, based on a methodology known as *positive zero tolerance*. That same year, Parliament approved a law that authorised municipalities to penalise any use of public places that was not listed in that law. Budapest adopted a city-wide by-

law that prohibited the use of public places as a habitual residence or as a storage space for belongings, actions that carried a fine of €165. In 2012, this by-law became a state-wide law which established that urban public places were not adequate for use as a habitual residence and that this could mean a fine of up to €517, and, in the case of non-payment, being sent to prison as an alternative punishment. If the offence was repeated a third time, it could mean sixty days in prison. The Constitutional Court declared this law to be unconstitutional, as it was a violation of human dignity, but the Government responded by including a specific provision in the Hungarian Constitution that allowed Parliament or a local by-law to declare permanent residency in a specific public area illegal, with the aim of protecting public order, public health and cultural values. This has automatically been interpreted as a ban on homeless people having access to areas that are World Heritage Sites. According to Feantsa (European Federation of National Organisations Working with the Homeless), the first data obtained on this process showed that 2,202 homeless people were detected by the police, 1,037 of them were fined and 24 ended up with prison sentences<sup>3</sup>.

With regard to obstacles for gaining access to social housing or the temporary accommodation network in order to satisfy residential needs, *Mean Streets* (Fernàndez, 2013) states that in the UK, for example, there was a reduction of over 70% in the number of homeless people legally applying for accommodation, due to the introduction of the "Housing Options" approach. This process was based on applicants having to go to their local administrations for a formal interview, in order to determine what their housing problems entailed. Depending on the problem detected, they were offered advice on the various means and resources available to them, as well as information on family mediation, the provision of guarantees for rental deposits and resources available for cases involving a risk of gender violence. There were criticisms in some studies that the interviews were geared to prevent homeless people completing a formal application for inclusion in the legislation on homelessness, in order to reduce the statistics for homelessness in the UK (Fernàndez, 2015).

Lastly, the arrest and expulsion of homeless migrants and the Roma community is a reality, and it occurs in various European countries. For example, in 2010, the French government decided to evacuate over three hundred unofficial Roma community and itinerant people's (*gens du voyage*) camps, in order to deport them to Hungary and Romania (Fernàndez, 2011). The reaction of the French president at that time, Nicolas Sarkozy, came after various days of rioting in Saint-Aignan and Grenoble, caused by the killing of two young people at the hands of the French police. From the outset, the French government's position was to state that the young people in question were "illegal" and "criminal", and that they were illegally occupying a public place. However, due to prior collective claims made by Feantsa (39/2006) and the European Roma Rights Centre (51/2008) against France, it was revealed that the legislation introduced in France in 2000, which required municipalities of over five thousand people to provide parking places for itinerant communities, had only been implemented in a minority of cases. The French government recognised the delay in this policy's implementation and estimated a deficit of around 41,800 places. For that reason, the Council of Europe's European Committee of Social Rights estimated that the delay in implementing these measures exposed itinerant communities to an irregular situation and that at no time were they offered alternative accommodation for their members, which included legal Romanian migrant workers. They therefore condemned the mass-deportation policies.

#### **4. Criminalising homelessness in Spain**

This section develops the conceptual framework for criminalising homelessness in Spain. In order to do this, we will analyse the main measures for criminalising homelessness, the difficulties faced by homeless people in gaining access to social housing and the measures taken for concealing some types of homelessness in Spain. Due to the wide-ranging nature of the subject matter and

<sup>3</sup> "Feantsa and its Hungarian members concerned by Hungarian Government Stance on Criminalising Homeless People", Press Release, 6 May 2013. <http://www.feantsa.org/en/press-release/2013/05/06/press-release-feantsa-and-its-hungarian-members-concerned-by-hungarian-government-stance-on-criminalising-homeless-people?bcParent=27>

the specific focus of this publication, we will place special emphasis on the aspects of criminalising homelessness.

#### 4.1. Criminalising homelessness

As a result of the collaboration between the Caritas Española Advocacy Group and the Pontificia Comillas University's Icade Legal Clinic (2015-16 academic year), a joint study was carried out, entitled: "Criminalisation of poverty in administrative law for the enemy: analysis of municipal by-laws concerning coexistence". This study examined Organic Law 4/2015, of 30 March, concerning the protection of public safety (LOPSC), better known as the *ley mordaza* [gagging law], and the standard by-law of the Spanish Federation of Municipalities and Provinces (FEMP). An analysis was also carried out in fifteen Spanish cities on the current situation of municipal by-laws that are based on the criminalisation of poverty and their trends over the last ten years.

In this subsection, we will focus on the specific areas affecting the criminalisation of homelessness, i.e. those everyday activities that homeless people living on the street are forced to undertake in order to survive, and which are penalised by the LOPSC and municipal by-laws.

##### 4.1.1 The gagging law's impact on the criminalisation of homelessness

Since the first draft of the LOPSC, the law has received a number of criticisms from human rights defenders, third sector associations, social movements and even the United Nations. The law is considered to be unnecessary and its adoption does not respond to real social demands. The motives alleged by the Government to justify the need for the law's inclusion in Spanish legislation were of questionable consistency. For example, the alleged antiquity of the regulation it replaces, which dates back to 1992, does not seem to be a convincing argument, given the age of many legal regulations currently in force in our country (good examples being the Civil Code of 1889, the Code of Criminal Procedure of 1882 and the Obligatory Expropriation Act of 1954). Basing the need for a law such as the LOPSC on social changes that have occurred and the new ways of endangering public safety and order in public places also seems misguided, as its enforcement has already shown; it is difficult to find evidence that supports the legislator's position, even in the regulation itself, whose text, and in particular its stated motives, lack any explicit mention of these realities, which are in theory the *raison d'être* of this law.

Apart from the law's suitability, now that it has entered into force, the main criticisms are based on the infringement of fundamental legal principles, especially concerning aspects of the legislative system for penalisation, such as legal protection and proportionality. The law contains an abundance of indeterminate legal concepts, which taken with the arbitrariness which this generates and the preponderance of the subjectivity shown by the authorities in regard to penalising certain activities and in the imposition of the corresponding fines, leads to a significant legal insecurity which directly affects the general public and, especially, people who are living in poverty. The penalties associated with some activities are completely exorbitant and disproportionate. The framework set out in the regulation for imposing fines (the typical penalty in administrative legislation and also, therefore, in the LOPSC) range from €100 to €600 for minor offences, from €601 to €30,000 for serious offences and from €30,001 to €600,000 for very serious offences. For example, the following scenarios are considered as minor offences: occupation of the public highway with an offence that is prescribed by law; the unauthorised occupation of any property, dwelling or building, or staying in them against the will of the owner, tenant or the holder of any other deed pertaining to it, where they do not constitute a criminal offence; or the damage to or wear on moveable or immoveable property pertaining to public use or service. Furthermore, the latter does not require any action or intention and introduces an indeterminate, subjective legal concept: 'wear'. Furthermore, the illegal possession or consumption of drugs, narcotics and psychotropic substances in public places, streets, establishments and collective transport is considered to be a serious offence, even where these substances are not used for dealing, as is leaving the implements and other items used for taking the substances in those places. Another major criticism of this law, regarding the parallel reform of the Penal Code, is the fact that minor offences have been eliminated from the Penal Code and most of them have been converted

into administrative offences, thereby depriving the alleged offenders of immediate and effective legal protection, the principle of presumption of innocence and other guarantees associated with the penal process. This means that these administrative infractions can result in a penalty that is notably more onerous than those that were previously associated with committing minor criminal offences.

In addition, one final aspect of the LOPSC worth mentioning is the provision of a special regime for Ceuta and Melilla, stipulated in the first final provision of the LOPSC, which is especially relevant regarding the question of immigration, borders, refugees and the return of immigrants. This special regime allows the rejection and immediate expulsion of illegal immigrants, without observing any of the guarantees associated by law with this type of procedure, in violation of principles of international law. In other words, summary expulsions are authorised (de facto, without administrative procedures). We will look at the consequences in section 4.3.

#### 4.1.2 The FEMP's standard by-law and its local implementation<sup>4</sup>

The standard public safety and coexistence by-law proposed by the Spanish Federation of Municipalities and Provinces (FEMP) aims to preserve public areas as places for meeting, coexisting and civic behaviour, where everyone is free to indulge in freedom of movement, leisure and recreation, with complete respect for the dignity and rights of others and the plurality of expressions and ways of life. The importance of this by-law lies in the fact that it constitutes a guideline that will be followed by a majority of city and town councils, as it forms a basis for developing their own by-laws adapted to each municipality's specific circumstances and characteristics.

- Sleeping and camping

Article 84 of the FEMP's standard by-law stipulates regulations for behaviour and prohibits the improper use of public places. These include the explicit prohibition of sleeping in public places during the day or at night or camping in streets and public places. This latter action includes people permanently moving into these places, as well as using any kind of furniture or transport (tents, vehicles, camper vans, etc.), unless they have specific authorisation. Both activities are considered to be minor offences and are penalised with a fine of up to €500. In Bilbao and Barcelona, by-laws establish that sleeping during the day or night in public places and streets is not permitted (Art. 24.2.b OMB and Art. 58.2.a OMB, respectively). In Barcelona, if cases involve people at risk of social exclusion, this is taken into account and, where necessary, municipal social services accompany these people to the appropriate municipal establishment or service, with the aim of helping or supporting them as much as possible. In these cases, the established fine is not imposed (Art. 60.2 OMB). In Badajoz, camping and outdoor overnight stays are prohibited, as well as group camps and camping in the city's public and rural places (Art. 25.2 of the City Police by-law). Málaga prohibits camps and camping on the beach (Art. 10 of the by-law for beaches). In Madrid, sleeping in a vehicle near an area with a street market is considered to be a minor offence (Art. 42.1.c of the municipal by-law regulating street selling). In Tarragona, free camping is also prohibited throughout the municipality, while the use of a vehicle as a living space is also considered to be unauthorised camping and as such, it is also prohibited throughout the municipal territory (Art. 85.2 and 85.3 OMT). In Zaragoza and Valencia, it is established that: "With the exception of places especially adapted for that purpose, camping, erecting tents or vehicles used as living spaces, or becoming settled for achieving any of these ends will not be allowed in green areas nor in any street or public place, whatever the type of permanence (Art. 8.h of the municipal by-law concerning the use of green areas in Zaragoza and Art. 32.f of the municipal by-law for Valencia's parks and gardens).

The fines vary considerably according to the province; with the exception of Valencia, all the other by-laws consider this to be a minor offence. For example, in Bilbao it is a minor offence, with fines

<sup>4</sup> [http://www.fempclm.es/Ordenanza-tipo-de-Seguridad-y-Convivencia-Ciudadana\\_es\\_288\\_827\\_0\\_318.html](http://www.fempclm.es/Ordenanza-tipo-de-Seguridad-y-Convivencia-Ciudadana_es_288_827_0_318.html) (January 2018)

of up to €750, and in Barcelona, of up to €500. In Badajoz, it is a minor offence, carrying a fine of between €200 and €750. In Madrid, *staying overnight in a vehicle* is considered to be a minor offence, with a fine of up to €150, as it is in Zaragoza (fines of between €50 and €250) and Tarragona (between €50 and €750). However, it is considered to be a serious offence in Valencia, with a fine totalling 50% of the legal limit.

- **Sitting, reclining or lying down on public furniture**

Article 88.4 of the FEMP's standard by-law establishes the prohibition of using benches for any purpose other than their proper use, and it uses a subjective, indeterminate concept, so that reclining or lying on a bench can be considered as an administrative offence if it is thought this is contrary to its proper use.

None of the cities explicitly penalise sitting, reclining or lying on public furniture. However, the act of lying on a bench for the night may be penalised, because most by-laws prohibit any use of public furniture that is contrary to its proper use. The problem is that in many by-laws, the proper use of a particular asset, and what behaviour is contrary to that, are not specified. This gives rise to legal insecurity and may lead to a person being penalised for lying under an awning at night.

Cities that prohibit the use of public benches or seats for any purpose other than their proper use include Barcelona (Art. 58.2.b OMB), Badajoz (Art. 38 of the municipal by-law concerning street cleaning), Bilbao (Art. 24.2.c), Las Palmas (Art. 9 and 10 of the by-law concerning coexistence), Santander (Art. 2 and 5) and Seville (Art. 11 of the by-law concerning public trees, parks and gardens). Practically all the by-laws studied consider the improper use of public benches as a minor offence.

- **Use of parks, gardens and green areas**

Article 91 of the FEMP's standard by-law states very briefly that the signposting and opening hours of parks and gardens must be respected, as well as any indications formulated by local police or personnel from the services concerned. This means that anyone who enters or is in a park outside the indicated opening times, with the intention, for example, of sleeping there, may be penalised. All the infringements listed in this article are considered as minor offences. For example, this is the case in San Sebastián (Art. 14.3 OMSS), which specifies: "It is also prohibited to stay inside parks that are subject to regular opening times after they have closed".

- **Sorting through, handling and collecting rubbish Throwing away rubbish**

Article 20.2 of the standard by-law penalises throwing away or depositing waste, scraps or any kind of rubbish and rubble onto public streets and places. However, article 28.13 adds that it is also prohibited to sort through, rummage and extract items deposited in litter bins and containers on public streets. Both activities are considered to be minor offences and carry a fine of up to €750 (Art. 162).

All the cities studied impose a fine on throwing away rubbish on city streets, either in the generic by-law concerning coexistence and the use of public places, or in a specific by-law concerning street cleaning (or even in both of them). Therefore, all the by-laws prohibit throwing away or depositing all kinds of waste and rubbish in city streets and places. Some cities specify the prohibited activities (throwing away chewing gum, cigarette ends, paper, drink containers, etc.), including Tarragona (Art. 122), Valladolid (Art. 14), San Sebastián (Art. 12) and Las Palmas (Art. 37). Other cities achieve this through specific by-laws, such as Badajoz's municipal by-law on street cleaning (Art. 31) and Bilbao's municipal by-law on street cleaning (Art. 10).

However, sorting through or extracting rubbish is hardly ever penalised, with the exception, for example, of Valencia's municipal by-law on street cleaning, which contains a specific article (Art. 29) that penalises sorting through and taking away any waste materials deposited in containers or other places designated as collection points for municipal services.

Penalties can vary according to the degree of intention, reoffending or reiteration, any damage caused and other circumstances. In general, the behaviour of throwing away or dumping rubbish or waste is classified as a minor offence in all cities.

- **Begging**

Article 59 of FEMP's standard by-law prohibits active begging, i.e. behaviour that, under the appearance of begging or organised activities, involve coercive attitudes or harassment, or intentionally hamper and impede the free transit of city residents in public places. It also specifies that offering any kind of goods or services to people who are inside public or private vehicles will be penalised. This is classified as a minor offence. Cleaning the windscreens of cars waiting at traffic lights or in city streets is considered to be a serious offence. Begging that directly or indirectly involves minors or disabled people is considered to be a very serious offence. Furthermore, it is important to underline that in the case of active begging (without minors or disabled people), it is expressly established that the fine may be substituted by individualised care sessions or courses concerning the possibility of social care, etc.

Approximately half of the cities studied penalise begging, but only when done in an active way. Barcelona (Art. 35) punishes active begging (when it impedes the free transit of city residents) and begging that includes minors or disabled people. In San Sebastián, begging is penalised in a similar fashion (Art. 16). In the cases of Barcelona (Art.35.5) and Granada (Art. 50.5), it is established that, when faced with other types of non-active begging that have a social origin, the authority's officers will contact social services in order to gather information concerning the most appropriate municipal resources for attending the people in that situation. There are a number of cities that penalise begging that is coercive, insistent, aggressive, etc. in a similar fashion. These include Málaga (Art. 36), Santander (Art. 17) and Tarragona (Art. 125).

It is worth mentioning the case of Valladolid, where in 2013, the High Court of Justice in Castilla and León ruled Article 15.1 of the by-law, which penalised any kind of begging in public streets and places, null and void. The sentence repealed the generic prohibition on begging because it violated people's right to freedom, although it clarifies that it is legal to penalise situations of coercion, moral conflict, psychological violence or the nuisance caused to city residents by people begging. The problem lies more in the drafting of this article, as it refers to any kind of begging.

In most of these by-laws, begging is considered to be a minor offence. However, begging is a serious offence when it involves using minors or disabled people, and in these cases, significant penalties are imposed.

The provisions made by certain cities are of special interest. These include Tarragona, where by-laws establish that, in cases of begging (without using minors or disabled people), law enforcement officers will inform the people that this behaviour is prohibited and the corresponding penalty will only be imposed if they continue begging (Art. 127).

- **Washing or bathing in public places**

Article 93 of FEMP's standard by-law prohibits washing, bathing or cleaning objects of any kind in public fountains or ponds. Furthermore, Article 84 specifies the prohibition on washing clothes in fountains, ponds, showers or similar facilities. Both activities are considered to be minor offences and carry a fine of up to €500 (Art. 162).

Article 67.1 prohibits the carrying out of physical needs, such as defecating, urinating or spitting in any public places. This is considered to be a minor offence, carrying a fine of up to €300. However, if these actions occur in places that are crowded or frequented by minors, or in food markets, monuments or listed or protected buildings, or in the area around them, it is considered to be a serious offence, with fines of between €750 and €1,500.

All the cities include similar measures in their by-laws to those in the standard by-law, either prohibiting the satisfaction of physiological needs (defecating or urinating) in public places, such as in Tarragona (Art. 122.1.b), or the prohibition on washing, bathing or washing clothes in fountains, ponds and similar features, as in Barcelona (Art. 58.2.c and 58.2.d) and Valladolid (Art. 12). The offences are considered to be minor or serious depending on the relevance of the place, the number of people around and the presence of minors.

- Consumption of narcotics and alcoholic beverages

The FEMP's standard by-law does not refer to the consumption of food and drink in the street in general, although it does regulate the sale of food and drink on the street. All the cities have followed this line, with the exception of Valencia, where Article 26 of the by-law concerning parks and gardens prohibits picnics, with the aim of favouring the conservation and maintenance of garden areas. It also prohibits eating on benches in such a way that may leave stains on the furniture.

By contrast, the standard by-law treats the consumption of alcoholic beverages and narcotics in depth. The general rule is set out in Article 70, which prohibits the consumption of alcoholic beverages and other drugs in public places, on the basis of protecting public health, respecting the environment or the right of local residents to peace and quiet.

After analysing the various prohibited activities and their fines in various cities in Spain, it is important to note that most by-laws seek a balance between an inclusive discourse (based on the importance of city residents) and a repressive one (aimed at eradicating "anti-social" behaviour), as well as a more "aesthetic" final objective as opposed to seeking the common good for *all* city residents. Some measures that are more symbolic than effective have been identified, along with a resurgence of punitiveness. One of the fundamental problems observed is the abundance of indeterminate legal concepts, which mean that the penalisation, or not, for certain behaviour depends more on subjective criteria (of the authorities) than objective ones (the facts, what happened). However, it must be stated that the penalties have a clear, defined and quantified framework. Lastly, one positive aspect that is observed in some by-laws, although in a minority, is that they apply cohesive models of society and coexistence and refer to vulnerable or excluded groups, in regard to the municipality's function of social protection.

#### 4.2. Obstacles for access to and realisation of the right to housing

In Spain, the various types of homelessness have traditionally been dealt with by social services. There has always been a well-defined separation between the areas of housing and social services. The former responded to structural problems in housing and the latter responded to the problems of people. One area for the container and the other for the contents. This separation is present in all administrative levels, the state, autonomous communities and municipalities, except for a handful of cases. The concept of homelessness as a problem that should be dealt with by social services has become a question of progressive steps and therefore, homeless people's access to social housing has not been seen as a major, sustainable solution. The lack of administrative coordination and insufficient budgets in both areas has made it difficult to progress through temporary accommodation resources that then lead to people accessing independent, permanent social housing. The main obstacles facing homeless people in their bid to gain access to social housing concern the structure, the model and the concept, in terms of both homelessness and the importance of social housing, as public administrations should facilitate people's access to, support their enjoyment of and defend their right to social housing (Fernández, 2015). We would also like to mention some specific obstacles:

- Size of the social housing stock: the structural lack of social housing available in Spain is a problem for the population and, in particular, the main obstacle for the most vulnerable groups, such as homeless people. This chronic lack of housing makes rehousing people due to the loss of their home and providing homeless people with an independent home more difficult or impossible. Furthermore the lack of social housing and insufficient financial aid for housing shifts the

accommodation problem to social services, which take on the problem of resolving situations that go beyond strict cases of homelessness, such as allocating financial aid to pay deposits or other costs that facilitate access to a home in the private rental market.

- **Prioritising among vulnerable groups:** the lack of social housing and the diverse nature of new accommodation problems lead to the administration being unable to adequately differentiate between situations of sudden residential emergencies and chronic urgent residential problems. Nowadays, a large percentage of social housing is adjudicated directly by municipalities or autonomous communities to meet social-emergency situations, such as the loss of a home through non-payment of rent or mortgage foreclosure. By contrast, social flats for people in a situation of chronic homelessness are scarce and are usually part of specific programmes or pilot schemes. The creation of waiting lists for urgent and emergency situations generates technical, political and social debates on the priority of some vulnerable groups over others when it comes to social housing. This discussion extends to the long waiting lists for members of the general public who are registered for the adjudication procedures of the Social Housing Applicants Register. In certain cases, the lack of social housing leads to problems of "competition" between vulnerable groups and political exploitation.
- **Unsuited and contradictory allocation criteria:** the criteria used for allocation determine people's eligibility for gaining access to social housing. When the social housing stock is small, these criteria tend to be restrictive. The criteria of having a minimum income and having been registered in the municipality for a certain period of time (months or years) may determine the de facto exclusion from access to social housing for a large number of homeless people. Access to social housing should be targeted at the population that cannot access the housing market, but above all, it should focus on residential figures that allow people with little or no income access to social housing, including homeless people, who at the very most, receive minimum benefits. In regard to registration, some municipalities make this easy, even where the person does not have a home, but this process is not always made available. In certain cases, not having help or access to support services when carrying out administrative procedures for homeless people can become an obstacle. The existence of new forms of homelessness and residential exclusion has made it necessary to revise adjudication regulations for social housing, to take into account evictions, mortgage foreclosures and the occupation of dwellings. For example, a common requirement for being adjudicated rented social housing is not being the owner of a residential property. However, in the case of mortgage foreclosures, in order to take preventive action, rehousing must be facilitated before the person legally ceases to be a property owner. Illegal occupations have led to the Administration facing major contradictions when adjudicating the affected person social housing or not. The families or people who have occupied public or private housing, due to need or the Administration's inability to provide immediate alternative housing, are normally excluded from access to social housing, because, according to the Administration itself, it would be sending the wrong message to society; that of fostering illegal occupation. In any case, their access to social housing, if it occurs, will be determined by priorities provided by reports from municipal social services or a social organisation.
- **Administrative coordination:** in many cases there is no (or insufficient) coordination among state, autonomic and municipal administrations when defining the concepts of urgent and emergency situations or for agreeing on criteria, procedures and political responses concerning those situations, which would clarify the processes for allocating social housing.

### 4.3. Concealment and expulsion

In Europe, there is a history of making a dangerous (and false) association between immigration and crime (Capdevila *et al.*, 2010). European governments have always made immigration the responsibility of their interior ministers. The TREVI Group, created in Europe in 1976 as a framework for inter-governmental cooperation, began working on a series of problems that affected all countries. TREVI is an acronym for the treatment of Terrorism, Radicalism, Extremism, Violence and Immigration (Pajares, 1999). Furthermore, Article K1 of the Maastricht Treaty deals with the

problems of immigration and crime together. In 2005, Austria, Belgium, France, Germany, Luxembourg, Netherlands and Spain signed the Prüm Convention, which aimed to introduce specific regulations concerning illegal immigration, as well as the provision of data such as DNA and digital fingerprints for the control and identification of immigrants (Freixes, 2008).

In June 2008, the European Parliament approved Directive 2008/115/EC, known as the *return directive*, which consolidated the regression of human rights taking place in the European Union. Following Directive 2001/40/EC, legislation has focused on illegal migration and the expulsion of migrants. Since its approval, the undermining of rights and the exclusion and criminalisation of foreign immigrants has become standard throughout Europe (Silveira, 2011). Administrative measures for controlling and repressing illegal immigration have turned European countries into expelling states, i.e. administrative machines that intern and expel people, where foreigners are treated as lesser people, or even as non-persons (Silveira, 2009). Detention or internment centres for foreigners (CIE) have become a common instrument in state policies aimed at this group of people, using special and administrative criminal legislation to control and repress migrants.

On 1 April 2015, the first additional provision of the new Organic Law 4/2015, of 30 March, concerning the protection of public safety (referring to the so-called special regime for Ceuta and Melilla and summary expulsions at the border) came into force. This regulation has already begun to have an impact.

According to the 2016 annual report from the Jesuit Migrant Service-Spain (SJM-E), 7,597 people were interned at the various CIEs in Spain. Of those internees, 2,110 were expelled and 95 were returned. In other words, 29% of the people interned in the CIE detention centres were forcibly repatriated, expelled. It can therefore be affirmed that 71% of the detained migrants have not been deported. Two out of every three people interned in the CIE detention centres are deprived of their liberty, without being finally expelled. Furthermore, the SJM-E claims that, in 2016, a total of 51 minors were interned in CIE detention centres.

The explanation offered by the organisation is based on arrests for illegal residence. In 2016, 35,882 people were arrested in Spain for not having their papers in order, while 9,241 people were forcibly repatriated (5,051 people through expulsion orders and 4,190 people were returned), which is 26% of the total number of people detained. Therefore, a large number of people were detained on the street after being asked for identification documents by state police and security forces. It is especially serious that these detentions occur on the street or during operations or raids aimed at identifying migrants. This means the detentions are totally random, without any prior criminal complaint being filed or crime being committed. Of the people the SJM-E visited in the CIE detention centres, 26% had been residents in Spain for over fifteen years.

This is obviously due to the application of criminal law for the enemy on Europe's population of foreigners and migrants. However, can we state that there is a tendency to implement criminal law for the enemy among homeless people?

An example will help us to better understand the situation. In 2011, in Bilbao (Basque Country), local police and the National Police's Foreigners Unit entered an abandoned mortuary where 63 homeless people were sleeping. Forty-four of them did not have their papers in order, and they were arrested by the Foreigners Unit, who opened procedures against them for being in the country illegally<sup>5</sup>. Those that did not have a police record were set free until the process for their expulsion orders was completed; in the other cases, the people were interned in a detention centre for later expulsion. The police intervention was due to complaints from local residents, who reported the "presence of homeless people who spend the night in the abandoned building" and "the constant fighting this causes", which threatened their safety and generated health issues. There was therefore a police intervention in order to prevent security and health problems.

<sup>5</sup> <http://medios.mugak.eu/noticias/noticia/291193> (January 2018)

In conclusion, although it is not possible to affirm that criminal law for the enemy is being applied to homeless people across the board, for homeless illegal immigrants the basic characteristics of criminalisation before a crime, the disproportionate nature of the punishment and a reduction in procedural guarantees can be identified. The combination of the criminology of intolerance and criminal exceptionality, symbolic criminal law and new punitiveness is consolidating the extension of criminal law for the enemy to situations of homelessness, painting a worrying picture where the inherent protective nature of criminal systems as part of the rule of law in social and democratic states is being dismantled (Rivera, 2004).

## 5. Conclusions

This article shows the direct impact that regulation of public places has on the material conditions and rights of homeless people. This phenomenon cannot be analysed without taking into account the wider process of criminalising homelessness. The criminalisation of activities undertaken by homeless people in order to survive on the street and the obstacles they face when trying to access social housing, as well as the measures that aim to conceal homeless people by means of expelling them from certain areas of the city or through their detention and deportation to other countries, are all part of the same process of criminalising homelessness.

We have applied this conceptual framework to Spain, and laws, regulations and policies that penalise homelessness have been exposed. A variety of city by-laws for regulating public places that have been in force for over ten years have been analysed. We have detected policies arising from the criminology of intolerance and criminal exceptionality. Although homeless people are not a specific target for these by-laws, the activities they are forced to undertake in order to survive in the street are. Penalised activities include sleeping, camping, begging, sorting through rubbish and washing in the street. Apart from the obvious fact that it is senseless to fine someone who cannot pay, it can be concluded that, based on these measures, criminal law for the enemy is being applied to homeless people who are illegal immigrants. These are people who, without having committed any crime, apart from their administrative situation, are detained, disproportionately punished and are not provided with full procedural guarantees.

Meanwhile, the coming into force of Organic Law 4/2015, of 30 March, concerning the protection of public safety, has led to a new legal framework that criminalises and penalises the occupation of city streets and authorises summary expulsion at borders without administrative procedures. We will have to see how its implementation affects the new by-laws on civic behaviour and coexistence that are under discussion and the processes for expelling illegal migrants.

Furthermore, due to the undersized social housing stock and the saturation of the rehousing system for eviction cases in Spain, people suffering certain types of extreme homelessness find it very difficult to gain access to social housing.

Due to all of the above, there is a clear, intense process of criminalising homelessness in Spain. The neoliberal management of homelessness implies an economic perspective of human rights that involves the reduction of standards and minimisation of essential obligations. Recognition of rights is no longer a threat, if it is implemented with restrictive, selective criteria that limit demand and applications. The dualisation of social services, the housing system and the health system leads to "wars among the poor", who are in different administrative situations, but have the same needs that are not being covered. There are types of homelessness that the system no longer tries to resolve, just conceal, move on, imprison or expel. In order to do this, it is essential to control and manage homelessness. In Europe, and in the case of Spain, a dangerous, ambiguous and open legal framework is being created, which can lead to arbitrary application according to who is responding to the situation.

The criminalisation of homelessness is just one example of the neoliberal management of poverty, which occurs in various forms and degrees of intensity in each country. In Spain, the

criminalisation of the everyday activities of homeless people living on the street, hindering their access to the temporary accommodation system and social housing, and the expulsion of homeless migrants because of their irregular situation, are all the result of the neoliberal management of homelessness, and not a strategy for eradicating the problem in accordance with a human rights perspective.

As an alternative way forward, from a criminological perspective, Hillyard (2004) invites us to move on from neoliberal definitions of a crime perpetrated by a rational amoral individual, and instead adopt the perspective of social harm, recuperating social responsibility for crime. Basing himself on global critical criminology, Ferrajoli (2013) suggests adopting the concept of market crimes or system crimes, used for referring to massive crimes against humanity, perpetrated by markets and states, which criminology should read as attacks on human rights and common property. Why not analyse the social harm caused by speculation with basic goods and needs, such as food and housing? Why not draft by-laws concerning the behaviour of the economic players that operate in cities?

We must recuperate social ties with *the other* and tackle homelessness from a human rights perspective that satisfies the needs of people, strengthens their abilities and empowers them.

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Setember 2018

**Key words:** fear, urban safety, gender, feminism**Approaching safety from a gender perspective in urban planning: more than forty years of feminist struggle**Sara Ortiz Escalante<sup>1</sup>

Col·lectiu Punt 6 (Barcelona)

**Fear and safety have been the object of extensive study throughout the history of urban planning and development. Although safety continues to be a central element in urban policy, few cities have incorporated a gender perspective in urban planning, safety and the prevention of violence. This article looks back at how feminist urban planning has approached safety over the last forty years. A review of feminist contributions is followed by the methods used to approach the topic of safety in the intertwined public-private space. Finally, the article presents two examples applied in practice undertaken by Col·lectiu Punt 6. The article concludes with a reflection on how institutions can better incorporate feminist knowledge and practices, whilst also recognising the progress made by authorities in this area.**

**Introduction**

Fear and safety have been the object of extensive study throughout the history of urban planning and development. Planning and urban management discourses are, and always have been, saturated with fear. The history of planning could be rewritten as the attempt to manage fear in the city. (Sandercock, 2002, p. 203)

Although in the past safety has been, and continues to be, a central element in urban policy, few cities have yet incorporated a gender perspective into urban planning, safety and the prevention of violence. As a result, most theories and actions relating to safety in the area of urban development have centred on controlling and preventing crime through the design of city spaces. Crime Prevention Through Environmental Design (CPTED) takes this approach, as do safe city programmes. These initiatives, however, mainly respond to crime committed by unknown actors in public spaces and against private property. The feminist perspective has criticised these strategies as they do not consider gender and are merely focused on the physical aspects of urban planning, with no social analysis as to why the perception of safety is different according to gender and other intersectional identities (Koskela and Pain; Pain, 'Gender, Race, Age and Fear in the City'; Sweet and Escalante). Feminist research over the last few decades has shown that fear and the perception of safety limits women's right to the city; one example of which is women going out less

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<sup>1</sup> PhD Candidate at the School of Community and Regional Planning of the University of British Columbia (Vancouver)

at night (Pain, 'Space, Sexual Violence and Social Control: Integrating Geographical and Feminist Analyses of Women's Fear of Crime'; Pain, 'Social Geographies of Women's Fear of Crime'; Koskela and Tani; Koskela, 'Gendered Exclusions': Women's Fear of Violence and Changing Relations to Space'; Loukaitou-Sideris, 'Is It Safe to Walk Here?').

This article takes a look at how feminist urban planning has approached fear and safety over the last forty years. Following a theoretical review bringing together contributions from feminism on the subject of urban safety, methods used as an approach in the real world in different contexts will be presented. Finally, the article presents some examples put into practice by Col·lectiu Punt 6, a cooperative of women architects, sociologists and planners who have been working with and developing methodologies for feminist urban planning for over ten years at a local, national and international level. In particular, two experiences are presented which have employed an intersectional gender perspective in their approach to urban safety: the guide *Entorns habitables* and the feminist participatory action-research project 'Nocturnes'.

### **1. A look at past approaches to safety in urban planning**

Approaches and research into crime prevention has excluded a gender and intersectional perspective from its analysis, and has essentially focused on acts of vandalism, theft and disorderly behaviour. Measures taken by local governments for crime prevention and control usually have their roots in criminology and the justice system, and restrictive strategies are imposed such as increasing police presence and controlling access to public spaces; closing parks at a certain time of night, for example. Other, more interactive strategies have also been used such as increasing the flow of people in the public space, or carrying out educational workshops in the most disadvantaged communities (Wekerle and Whitzman; Pain and Townshend). These interventions, however, have not previously included an intersectional gender perspective in their definition and implementation and have stigmatised sections of the population, as if to suggest that violence only occurs in marginalised communities.

One example of this, which emerged in the Anglo-Saxon world in the seventies and which is still applied in many contexts, are Crime Prevention Through Environmental Design (CPTED) programmes<sup>2</sup>. The main elements of this programme's approach are natural surveillance, territorial reinforcement, maintenance and cleaning of public areas, reducing areas of conflict, access control and promoting alternative routes. These strategies have been criticised for only addressing criminal acts and crimes perpetrated in public spaces by unknown actors, ignoring most of the violence against women and excluding a gender analysis of violence (Wekerle and Whitzman). In the UK in the eighties, safe city programmes were created, aimed at preventing violence through urban design, and in France crime and violence prevention programmes were created with a social focus, targeting young men as a group at risk of committing crimes.

In 1996, the UN-Habitat agency also created a safe cities programme to tackle urban safety defined as violence, crime and lack of safety in towns and cities. This programme was based on combining two key aspects: the physical and the social. However, it did not include a gender perspective or an approach to violence against women. Despite this, a positive aspect of this programme was that it gave the same importance to the perception of a fear of violence as to violence itself, and considered citizens as experts in the analysis of urban violence. These programmes also promoted collaboration between local, regional and national governments and the public, to not only prevent violence through design, but also through community development and education (Wekerle and Whitzman).

In today's world, safety and the approach to violence in cities continues to focus mainly on crimes, in other words, that defined as violence by law, but not on all the types of violence that exist. Programmes to deal with crime are very limited because they only respond to that which each context, city or country typifies by law, prohibits or punishes. But some types of gender violence

<sup>2</sup> <http://www.cpted-region.org/spanish/>

are not prohibited or penalised in many contexts. At the same time, this focus excludes the perception of fear and safety, which is vital to address safety from an intersectional feminist perspective.

Since the seventies, the feminist movement and feminist research has pushed for physical planning of the environment to go hand in hand with social and economic elements. At the same time, the (lack of) safety for women in cities and everyday environments has been analysed, detailing what is understood by gender violence and the perception of fear and safety in order to go beyond crime and the violence typified by the law. As previously mentioned, including the perception of fear and safety allows us to address, for example, sexual harassment in the street, 'a form of non-criminalised street violence with a high impact on women's access to urban spaces'. (Koskela and Tani).

Including women's perception of safety and fear also means going beyond the physical characteristics of the public space and considering social roles in a society that discriminates against women (Kallus and Churchman). Fear can be defined as the emotional and practical responses of people and communities to violence. (Pain, 'Gender, Race, Age and Fear in the City'; Koskela, 'Fear and Its Others'). Fear and the perception of safety are conditioned by the differences that exist between the type of violence people may experience depending on their sex, gender, age, origin, and so on, and this has a direct impact on the differing perceptions. Fear is based on gender power relationships that also appear in spaces (Koskela, "'Gendered Exclusions": Women's Fear of Violence and Changing Relations to Space.'; Koskela, 'Fear and Its Others'; Dammert; Epstein), and it is reproduced in the practices of daily life (Koskela, 'Fear and Its Others'; Sandberg, L. and Rönblom; Gordon et al.; Valentine, 'The Geography of Women's Fear'). Fear is reproduced through a process of socialisation in hegemonic gender roles that define women as vulnerable and men as strong and aggressive. This socially produced fear emerges through formal and informal channels, in the media and policing strategies, through to advice given in families when we tell a young girl not to go home alone (Valentine, 'Images of Danger: Women's Sources of Information about the Spatial Distribution of Male Violence'; Dammert; Koskela, 'Fear and Its Others'; Mackie; Maccoby; Stockard).

Fear and safety therefore have very different points of reference and meanings for men and women (del Valle, 2006). For women, it is framed by sexualised violent acts to their body and in large part determines how women live in different domestic, community and public spaces. Women usually fear sexual violence, the type of violence that attacks the most private part of the bodies and they tend to limit and adapt their daily life because of fear of violence (Pain, 'Space, Sexual Violence and Social Control: Integrating Geographical and Feminist Analyses of Women's Fear of Crime'; Falú, 'Restricciones Ciudadanas: Las Violencias de Género En El Espacio Público'; Sweet and Ortiz Escalante, 'Bringing Bodies into Planning: Visceral Methods, Fear and Gender Violence'). As stated Ana Falú (2009), women's bodies are subject to violence in both public spaces and behind closed doors. Women's bodies are the territory at stake; to be occupied, conceived as a commodity that can be appropriated and perceived as available, but also as a political category, a place to exercise rights and resist violence. (Falú, *Mujeres En La Ciudad: De Violencias Y Derechos.*).

Including the perception of safety in the analysis produces an awareness of how fear limits women's freedom and mobility, and how they respond to this, mainly through both leisure and work-related activities at night, and especially when getting around (Laub) and the use of certain spaces. This fear means there is less feeling of belonging and less active participation by women.

Fear and the perception of safety affect women's daily lives and mobility, how they use the city and their participation in their everyday surroundings (Pain, 'Space, Sexual Violence and Social Control: Integrating Geographical and Feminist Analyses of Women's Fear of Crime'; Moser). These restrictions increase when it gets dark (Lynch, G., and Atkins; Atkins; Pain, 'Space, Sexual Violence and Social Control: Integrating Geographical and Feminist Analyses of Women's Fear of

Crime'; Pain, 'Social Geographies of Women's Fear of Crime'; Koskela, "'Gendered Exclusions": Women's Fear of Violence and Changing Relations to Space.'; Ganjavi, Lebrasseur, and Whissell; Carter; Loukaitou-Sideris, 'Is It Safe to Walk Here?'; Laub; Morey; Whitzman et al., *Building Inclusive Cities: Women's Safety and the Right to the City.*). Studies on women's mobility have shown that women have more sustainable, complex and diverse mobility (Grieco, Pickup, and Whipp; Grieco and Ronald; Hanson and Johnston; Hanson and Hanson; Law; Hanson; Miralles-Guasch and Martínez Melo; Miralles-Guasch). At night, however, women's mobility can become paralysed due to fear of violence. They avoid certain areas of the city at night, do not use certain types of transport or decide not to go out (Atkins; Ganjavi, Lebrasseur, and Whissell; Carter; Loukaitou-Sideris, 'Is It Safe to Walk Here?'; Loukaitou-Sideris, 'Is It Safe to Walk? 1 Neighborhood Safety and Security Considerations and Their Effects on Walking'; Whitzman et al., *Building Inclusive Cities: Women's Safety and the Right to the City.*). Urban planning must respond to this paradox to guarantee the women's right to the city during the day and at night.

Analysis of approaches to safety in cities from a feminist perspective is also key to shattering and questioning the division imposed by a patriarchal society between public and private space. Through their work, feminist planners question the reproduction of the separation of the public-productive sphere and the public-reproductive sphere because they respond to patriarchal and capitalist structures (Hayden; Sandercock, L., & Forsyth; Healey; Duncan; Miranne, K. B., & Young; Bofill; Fainstein, S. and Servon; Sweet and Escalante; Muxí Martínez, Z., Casanovas, R., Ciocchetto, A., Fonseca, M. and Gutiérrez Valdivia).

Miranne, K. B., & Young (2000) question the public-private division through a reflection on the limitations of women in the city, and how these boundaries are constructed, endure and reconfigure themselves.

'Women's lives are a constant transitioning across boundaries; accompanying men to 'their' places, going into spaces that have closed to them (such as city streets at night), or creating new or alternative spaces that transcend boundaries, both visible and invisible. Some women transgress boundaries (for example, prostitutes plying their trade, or others who may be allowed to enter the male domain if they have male attributes); others work to maintain boundaries, accepting the gendered division of labor.' (Miranne, K. B., & Young 7)

This false dichotomy is also ethnocentric in addition to being the legacy of a patriarchal and capitalist system as the concept of 'home' has little meaning in informal neighbourhoods or settlements where the separation between public and private space does not exist; if you live in a shack, the structure is so vulnerable that even the doors and windows do not close securely. (Meth).

Further to this, sexual separation of spaces is oppressive to transgender people as it forces them to conform to the hegemonic expectations of a particular gender in a space (Doan). Duncan (1996) It also brings into question whether the public-private dichotomy is used to 'construct, control, discipline, confine, exclude and suppress gender and sexual difference, preserving patriarchal and heterosexist power structures'. (Duncan, 1996: 128)

More recent work on the subject of urban planning claims a more fluid relationship between the body and the city, seeing bodies as a spatial scale that connects the public and private space (Doan, 2010; Milroy a Miranne, K. B., & Young, 2000; Sweet & Ortiz Escalante, 2014). This claim has been made from an architecture perspective (Milroy in Miranne, K. B., & Young, 2000)) and a geographical perspective (Sweet and Ortiz Escalante, 'Bringing Bodies into Planning: Visceral Methods, Fear and Gender Violence') and is often linked to issues of the perception of safety. Another example is how Gina Vargas (2009) conceptualises bodies as biographical spaces, spaces for the memory of violence we experience as women. At the same time, understanding bodies in this way also allows them to be conceptualised as occupied territory and also places of resistance. Ana Falú (2009) argues that women's bodies are a unique private space, and that we

have to re-appropriate ourselves from our bodies as women in order to also appropriate ourselves from other territories too, such as the home, neighbourhood, city and country.

## 2. Feminist participatory methods for the approach to urban safety

The feminist academic and activist contribution to the field of urban planning is behind a reformulation of the development agenda in which gender violence is a central theme when it comes to planning (Andrew, 1995; Michaud, 2005; Smaoun, 2000). Since the seventies, methodologies and tools have been developed to create safe and inclusive environments for women, such as women's safety audits; the creation of spaces of empowerment, reflexive freedom and refuge, and the incorporation of a gender perspective in safety plans in the community sphere.

Canadian feminists have always been at the forefront of this work. In the eighties, following an escalation of sexual violence against women in public spaces in cities such as Montreal and Toronto, the feminist movement mobilised to get this issue onto the urban planning agenda. In Montreal during the nineties, the Montreal Council of Women was created, which worked to ensure that cities' urban policies addressed women's safety and worked to improve daily life. One of the demands and actions that emerged from this council was the creation of women's safety audits, in particular, for which several exploratory walks were organised in different areas of the city. 'Femmes et Ville', coordinated by Anne Michaud, was the city programme through which these walks were carried out. Exploratory walks have a long history in Toronto, organised by METRAC. Years later, at the start of 2000, this work went international with the creation of the NGO Women in Cities International, based in Montreal. This feminist organisation is among those working the hardest to ensure the safety of women and children is included on the local, national and international agenda.

This work, which began in Montreal, gathered a lot of information about the elements that contribute to women's perception of safety. Out of this work came the famous six basic principles for a safe environment for women:

- Know where you are and where you are going.
- See and be seen.
- Hear and be heard.
- Be able to escape and get help.
- Live in a clean and welcoming environment.
- Act collectively.

The work done in Montreal was published in 2002 in the *Guide d'aménagement por un environnement sécuritaire*, coordinated by Anne Michaud, who was the representative for 'Femmes et Ville' at that time. Both these principles and the urban safety audit and exploratory walks have adapted to different contexts and been put into practice, for example, by the Latin American Women and Habitat Network, which has been working on safe city projects since the nineties, and by Jagori in India and Col·lectiu Punt 6 through the recent publication of *Entorns Habitables*<sup>3</sup>.

Three international conferences on women's safety were also announced, organised by Women in Cities International. The first in Montreal in 2002, the second in Bogotá in 2004 (co-organised by the Women and Habitat Network) and the third in New Delhi in 2010 (co-organised with Jagori). During these conferences, there was progress on the implication of the various agents involved in city safety: public administrations, feminist and women's organisations, and multicultural bodies such as UN Women and UN Habitat. The book *Building inclusive cities: women's safety and the*

<sup>3</sup> Valdivia, Blanca, Adriana Ciocchetto, Sara Ortiz Escalante, Marta Fonseca and Roser Casanovas (2017) *Entorns Habitables. Auditoria de seguretat urbana amb perspectiva de gènere a l'habitatge i l'entorn*. Col·lectiu Punt 6. [https://issuu.com/punt6/docs/entorns\\_habitables\\_cat\\_final](https://issuu.com/punt6/docs/entorns_habitables_cat_final)

*right to the city* (Whitzman et al., 2013) emerged from this last conference, and is a collection of advances in the practice of urban safety from a feminist perspective and its relationship with different town planning and social areas: mobility, immigration, intersectionality and so on.

Since the last conference, both UN Women and UN Habitat have expanded their work in this area, work which was previously carried out exclusively by feminist organisations. This leads us to a critical reading of the evolution of the approach to urban safety since the UN began to work on this issue. On the other hand, these UN agencies have appropriated the discourse and practice developed over decades by the feminist movement for themselves, going so far as to make the genealogy of this movement invisible. They have collected methodologies which feminist movements have spent years developing, and have started to offer expert consultations to local bodies. This co-opting by multilateral bodies and the appropriation of the feminist discourse has filtered through to a national and local level resulting in many cities embracing safe city programmes for women in recent years. We should, however, be critical of how this has been done, as feminist organisations have spent years developing this work and continue to receive little recognition or be attributed value, often continuing to operate under precarious working conditions. United Nations personnel, on the other hand, carry out these expert consultations under employment and salary conditions that feminist organisations can only dream of.

In any case, the work done in the international sphere has helped to develop and consolidate a methodology to work on urban safety from an intersectional gender perspective. Methodologies developed by feminist organisations to carry out urban safety audits have included exploratory walks, maps of perceived safety, participant observation, victimisation surveys, interviews with key people and discussion groups, to name a few.

Exploratory walks are a very specific methodology developed through feminist theory and practice, and which centres on identifying urban aspects related to the perception of the safety of public spaces from a gender perspective. Exploratory walks are one of the best-known and most-used practices. They involve walking around a neighbourhood or specific environment with a small group of five to ten women, to detect and analyse social and physical elements that may condition the perception of safety by women who live in and use a particular environment. Besides being a diagnostic tool to obtain information about how urban planning can respond to this issue, they are also a tool to empower women as they raise the profile of residents' knowledge of the environment they live and move in, and value is placed on their active participation in the design and transformation of their urban surroundings.

Nowadays, exploratory walks are undertaken with different groups, but it is important to understand that when dealing with gender violence, the group must enable those within it to feel comfortable expressing their experiences and perceptions. For this reason, it is recommended that groups be women-only or separate groups with a shared reality. For example, women with functional diversity, lesbian women, trans women, young men, mature women, and so on.

In Spain, feminists from the Basque Country have been the pioneers in this area, above all through maps of the 'forbidden city'. They are leaders in working with maps of perceived safety in our context; the work done by Plazaandreak in San Sebastián and Hiria Kolektiboa is an example, as is present-day work by Dunak in the Basque Country, and Col·lectiu Punt 6 in Catalonia.

Maps of perceived safety enable physical or social elements that limit or encourage the use of spaces to be clearly seen, to identify the qualities that mean we can use and enjoy them independently and safely. The map is located both in spaces that are unused and those that are not entered because they create fear or because they are not easy to use, as well as those that are used frequently because they are attractive and pleasant (Valdivia et al.).

At Col·lectiu Punt 6, we have also adapted the principles of safety, first for a publication by the Institute of Political and Social Sciences of Catalonia, in which theoretical adaptation was

presented with applied examples (Col·lectiu Punt 6, 2011). More recently, we have developed an urban safety audit with a gender perspective on housing and the environment in Cali, Colombia, where we contributed through the application of new participatory methodological tools and the application of specific development strategies and actions in order to improve the perception of safety in housing and its surroundings (Valdivia et al.).

### 3. Experiences

In this section, we present two experiences of approaching urban safety from a gender perspective that we believe have contributed to expanding the tools to deal with it.

#### 3.1. Liveable environments. Urban safety audit with a gender perspective for housing and its surroundings.

The urban safety audit with a gender perspective for housing and its surroundings is an urban diagnostic tool that analyses people's safety. It is based on a comprehensive analysis of social, physical and functional aspects that condition the perception of safety in the space and by applying an intersectional gender perspective. The audit has involved working jointly with the specialised personnel, women's organisations, other civil society organisations and other people who work in the field and understand the reality of the context, in collaboration with the audit's facilitating and reporting team. The experience and participation of women is essential to this work, because it is the residents who know their area best in relation to its safety in particular.

The audit is carried out by applying a repertoire of participatory and feminist tools and methods to obtain information on the different social and physical aspects, and the impact safety has on the people's lives. These tools are participant observation, interviews with key people, discussion groups, workshops on daily life and urban safety, exploratory walks, maps of perceived safety, body maps and the house without gender.

Col·lectiu Punt 6 has contributed to expanding the tools available for a safety audit by incorporating new tools into this methodology which focus on breaking down the public-private dichotomy. Three more tools are included in addition to those mentioned above, which help to bring this dichotomy into question: workshops on daily life and urban safety, body maps and the house without gender.

The workshops on daily life and urban safety aim to recognise, describe and evaluate day-to-day activities, to detect those which create dependent relationships, explain the movements required to perform them, distinguish the characteristics of spaces where they take place and analyse whether the perception of safety conditions the performance of these activities and the use of the spaces. These workshops are a tool that Col·lectiu Punt 6 has been using for over twelve years and which is used and adapted to different contexts in the local setting, as well as at national and international level (Casanovas et al.). By using them, the starting point of an individual reflection on daily life by each of the women can become a collective prioritisation of the favourable and unfavourable elements of their neighbourhood or area that affect their daily life. This method is very useful as a tool for empowerment and to raise awareness of the knowledge women have about their area, and at the same time, to collect very detailed qualitative data on a neighbourhood level.

Body maps are 'a holistic and non-linear data creation technique that can document intersecting temporal and spatial events, processes, and experiences that include feelings, emotions, perceptions while also visually engaging bodies and spaces around them' (Sweet and Ortiz Escalante, 'Engaging Territorio Cuerpo-Tierra through Body and Community Mapping : A Methodology for Making Communities Safer'). Since the eighties, body maps have been used in the field of healthcare (Cornwall) to document migratory experiences and health issues of undocumented migrants (Gastaldo, Magalhães, and Carrasco). Recently, together with Elizabeth L. Sweet, we have been using body maps to analyse fear and gender violence from an urban planning point of view (Sweet and Ortiz Escalante, 'Bringing Bodies into Planning: Visceral Methods, Fear and Gender Violence'; Sweet and Ortiz Escalante, 'Engaging Territorio Cuerpo-Tierra through Body and Community Mapping : A Methodology for Making Communities Safer'). In

the context of urban safety audits, body maps are used to analyse how people experience, through the body, the emotions, feelings and other physical and sensory manifestations that relate to the spaces and environment we inhabit, connecting body experiences from the most private and intimate realm with the public realm and the urban surroundings we live in. Body maps allow reflection on how women and men experience safety in their bodies in different ways in the personal, public and social spheres. With the help of another member of the group, each participant draws a life-sized silhouette of their body and participants are asked to portray certain questions in this body, for example:

- How do you feel that the city where you live impacts on your body?
- What emotions do you feel when you walk through your neighbourhood? And the rest of the city? And when you take public transport? And when you go around on your own?
- How are situations of fear and being unsafe that you experience in your city represented in your body?
- Where would you concentrate your strength and power to confront a situation in which you felt afraid or that was violent? How do you feel it in your body?

Afterwards, each person explains how they felt and how they have portrayed the questions posed on their map. Through this technique, private and personal issues are touched upon, which may produce emotional situations or memories amongst participants. For this reason, this tool is used in a series of workshops, where participants have already established trust and a group conscience and can therefore feel supported by the rest of the group.

The **house without gender** is an exercise to analyse gender roles in a housing setup and to motivate the changes incorporated in gender equality in the definition of the places where we live. It goes from 'the private and intimate' located inside the dwelling, to intermediate links with the complexity of the urban fabric where we find 'the public'. The workshop proposes the deconstruction of the concept of space as per types of housing and to raise the profile of gender roles, the hierarchisation of spaces, the need to respond to different co-existing groups, contempt for housework and how housing conditions the people's perception of safety, linked to gender roles. This workshop looks at the childhood home to identify gender roles and hierarchies that are reproduced through the configuration of the space. After this individual reflection, the group works on what a house without gender would be like, one that integrates equitable relationships free from violence.

As mentioned, these three techniques which Col·lectiu Punt 6 incorporates into the urban safety audits help to break down the public-private dichotomy, understanding the perception of safety in the continuum of the most private part of our body, our house, the street and the city. It is therefore connected to how women perceive these spaces through their bodies and identities.

Once the audit has been carried out, Col·lectiu Punt 6 proposes a series of specific strategies and actions to intervene in the area and improve the perception of safety. These can be applied on different scales (housing, building and environment). The strategic lines proposed are structured into six characteristics: sign-posted, visible, vital, monitored, equipped and community. Spaces must have them in order to be perceived as safe from a gender perspective. These six characteristics are based on the six principles drawn up by Anne Michaud in the *Guide d'aménagement pour un environnement urbain sécuritaire* relating to Montreal as part of the 2001 'Femmes et Villes' programme. These principles are as follows:

- **Signalled:** has legible signs and markers (visual, acoustic and tactile) that aid an understanding of the city and its structure and enable easy orientation. Signage with non-sexist and diverse iconography (age and body-type) which includes the different people that make up our society. Examples of a sign-posted environment would be the displays showing frequency at transport stops, traffic signals that include different body-types and the presence of the everyday network and safe routes maps.

- **Visible:** the design of the space allows people to see all the elements and people in the surrounding area and to identify possible exits in a risk situation. Furthermore, it should promote symbolic and social visibility of women as active subjects, recognising the diverse roles that develop in a society without resorting to stereotypes, and encouraging spaces that recognise female figures and undervalued roles. Examples of a visible environment include streets with continuous lighting that responds to pedestrian routes, with no blind spots, with buildings with activity on the ground floor, as well as spaces that raise the profile of the work women do; for example, squares and streets named after women.
- **Vital:** guarantees the presence of people, diverse activities, meetings, relationships and mutual support. We find vital environments in multifunctional zones that combine residential, commercial or administrative activities connected to public transport and pedestrian thoroughfares.
- **Surveyed:** allows informal surveillance, exercised among equals and in a collaborative and non-authoritarian way, that responds to the meaning of caring claimed by Jane Jacobs. For example, this happens in a square full of diverse people (age, social group, sex) who are simultaneously using this space where a variety of activities and uses are allowed.
- **Equipped:** with infrastructures and elements that support the activities of daily life from an accessible distance, in a clean and welcoming environment and which guarantees that diverse people use public spaces because they have, for example, benches for resting and socialising, trees that provide shade in the summer – but well-maintained so they do not obstruct lighting – or games areas for different age groups that also allow socialising, both for the players and their carers.
- **Community:** encourages appropriation and a feeling of belonging in people and strengthens social cohesion and community participation. Depending on the uses and activities prioritised in the design of the spaces, co-existence, exchange and socialising can all be encouraged amongst people in an egalitarian way, as well as contributing to the development of social networks and strengthening belonging in the community.

Within every strategic line, there is a series of proposed actions that can be rolled out with the design, construction, rehabilitation or adaptation of the spaces and the uses made of them or through urban planning by introducing town regulations that include criteria about the nature of spaces and to guarantee they endure over time.

The audit also includes the application of some actions specific to the context of Cali, where the full audit was carried out as part of cooperation on the project 'urban management plan to improve safety from a gender perspective', financed by Barcelona Provincial Council and executed in Cali, Colombia<sup>4</sup>. To complete the proposed actions, different specific experiences of housing and safety with a gender perspective that have already been developed in international contexts were gathered, with details of who was behind them (institutions, civil society, professionals), as well as the needs they seek to meet. Examples include the housing cooperative MUJEFA from Uruguay, the Nashira eco-village in Palmira, Colombia, the Frauen-Werk-Stadt in Vienna, and the safe entrances policy in San Sebastián.

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<sup>4</sup> Project coordinated by Col lectiu Punt 6 with the participation of the Gender Consultancy Service and the Mayoral Housing Secretary, Santiago de Cali (Colombia) between 2015 and 2016. Also includes participation by the Centre for Development Cooperation at the Polytechnic University of Catalonia and the Sí Mujer Foundation on the project 'Improving urban safety from a gender perspective', also implemented in Cali (Colombia) and carried out alongside that previously mentioned.

Table 1. Strategic line, overall and specific objectives of the audit

<b>Strategic line 1</b> Signalised environment	<b>Overall objective</b> To know where you are and where you are going in an environment, encouraging orientation, the legibility of the space and information using non-sexist language.	<b>Specific objectives</b> 1.1 To orientate and encourage legibility in daily usage 1.2 To use non-sexist signage that respects diversity
<b>Strategic line 2</b> Visible environment	<b>Overall objective</b> The ability to see and be seen in a space, but also symbolically, and to recognise women as social agents.	<b>Specific objectives</b> 2.1 Encourage spatial visibility. 2.2 Raise the profile of women's situation in society and symbolically.
<b>Strategic line 3</b> Vital environment	<b>Overall objective</b> The ability to listen and be heard thanks to people gathering constantly and simultaneously, deriving from diversity of use and activities in the street and spaces.	<b>Specific objectives</b> 3.1 Encourage diverse uses, density and proximity for people to come together. 3.2 Encourage simultaneous and continuous use and activities. 3.3 Prioritise relational public space over traffic use.
<b>Strategic line 4</b> Surveyed environment	<b>Overall objective</b> Be able to get out of an unsafe situation and seek help because trust exists with those nearby who have the ability and desire to provide assistance.	<b>Specific objectives</b> 4.1 Foster diversity of people and uses. 4.2 Design buildings and spaces so that there is a visual link.
<b>Strategic line 5</b> Equipped environment	<b>Overall objective</b> <b>Plan and maintain spaces that have everything necessary for different daily activities, both public and community spaces.</b>	<b>Specific objectives</b> 5.1 Guarantee diversity of types of housing. 5.2 Design equipped spaces and routes that are looked after and linked to daily activities. 5.3 Ensure the necessary equipment and services to carry out daily life. 5.4 Ensure the safety of women and children who have experienced gender violence.
<b>Strategic line 6</b> Community environment	<b>Overall objective</b> Act collectively to construct safe environments. Facilitate the existence and sustainability of social networks in the near environment so people can share spaces and common activities and recognise women as key generating agents in the community.	<b>Specific objectives</b> 6.1 Boost existing social networks and community appropriation of spaces. 6.2 Ensure community participation from an intersectional gender perspective in order to identify the needs of daily life in projects.

### 3.2. Nocturnes. The everyday life of women nightshift workers in the Barcelona Metropolitan Area<sup>5</sup>

'Nocturnes' is a feminist participatory action-research project carried out between 2015 and 2017 which analyses how urban planning of towns within the Barcelona Metropolitan Area conditions the everyday lives of women who work at night, and specifically, the influence of gender roles and the reproduction of patriarchal and capitalist patterns in mobility, the perception of safety, the decision to work at night, the performance of daily activities, social relationships, health and inequality in the workplace.

This project was carried out by Col·lectiu Punt 6 together with the Ambit Prevenició Foundation, the CCOO Women's Secretary, Ca la Dona and Irídia, and with a team of 24 women who work at night in different sectors and areas of work (cleaning, healthcare, geriatric care, local police, emergency social work and the sex industry).

Even today, night-time is considered a forbidden space for women, where our presence is often questioned, above all if we go about alone, or where our bodies are perceived as vulnerable and objects at the same time. This has influenced perceptions of women's safety at night, above all in relation to sexual violence, which affects the most intimate part of our bodies and curtails our right to the city.

At the same time, most development plans and projects that deal with town planning after dark have focused on the so-called *night-time economy* of city centres. This seeks to revitalise the

<sup>5</sup> [https://issuu.com/punt6/docs/nocturnes\\_catala](https://issuu.com/punt6/docs/nocturnes_catala)  
<https://www.youtube.com/watch?v=LvKxqeAJRTY>  
<https://www.youtube.com/watch?v=vp3EZiQufsA&t=8s>  
<https://www.youtube.com/watch?v=JC2oJY2OERc&t=7s>

economy through leisure and alcohol consumption and perpetuates a night culture that is predominantly masculine and heteropatriarchal.

That is why we wanted to broaden research in the area of urban planning through the 'Nocturnes' project, and raise the profile of and assess the productive-reproductive aspect of the city after dark from a feminist perspective, in order to put a stop to the predominantly masculine night-time culture that is linked to leisure. The analysis of daily life with active participation from women who work at night has helped to raise the profile of the use and appropriation of the city by women at night, and to claim our right to ownership of the night in order to appropriate it regardless of how we use it or the activities we carry out.

The project has made it clear that night-time mobility and the perception of safety are problems that affect the daily life of those who work at night to a greater extent, above all those who get around using public transport or on foot. The public transport system of the Barcelona Metropolitan Area does not answer the needs of women who work at night; the timetables, frequency of the service and the routes at night all make their daily lives more difficult. The public transport system connects the periphery of the Barcelona Metropolitan Area with the city of Barcelona, but connections between the outlying towns is sorely lacking, especially in the Baix Llobregat area despite the towns being in close proximity to each other. The problem is not that transport does not exist, but that the time required to get from one place to another is so great that it negatively affects those who most depend on this transport. This is worst during the early hours of the morning (between 5.00 a.m. and 6.30 a.m.) and at the weekends, when certain routes are more seriously affected.

Infrastructures linked to mobility also do not provide autonomy, safety and freedom of movement for women. For example, the design of parking zones or the connection on foot between the means of transport and the workplace or residence. These factors mean that women change their routes, look for alternatives or depend on others to get to and from work. Some particularly worrying cases of sexual violence have been documented.

The perception of a lack of safety is also identified as a factor that limits women's right to the city, and which is conditioned in part by physical aspects of the environment such as the mono-functionality of work zones and the lack of visibility in them. But it is also a cross-cutting factor in mobility; in the routes walked to public transport, in mobility infrastructures and on public transport itself. A lack of safety, in addition to being based on physical elements, is also conditioned by social aspects. One very worrying issue is the fear generated by groups of intoxicated people, particularly men, during journeys in the early hours after Friday and Saturday night. Many women can share stories of the sexual harassment they have experienced while moving around. This forces them to change their route to so as not to leave any trace of their movements and to avoid being watched.

This project has enabled an invisible reality to be assessed and recognised; that the cities within the Barcelona Metropolitan Area have a lot of work to do to address this issue.

#### **4. Conclusions**

This article has taken a look at how the feminist movement and theory have approached and analysed urban safety over the last forty years. This is one of the areas most often addressed by feminist urban planning meaning it has progressed in many ways but, at the same time, we can identify areas for improvement.

One of the essential aspects that institutions dealing with the issue of safety need to address is to broaden their outlook to include an expanded vision of safety that includes a feminist perspective and that emphasises and brings together different perceptions of safety.

At the same time, one of the issues most often brought up by the feminist movement is the need to break down the public-private dichotomy because of its oppressive and limiting nature. Even though there is still much to do in this area, great advances have been made in the debate surrounding the implementation of ways to erase this separation; for example, the work to analyse the problem of violence on many levels: in the body, the home, the neighbourhood, the city and the region.

Besides this, this article seeks to raise the profile of and highlight the ongoing and tireless work of the feminist movement, and to provide a critical point of view to understand how the discourse has been institutionalised. From the point of view of the authorities, they must reflect on how to incorporate feminist practice and knowledge without co-opting ideas and practices to be used as political propaganda. We need to move towards a shared process of recognition, under equal conditions, in which knowledge and disciplinary hierarchies are broken down and where grass-roots organisations and institutions come together.

Finally, although there is still much work to be done, it should be said that in the local Catalan area there has been gradual progress on the incorporation of a gender perspective into the issue of safety; from training of specialised personnel at Barcelona City Council in exploratory walks in 2013 within the framework of the city safety audit from a gender perspective, to the recent training on this issue from the Home Affairs Department of the Generalitat. The work initiated by the feminist movement to draw up protocols on sexual assault in the context of parties, and public and leisure space should also be noted, something which many city councils have recently begun to adopt.

In conclusion, there is still a long way to go, but we mustn't forget how far we have come and everything we have achieved.

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Setembre 2018

**Key words:** street vending,  
decommercialise, criminalisation**Social needs of informal street vendors in Barcelona**

Carlos Delclós

Grupo de Investigación en Desigualdades en Salud-Employment Conditions Network (GREDS-EMCONET)

Dept. de Ciències Polítiques y Sociales (UPF)

**Street vending is a typical phenomenon of large cities with a strong presence in the tourism sector. Despite this, from the summer of 2015, there has been an increasing problematization of the phenomenon in the city of Barcelona. This article describes some of the characteristics of street vendors in Barcelona, starting from a study that combines documentary analysis with structured interviews with focal groups and key informants. Based on this analysis, the main barriers to the full participation in the city of the group are identified, which include the administrative situation, the penalization of their activity and the lack of access to the formal labor market, among other factors.**

**Introduction**

Street vending is not a new phenomenon for Barcelona, nor for the world's other big cities, especially those where the tourist sector has a strong presence. However, since the summer of 2015, we have witnessed a growing problematisation of this phenomenon in Barcelona. Among other things, this is due to its increased visibility in the media, a greater presence in the discourse of political parties, the changes in the geographical distribution of the vendors and the growing absence of work alternatives for people who find themselves in an irregular administrative situation following the outbreak of the economic crisis.

To judge by its presence in the media, most of the conflicts over street vending in recent years have occurred in the Ciutat Vella district. And according to the version most often repeated by the people interviewed for this article, it has been the presence of vendors in the area around La Rambla that has sparked a qualitative change in the degree of conflict perceived by all those involved. Another key moment occurred in August 2015 with the death of Mor Sylla, a man of Senegalese origin who worked as a street vendor, following an intervention by the Mossos d'Esquadra – Catalan police officers – in Salou. His death led to disturbances in the town and increased mobilisation of Catalonia's Senegalese community. That was the context in which Barcelona's informal street vendors decided to form a union.

If we understand that resorting to this type of economic activity, and the intensity of the resulting conflicts and lack of contact with municipal services at their disposal are attributable to the difficulties some sectors of the population face trying to meet their basic needs, any assessment of those difficulties has to indicate the barriers preventing the groups concerned from fully participating in the city. In this regard, the appearance of the street vendors' union, the Sindicato Popular de Vendedores Ambulantes, shows the willingness of many members of a group in a very

precarious situation to establish a body to speak for them, and strengthen it with the legitimacy required to articulate their collective demands.

This article presents the results of fieldwork carried out between November 2015 and May 2016. After this brief introduction there is an explanation of the methodology used in the study.

The following section presents the results of the documentary analysis, reviewing existing literature on street vending in Barcelona and other parts of the world. The main findings of the study are outlined in the fourth section before the article concludes with a discussion on their implications.

## 1. Methodology

We start with a bibliographical review of original scientific reviews and *grey literature* (reports, articles and interviews published in the press, working papers and presentations at conferences). While the first phase of the review focussed on street vending and informality (non-formal selling) in the various regions of the world, the second phase concentrated on the work and economic implications of informality and how these have been tackled by the local public authority.

In addition to the review, structured interviews were carried out between November 2015 and May 2016 with focus groups comprising a total of 58 workers from the street vending sector. A further six interviews were also conducted with experts and key informants. These individual interviews were conducted with three social workers, two experts who specialise in informality and a town planner who specialises in issues related with public space. In the case of the focus groups, nine groups of three to eight people were interviewed between January and March, using a study design based on the participatory informal economy appraisal (PIEA) applied by Mkhize, Dube and Skinner in their study on street vending in Durban, South Africa (2013). This is an adapted methodology, as it does not separate the individual interviews from the focus groups and incorporates the individual questionnaire in the group discussion. Three of the interviews took place in the home of one of the interviewees, three in a public place and three in bars or cafés.

Because a convenience sampling method was used, the study has certain limitations. It is not a representative study of all the street vendors working in Barcelona. The two sales areas most represented by the interviewees were La Rambla and Plaça de Catalunya (62% between the two), followed by Passeig de Gràcia (14%) and the port (14%). The conclusions can, therefore, only be extrapolated to vendors in the centre, especially in the Ciutat Vella district, and not to all street sellers. Furthermore, because the study deals with particularly vulnerable groups, it was decided to deal with the data in an aggregate fashion to protect the anonymity of the interviewees. Consequently, it is not possible to cross variables when creating tabulations. Finally, the fact that the interviews were carried out in the first quarter of 2016 presents certain limitations, as the intensity of the conflict and the repression increased during and after the study period, and this increase was accompanied by a visible sharpening of the distress suffered by the vendors.

## 2. Literature review

We start our documentary analysis with a look at the European context. It should be stressed that there is very little scientific literature dealing specifically with street vending from a comparative perspective, and as far as empirical studies are concerned, according to our review, these appear to be non-existent. For this reason we begin this section with a theoretical introduction to informality, which, ultimately, provides the framework for the incompatibility between street vending and the formal institutional structure of cities.

The concept of informal economy was coined by the anthropologist Keith Hart in 1971 whilst he was studying low-paid work in Accra, Ghana (1973). Between half and three quarters of non-agricultural work in poor countries falls into this category, according to the International Labour Organisation (ILO). The Organisation for Economic Cooperation and Development (OECD) maintains that half the world's workers were informal workers in 2009, and that, by 2020, that

figure will grow to two thirds of the total. In other words, *informal work* refers to most of the work done in the world.

The sociologist Saskia Sassen (1997) attributes the growth of informal work in rich countries to two basic processes. First, the growth in inequality and the resulting changes in the consumer habits of rich and poor from the 1980s onwards. Second, the inability of workers to compete for necessary resources in urban contexts, as big companies tend to increase the prices of those resources. This is particularly noticeable in the price of commercial space but also in the inequality resulting from the differentiation and hierarchy of administrative situations imposed by the application of immigration laws.

In his study “Evaluating cross-national variations in the extent and nature of informal employment in the European Union”, Colin C. Williams (2013) analyses the differences between EU countries with regard to the weight of informal employment and its characteristics. Using Eurobarometer data from the 2007, he shows that informal employment is less prevalent in countries with higher levels of wealth, equality, intervention in the labour market, social protection and wealth redistribution through social expenditure, and a lower degree of corruption. In those countries with higher rates of informal work, the main reason people resort to this kind of employment is that they are excluded from the formal labour market, which suggests that exclusion contributes to the presence of informality through some form of feedback mechanism.

Williams highlights three perspectives when it comes to tackling the informal economy:

1. Modernisation, which contends that, as economies modernise and develop, the formal economy comes to dominate the global economic landscape, and informal employment – a remnant of a “pre-modern” era according to this theory – disappears.
2. Neoliberal, which attributes the growth in informal employment to a populist response to corrupt states with excessive taxation that are characterised by interference in labour and welfare matters. According to this theory, informality is a rational-economic decision to voluntarily opt out of the formal economy in order to avoid the cost, time and effort associated with formal work.
3. Structuralist, which suggests that informality is the result of too little intervention in work and welfare. From this perspective, informal employment is regarded as an inherent component of late capitalism, as well as a key tool for facilitating the redundancies, outsourcing and subcontracting that characterise deregulation in global capitalism, as this type of work provides a flexible mode of production that enables companies to reduce costs and increase their profits.

In contrast to a large part of earlier literature on informality, which focuses on deterrent measures or policies designed to ease the transition from the informal to the formal economy, Williams’ study highlights the importance of work and welfare institutions when it comes to reducing informality. In line with the structuralist perspective, it shows there is a correlation between welfare provision, more state intervention in the labour market and a low level of informal employment, so an increase in social expenditure is related to a decline in the weight of the informal economy. According to Williams, in contexts of this type, resorting to informal employment is more a matter of personal choice than social exclusion. In turn, the results of his study discount the neoliberal thesis that deregulation and lower taxes help to reduce informality and suggests instead that paying more attention to the quality of state bureaucracy and reducing corruption, i.e. the modernisation theory, could contribute to a reduction in informality in line with the structuralist hypothesis.

In order to tackle the informal economy in European countries, Williams therefore puts forward a neo-modernisation theory which recognises that an increase in GDP (gross domestic product), the quality of government bureaucracy, market intervention, welfare and redistribution policies, and a reduction in state corruption are correlated with the variations between countries as regards the prevalence and nature of informal employment. Williams’ neo-modernisation theory would

therefore explain the high levels of informality, especially informality due to socio-economic exclusion in the countries of southern and central-eastern Europe, where inequality co-exists with little wealth redistribution through social transfers and, in general, low investment in social protection.

More than the macro-economic nature of informality, the conflicts associated with street vending in Barcelona have a lot to do with the legal framework of trade in public spaces. As Meneses and Caballero Juárez explain in their study “The right to work on the street: public space and constitutional rights” (2013), social practices commonly labelled as illegal or informal tend to be

tackled from three perspectives. Firstly, from a *legalistic* perspective, which “uses legal language to condemn these practices and put the Law above all other considerations” (Azuela, 2006). This approach favours the use of criminality to deter anyone from resorting to undesired urban practices. Secondly, the *regulatory* perspective emphasises regulations and legal techniques which can enable these practices to take place on the streets, and opts for minimising their supposedly negative effects (Delaney, 2010). Thirdly, the *critical* perspective understands informality as a management and control device which reduces the Law to a series of regulations that are confused, complicated, often contradictory and difficult to enforce (Devlin, 2011).

According to Meneses Reyes and Caballero Juárez, street vending is something to which these three perspectives could be applied. However, Devlin (2011) demonstrates that the urban landscape drawn by street vending is not so much a question of exercising rights – including the right to work – as a reflection of the power relations between the different stakeholders who meet in the public space when exercising their rights on the streets. In cases such as this, judicial decisions can promote a particular socio-spatial order, where the right of poor urban workers to carry out their work in the street is protected by appealing to constitutional law and stipulating that access to this kind of activity can only benefit those who lack the capacity to invest enough money to set up a business.

When it comes to exercising rights in public spaces, unequal power relations are evident even where constitutions claim to guarantee those rights. Kate Swanson (2007) demonstrates this in her study on indigenous beggars and street vendors in two Ecuadorian cities where, according to Article 35 of the Constitution in force at the time of the study (the 1998 one): Work is a right and a social duty. It shall enjoy the protection of the State, which shall guarantee respect for the dignity of working persons, a decent life and fair pay that will cover their needs and those of their family.

Despite that, according to Swanson, the growing presence of the tourist sector in Quito and Guayaquil has been accompanied by the forced removal of street vendors, who had been an important part of the local commercial fabric for centuries. Swanson attributes their removal to social hygienics and the process of “whitewashing” the public space with the aim of adapting the city’s image to that seen in its tourist publicity. In this regard, it is striking that, in 2002, the local authority in Guayaquil contracted William Bratton to help draw up its urban regeneration strategy. Bratton is New York’s former police commissioner who, together with the city’s former mayor Rudolph Giuliani, was the co-author of New York city’s Police Strategy N° 5, described by the geographer Neil Smith as the founding document of US urban revanchism. However, while in most European and North American cities the forced removals caused by urban revanchism were to open up spaces for the construction of first-class condominiums, in Ecuador they served to boost the tourist sector.

Like other authors, Swanson concluded that the main effect of the repression against street vendors has not been the elimination of this practice but an increase in the considerable difficulties experienced by this group. Solomon-Ayeh, King and Decardi-Nelson (2011) reach a similar conclusion in their study on the spacial characteristics of street vending in Kumasi, Ghana. Both persuasion and the use of force were tried, but failed to achieve the desired result. Despite being

moved on and continuously harassed by the Kumasi police, the vendors always returned to the streets after a relatively short period of time. When the local authority passed a directive to relocate the sellers to other city markets, it was not complied with. The reason for this is that street vending is driven by impulse buying. When the vendors interviewed for this study were asked what their main considerations were when choosing a place to sell, two out of three said the concurrence, convenience and comfort of customers, while municipal authorisation was the last.

It is for that reason that the authors of this study recommend incorporating not only the needs of street vendors but also those of pedestrians and traders with permanent spots in the designs and plans for urban spaces, as those aspects that tend to be of most concern (e.g. density or hygiene) can easily be tackled by urban planning. Like other authors (Roy, 2005; Anjaria, 2006), they also stress the fact that street vending, far from posing a threat to public safety, has helped to produce safe places and contributed to the quality of life in the neighbourhoods where it takes place in cities such as New York and Bombay. In this regard, they describe the appearance of street vendors' associations as something very positive, because it helps to reduce confrontation between their members and the police through mediation and the application of their own penalties for infringing municipal byelaws and regulations (e.g. applying suspensions, periods when those who have broken an agreement are not allowed to sell).

Solomon-Ayeh, King and Decardi-Nelson (2011) support a comprehensive view of trade in public space, such as that applied in places like Singapore, Mexico, Kenya, Burkina Faso or South Africa. A complementary vision is offered by Kyoto Kusakabe (2006). After studying the cases of Thailand, Cambodia and Mongolia, he recommends managing urban spaces and markets according to the principles of participatory governance, making street sellers part of the self-governing processes in urban spaces. He particularly emphasises the case of Thailand, where local authorities opted to listen to the street sellers' associations instead of trying to control them. In the case of Mongolia, he stresses how the presence of vendors' associations had a similar effect to the one described in the study on Kumasi. In order to bolster those kinds of processes, the authors recommend granting vendors a clear legal status so they can demand their right to work and the use of public space, because it is the legal and administrative vacuum that street vending finds itself in which gives rise to extortion, exploitation and rentierism, which are among the most perverse practices associated with informality.

Despite the variety of countries in which the phenomenon of street vending occurs, and the diversity in the social composition of those who practise it in those different contexts, this does not alter the fact that the vendors themselves share a series of common features, regardless of the country they work in. In their study on the characteristics of street vendors in Dacca, Bangladesh, Husain, Yasmin and Islam (2015) highlight some of these. The vendors interviewed were mainly migrants from rural areas with little schooling who were immersed in a dynamic of structural unemployment and had relatively large families.

In line with Sassen's hypothesis, their main sources of funding trade were scant personal savings, selling personal belongings and, in some cases, small loans between private individuals, all insufficient for competing in the formal labour market. This explains the importance of social capital in this type of work, characterised by long hours and the consequent lack of opportunities in the formal labour market. Solomon-Ayeh, King and Decardi-Nelson (2011) cite the latter aspects as the main cause of the relatively young age structure of street sellers in Kumasi, where the vast majority of workers interviewed were under 35 years old.

Taking this review of street vending in its global context as our starting point, we now move onto a brief description of street selling in Barcelona. As we will see, here too it is the result of an interaction between the lack of formal employment and migration, although in this case it is the result of international migrations whose hierarchy of administrative situations plays a decisive role when it comes to deciding who participates in this work.

Barcelona City Council presented its proposal for a social approach to street vending in 2015. The report presented to the municipal party groups proposed the need for: A new, broader focus based on a social and work-oriented intervention with the involvement of the collective concerned in finding a sustainable solution that will enable the fundamental rights of those people forced to survive by means of street vending to be guaranteed.

Before presenting the report, and with the intention of learning more about the situation of people involved in this economic activity, the Council drew up another report which outlines their main characteristics. The analysis identifies various groups involved in street vending, including (1) people of Indian or Asian origin who sell souvenirs to tourists; (2) people of Indian or Asian origin who sell cans of beer in night-time leisure spots; (3) people from the sub-Saharan region who sell imitation or counterfeit products; (4) people who sell products recovered from recycling bins or leftovers from the Fira de Bellcaire auction lots.

However, despite the various kinds of street vending identified, the conflict generated around it has focused specifically on “top manta”, or blanket selling, which, as the report recognises, is mainly carried out by people of African origin.

The City Council’s diagnosis is particularly useful for identifying the social, demographic and economic characteristics of street vendors. It also points out that they have little contact with municipal services and resources when they arrive in the city, as only 9% use Social Services centres and 38% access the Catalan health service and emergency service when they need to. Instead of using these resource, the people involved in this kind of work resort to very unstable internal information networks, presumably because they are better suited to specific needs, although this reticence could also be due to a fear of contacting the public administration. To supplement this information, we will now proceed to present the results of the focus groups and individual interviews.

### **3. Results**

We start this section with the results of the individual interviews before moving onto the focus groups. While the latter deal with the conditions in which street vendors live and work, the interviews with experts and key informants focus on issues of a more general nature. The interviews with academics specialising in informality were conducted for guidance purposes to support the literature review, to inform the design of the study and to identify best practices both in terms of research and the approach of public policies. The interview with the person who specialises in architecture and urban planning dealt with the spatial and architectural aspects of street vending, while those with the social workers focused on the relations between the street vendors and social and public institutions.

The latter interviews emphasised that street vending began to increase at the start of 2015. There was a confrontation between police and sellers on the metro in February, following which the municipal government asked Social Services to carry out a study of street vending. That study identified the main sales points and the characteristics of the various collectives involved in this activity. In the summer of 2015, coinciding with the new municipal government taking office, a noticeable increase began to be detected in the presence of street vendors in the vicinity of La Rambla and round the Columbus Monument, along with a change in some of the characteristics of the sellers (more Pakistanis and Bangladeshis) and more conflict in police interventions.

A qualitative leap in this unrest occurred in August 2015 and is attributed to the death of Mor Sylla, a street vendor in Salou, during a Catalan police operation. Various disturbances took place in Salou over several days and a demonstration was organised in Barcelona. According to the interviewees, that was when various Barcelona associations approached the street vendors in the city, their presence in public debate increased and the conflict became more visible.

All the social workers said that was the moment when their relationship with the street sellers changed. Until then they had focused on individual plans, with the support of immigrant associations, in response to individual requests. But from August 2015, they began to demand solutions to a collective situation as street sellers, a long-term solution and discussions with the public institutions. This turn, which culminated in the setting up of an informal union, is attributed to the combination of the media spotlight, which presents the sellers as a problem for the city, and the relationship between the sellers and more informal and assertive associations.

Despite working on individual plans, the social workers point to various common traits, which they attribute to migratory projects with the same origin, route and perspectives. Two of the workers refer to the vendors' expectations at the start of their migratory journeys, which they regard as very high and not very realistic. According to them, their main goal is to reach Europe, quickly find a job and send money back to their families in their country of origin. They say this applies regardless of the country of origin. The issue of the street sellers' expectations also arouses some concern among the social workers as regards the prospect of a long-term solution. They have noticed a certain willingness to accept the idea of involving the community and association network, as well as municipal social services and other providers, which they view positively as part of the *social solution* proposed by the municipal government. Nevertheless, the three people interviewed raised a number of doubts in relation to what that implies. One person said they wanted to believe that *social solution* means adopting a broad view in tackling street vending, instead of saying to one particular person there is a shelter where they can stay or a social worker that can deal with their case, as that would be "very micro" for an issue which is much broader. The same person also wonders what it expects to achieve: an end to street vending, its regulation, moving it to specific locations or controlling the products? They argue that knowing this would enable them to work on the basis of that objective, especially if they are clear that street vending is not going to go away.

A common concern is observed in these interviews regarding the reason behind the intervention against street vending, as it is not clear what impact this activity has or what harm can be attributed to it. As possible explanations they suggest the occupation of public space associated with street vending slows down pedestrian circulation, the increased density implies a safety risk and this activity could affect somebody's profit margin.

Another topic raised in the interview with social workers is the role of the police. They all pointed out the relationship between the police and vendors is the most conflictive and expressed their frustration at the fact that an activity whose negative impact is, at best, residual should generate such unpleasant scenes. Two of the interviewees highlighted counterfeit products as the most difficult problem to deal with, as it is the most criminalised activity of all those carried out in street vending. The discussions on this aspect always led to the same conclusion: the importance of the tag (the logo which, when it is attached to the products, makes it counterfeit). According to one interviewee, the stance of both the vendors and the police on this question is very rigid.

One of the people interviewed had previously worked with the neighbourhood units of the city police force, the Guardia Urbana de Barcelona (GUB), which, according to her, deal and collaborate with the institutions in a very different way to the regular police, for example, the Security and Administrative Police Unit (UPAS). According to the interviewee, many police officers do not want to be involved in these kinds of interventions because there is a very high rate of recidivism, it involves exposing yourself to a series of risks and they know every action in this case will be perceived as violent. Despite that, the same interviewee said they do it because they are under pressure to get these people to conform to a series of rules that can only be changed by amending the municipal byelaws.

The interview with the town planner who specialises in issues relating to public space offers a few clues in that regard. On the one hand, he regards the suggestion of decommercialising public space as problematic. He says that public space is many things, ranging from a home for homeless people to an economic opportunity for those with no access to the labour market. It

always generates value in the market, as the price of land and property in neighbouring areas tends to rise or fall depending on its characteristics. Since it is busy space, occupied by many people involved in some kind of activity (leisure, work, consumption, tourism), it gives rise to various types of demand. In his view, it is not a question of decommercialising public space but one of democratising and regulating the market.

As regards the factors that determine the spatial distribution of street vending, he stressed that it mainly depends on the density of possible customers. A high density can also act as a deterrent to police interventions, as it runs the risk of sparking off a pitched battle. Using the Plaça de Catalunya metro space as a meeting, gathering and sales point is inspired by a similar logic.

During the course of the interview he reiterated the idea that street vending is a natural phenomenon in global cities that arises from a demand for it. Most city markets, such as the Mercat de la Boqueria, for example, have their origins in a public space occupied by people selling their wares. Repressing this activity represents an attempt to prevent similar new markets springing up. When asked about possible alternatives to repression, he began with the example of La Rambla: In Las Ramblas we can see what the problems of Barcelona are, not those of Las Ramblas. Therefore, responding to the problems we see there does not mean taking action on Las Ramblas because it calls for more general interventions.

Then he pointed out the importance of fostering the idea that accessing public space to take part in trade should be a right for people who have no other option. Part of the work done in public spaces should even be subsidised if it is to discourage people from choosing to undertake undesired economic activities.

In that regard, it is important to understand the needs of those street vendors who took part in the focus groups, starting with their living conditions and their work. The average age of the people interviewed was 30.5, the youngest being 22 and the oldest 45. Nearly all of them were men (94.9%) and only 5.2% women. As for their place of birth, 79.3% were born in Senegal and the rest mainly in Bangladesh (12.1%) or Pakistan (5.2%) It is worth pointing out that, despite the relatively small sample, the profile of street vendors from Bangladesh and Pakistan was noticeably more precarious than the rest, with less command of Spanish or Catalan, fewer years at school and less knowledge of the municipal services available to them.

As regards education, 34% of those interviewed had finished secondary school. Most, however, spoke several languages, the main ones being Wolof, French, Spanish, English, Hindi and Bengali. Their most frequent previous occupations were routine jobs and manual work. A total of 37.9% had only worked in street vending since arriving in Spain.

With regard to their administrative situation, approximately three quarters were registered residents. But only three out of ten had the requisite official documents. Most of the interviewees had never had them. The vast majority (81%) arrived after 2007, i.e. after the economic crisis broke out, and 79.4% had been working as street vendors for less than three years at the time of the interview. Their main way of getting to Spain was by open boat (*patera*), followed by plane or on foot.

When asked about their future aspirations, three quarters replied that they would prefer to stay in Barcelona and bring their families. Over 80% sent money to their families in the country they came from, generally on a sporadic basis. Three quarters of their income went on basic necessities, buying goods to sell, incidentals and remittances.

Nearly three quarters (74.1%) of the people interviewed lived in the Besòs area, while 20.1% lived in Raval. The rest lived in Poblenou, apart from one person who was a resident of Granollers. All the people interviewed rented their accommodation. The average number of people they lived with

was 5.4. A fifth (20.7%) lived with two people or fewer, while 19% said they lived with between 8 and 10 people. Nearly three quarters (74.1%) lived with other street vendors.

All those who had looked for a flat (53.4% of the people interviewed) said they had suffered severe cases of discrimination more than once. Asked about their relationship with the owners of their flats, 60.3% said it was good, while nearly all the others said it was indifferent. Only 3.4% said their relationship with the owner was normal or bad.

At the time of the interview, 17.2% of the people in the focus groups suffered from an illness or had a chronic health problem, while 19% did not have a health card. When asked if they ate well, they all said yes apart from three. However, 51.7% said they ate somewhat irregularly. Nearly half (46.6%) knew about Social Services and 39.7% had heard of *Cáritas*, although it is worth repeating that the Pakistani and Bangladeshi communities knew a lot less.

Approximately a third of the interviewees had used these services. While 42.1% had obtained some financial assistance, most said they had not. And although the consensus expressed by each group interviewed was they intended to get some help, the most widespread perspective among all of them was that neither municipal social services nor *Cáritas* could solve their collective situation.

Nearly half the people interviewed (48%) worked ten hours a day with long periods of waiting. Approximately 10% were working shorter days (five hours), while 13.7% would often work twelve-hour days. Six out of ten (60.3%) worked every day, while the rest said they worked between four and seven days, depending on whether it was the high or low tourist season.

All those interviewed said they had had some experience of racism. Most said they had been on the receiving end of racist insults from people in public places and 43.1% said they had been insulted by the police.

As regards the products they sold, just over half the interviewees sold fashion items (bags, T-shirts, sunglasses and accessories), 20.6% sold souvenirs (magnets and key rings) and 18.9% sold umbrellas (in many cases, these supplemented the sale of other items). All the interviewees claimed that most of their customers were tourists but pointed out that three or four times a day they were Spaniards, especially when there were fewer tourists about. In general they earn between 5 and 10 euros on a bad day and 40 to 50 euros on a good day, without taking into account goods seized, which they all said meant considerable losses. When asked what most influenced whether they had a good day or a bad day, the number of tourists came first, followed by the police presence.

However, when asked what was the main problem they faced on a day-to-day basis, they were unanimous in saying the police presence. Some people also mentioned the long day and the weight they had to carry. The police were also the main cause of anxiety among the group, followed by their administrative situation. A little over half those interviewed said they had been beaten by the police on at least one occasion and 86.2% had had their sales items seized. Some 44.8% had been in a cell and 17.2% said they had a criminal record, in every case related to street vending. Approximately 80% of the interviewees said they had been fined, but only half had paid a fine and, according to the vendors, they were always court fines, not municipal ones.

With regard to the local shopkeepers nearest their respective sales patches, the most common feeling among the people interviewed was one of indifference (65.5%). Another 21% said they had a good relationship with them, while the rest merely said they had no relationship. When asked whether they had many conflicts with them, the most common reply was there were some, occasionally, but you could not say they were particularly serious. Two groups pointed out that some shopkeepers had put up posters in the area with anti-street vending slogans but that attitude

could not be attributed to all shopkeepers. However, when asked if they had any interests in common with that group, more than two thirds of the interviewees said no or they doubted it.

Nearly three quarters of the participants in the focus groups had taken part in some demonstrations, mainly through the union, and over a third had participated in other demonstrations, in most cases with groups they had met through the union. This suggests the union has collectively empowered the street sellers, besides activating and strengthening links with other networks of social stakeholders, different to the ones they usually had contact with.

The main barriers to street vendors fully participating in the city include their administrative situation, the penalisation of their activity and the lack of access to the formal labour market. Added to those factors is the discrimination they face on a day-to-day basis which, besides impacting on other issues such as housing, makes it difficult for their situation to be integrated into public opinion. This discrimination generates their collective territorial and social isolation, which also undermines their capacity to fully participate in the city. The fact that the main way the people interviewed had of getting into the country was by *patera*, that the vast majority had never had official documents and many have been involved in street vending since their arrival in Spain confirms there is a feedback mechanism that not only makes it difficult for those workers to get out of street vending but also encourages them to take part in illegal economic activities.

In that regard, setting up the street vendors' union is a step forward. On the one hand, it makes people aware of the situation faced by a vulnerable group they knew nothing about and offers a way out of what appears to be a closed circuit separated from the city. On the other hand, it acts as an interlocutor with the necessary legitimacy for articulating collective demands, entering into dialogue and reaching agreements with those stakeholders that play an important role in the conflict that has arisen over their economic activity. However, stronger measures are required to break the vicious circle of illegality, such as not penalising street vending or decriminalising the counterfeiting of fashion products.

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Setember 2018

**Public spaces, in the plural**

Nicolás Barbieri

Autonomous University of Barcelona (UAB)

'A bridge is a man crossing a bridge'  
(*Libro de Manuel*, Julio Cortázar)

The image of cities as promises of integration and freedom is faced with more and more difficulties. On the one hand, cities are the setting for difference, inequality and disconnection. Yet, at the same time, it is in cities that we express our desire to live together, in diversity and on an equal basis. With autonomy and interdependence. That is why we speak of the right to the city, not only in its territorial and physical dimension but also in the personal and community sense. We talk about the right to public space, not just in the form of infrastructure, squares or bridges but fundamentally as the right to cross it, pass through it, inhabit it. In short, we talk about the right to meet.

Public space is plural. We talk about public spaces, in the plural. A shop, a football pitch, a recreation centre or a Social Services centre all have a public dimension. They could be really public, everyday, local places, as the projects you can read about below show us. They are all projects in the Experiences and Good Practices Bank of Barcelona City Council's Area of Social Rights.<sup>1</sup> One of the aims of this bank is to offer opportunities for spreading the activity involved in these experiences and the knowledge they generate by practising them. Consequently, it is the very people behind the projects who have written the articles presented here in this part of the magazine *Barcelona Societat*. What are these practices?

ESFORSA'T (Esport, Formació, Salut i Temps Lliure - Sport, Training, Health and Free Time) is a project that works with young people in the Bon Pastor and Baró de Viver neighbourhoods, promoting healthy leisure activities in an effort to reduce risk indicators such as isolation or taking drugs. Starting from the needs of the area, working with various professionals and adopting a community approach with group activities, the ESFORSA'T project promotes inclusion and connection through different public spaces, ranging from the streets to neighbourhood facilities.

Comerç Amic sense Barreres (CASBA - Friendly Shop with no Barriers) is a sensitisation and training project that targets architecture students, shops and the general public, promoting better accessibility in local shops and more independence for people with functional diversity. It is based on the educational approach of service learning and links the various stakeholders that might intervene in public spaces with the aim of facilitating access to them. CASBA shows us, therefore, that certain private spaces, such as shops, can have a public side.

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<sup>1</sup> <http://ajuntament.barcelona.cat/dretssocials/ca/banc-de-bones-practiques>

Finally, there is 'Vincular x educar' [[Link to educate](#)], a community project set up to further the education process of children and improve the link families have with schools and educational leisure associations in the neighbourhood. It is based on schools working with Social Services to help children take part in local recreation centres and Scout groups (*esplais* and *caus*) 'Vincular x educar' shows us that public space is not limited to its physical dimension. It is also a social space and an educational space. In the words of Richard Sennet, it is the place where two strangers meet. Working to facilitate access to it and ensure children are better equipped to participate in it is essential.

So, I will leave you with three significant experiences that build that public space. I hope you enjoy reading about them.

Setember 2018

**Key words:** Community work, group work, young people, social services**ESFORSA'T (Esport, Formació, Salut i Temps Lliure)**APC Franja Besòs<sup>1</sup>CSS Franja Besòs<sup>2</sup>

The ESFORSA'T (Esport, Formació, Salut i Temps Lliure) project has been going for six years now in the Bon Pastor and Baró de Viver neighbourhoods. It is a community project with group activities led by a team of street educators (APC Franja Besòs) and a Social Services Centre (CSS Franja Besòs) in which various collaborators from the area and the city also take part.

The project's aim is to work with young people aged between 16 and 25 to promote healthy leisure activities in order to reduce the risk indicators in this age band. Initial exploratory work enables us to guide young people towards various activities, to take part in the workshops that are proposed and monitor each one individually, aside from fostering healthy habits, integrating them into society and helping them find work to improve their living conditions.

**1. The territory**

The Bon Pastor and Baró de Viver neighbourhoods, situated beside the River Besòs, form part of the Sant Andreu district. They are cut off from the rest of the city by natural and architectural barriers.

They also stand out for their young population, compared to the rest of the district and the city. In fact, the percentage of children and young people is between 4 and 5 percentage points above the city average. Table 1 highlights some features that could explain the situation in these neighbourhoods. Disposable Household Income (RFD in Catalan) in Bon Pastor was 67.3 in 2012, low compared with the rest of the city, while Baró de Viver stands out for being one of the neighbourhoods with the lowest income levels of all (52.4)

We believe that one of the factors that has the biggest influence on personal development and a person's future integration into society is education. Table 1 shows the educational level of the people who live in these two neighbourhoods is very low, while the absenteeism and drop-out rates are high.

Despite these data, however, the services and facilities in those neighbourhoods have been working for a number of years to reduce those disadvantaged indicators, to boost the opportunities

<sup>1</sup> 'A partir del carrer' (APC) Franja Besòs is made up by Candela Pérez, Xavier Serradell and Mariguín Bocanegra.

<sup>2</sup> The Franja Besòs Social Services Centre consists of Xavier Molina, Sabina Baró, Laia Mollón, Patrícia Cortés, Silvia Villegas, Israel Ureña, Encarna Roldán, Núria Calabria, Lydia Pulido, Silvia Lacasta, M. José Marín, Tània Mesa, Susana Hortas, Marta Gracián and Carolina Fernández.

for children and young people while rising to new challenges, and to improve their social and labour inclusion.

The work done by the Bon Pastor and Baró de Viver neighbourhood schools (Escola Bon Pastor, Escola El Til·ler, Escola La Maquinista, SES Cristòfol Colom, Escola Baró de Viver and Escola L'Esperança) should be highlighted here. Nor should we forget the other services and public facilities which, on a community level, have made a big effort to improve the conditions of their inhabitants in recent years: The Bon Pastor Library, Bon Pastor and Baró de Viver civic centres, Obert Cel centre, Sant Andreu family centre, Bon Pastor-Baró de Viver Primary Care Centre (CAP), Sant Andreu Children and Young People's Mental Health Centre (CSMIJ Sant Andreu), Sala Jove de Bon Pastor youth centre, Baró de Viver children's centre and the Youth Animation Service (SDJ).

All these have created children's and young people's networks in the two neighbourhoods that have enabled them to work together on the problems and difficulties faced by local children and young people and generate opportunities for them.

**Table 1. Socio-economic indicators. Barcelona 2016-2017**

	Baró de Viver	El Bon Pastor	Sant Andreu District	Barcelona
<b>Population</b>	<b>2.539</b>	<b>12.582</b>	<b>147.695</b>	<b>1.625.137</b>
Population by age				
0-14	17.1	17.8	15.5	12.7
15-24	11.4	9.0	8.7	8.9
People with disabilities (2016)	14.8	9.6	8.8	8.1
RFD (2016).	72.6	62.0	72.6	100.0
Education (2016)				
No education	5.1	4.3	3.4	3.1
Prim. school / certificate	72.8	61.3	47.9	40.1
Comp. sec. school: Bac., ESO, FPI	14.3	20.1	26.1	25.3
Post-comp. sec. school: Bac. Sup., BUP, COU, FPPII, CFGM	5.1	12.4	21.1	30.0

Fuente: Departamento de Estadística. Ayuntamiento de Barcelona  
<http://www.bcn.cat/estadistica/catala/dades/economia/renda/rdfamiliar/a2016/rfbarris.htm>

## 2. The project. Background

The project started in 2011 with the aim of initiating joint work between the CSS Franja Besòs educators and the APC Franja Besòs educational team.

It began with a diagnostic phase to compile data on the adolescent and young adult population of the territory, in order to get a picture of their real needs, problems and demands, as well as to find out what projects were being carried out in response to the needs detected.

On the basis of that diagnosis, we identified health as one of the priorities for intervening in this population. Direct intervention with young people, ongoing exploratory work by the APC team, the growing number of Guàrdia Urbana [city police] reports of young people taking drugs on the streets reaching the CSS Franja Besòs, the diagnosis carried out under the Barcelona Public Health Agency (ASPB) neighbourhood health programme among various local stakeholders, and the social-family intervention of the CSS Franja Besòs all contributed to the territorial diagnosis. That enabled us to see that the presence of drugs in the territorial dynamics was a normal, everyday reality; to see, therefore, that taking drugs was possibly another risk and vulnerability indicator in the exclusion and academic failure of a significant number of adolescents and young people in the neighbourhoods. As regards free time, we also detected a relationship between the lack of regular healthy activities and the consumption of drugs on the part of the youth population. So, on the basis of this analysis, the ESFORSA'T project was designed as a tool for group work with young

people but also with an important community component to foster change in the Bon Pastor and Baró de Viver neighbourhoods.

From the outset, the ESFORSA'T project has been geared towards transforming the usual dynamics and isolation of its highly vulnerable target population, very often in a disadvantaged social context. This transformation has been made possible by providing social and educational support through close, individual monitoring of any adolescent or young person wishing to initiate and face this process of change.

After six editions, the project has now established itself as a healthy leisure alternative and a reference point among the adolescent and youth population of the neighbourhoods where it is carried out. At the same time, more local services have gradually become involved in organising and taking part in it (Bon Pastor Library, the Bon Pastor and Baró de Viver civic centres, the CEIP Baró de Viver school, the CEM Bon Pastor sports centre, and so on). Thanks to what it has to offer, ESFORSA'T has become a unique refuge and meeting space where young people, besides taking part in a healthy leisure activity, can enjoy other possibilities that favour personal growth. In addition, the project has been a testing ground for community work while fostering joint work and synergies that help to bring about change in the neighbourhoods.

### **3. The professionals, a multidimensional team**

The participation of professionals from various spheres has been of vital importance for the success of the project. Despite their having similar training, it has fostered joint work by territorial services and facilities to produce changes in the dynamics.

In that regard, it is worth pointing out the collaborative work carried out by the APC team and the Franja Besòs centre educators. Even though they have the same training and qualification (social education diploma), the tasks entrusted to a Social Services team are different. This project has enabled the tasks assigned to be complemented and, in that way, improve the service that the local adolescent and youth population receive. The experience has also led to new projects being set up and given shape to a centre education project that brings all the intervention areas together. We think it is important to highlight the service provided by the APC educators, whose work complements the educational work carried out by the Social Services centre. Their approach is to work closely with adolescents and young people in the settings where their everyday lives take place and develop a link with the resources and facilities in the area, aside from developing preventive projects.

Nor should we forget the importance of the project's links with other professionals in the area, which has allowed community prevention work with an effective use of the existing resources. We also want to highlight the collaboration with Bon Pastor's youth leader and the coordinators of the 'Convivim esportivament' [We live together in sport] programme.

In addition, the project relies on the collaboration and support of external personnel hired to run the workshops:

- Two sports trainers. Their work is to manage and run the corresponding indoor football training group. They teach the young people taking part the values of integral health, body awareness and physical education.
- A photographic workshop facilitator. Leads the young people taking part and teaches them the appropriate knowledge and aptitudes for the workshop photo sessions.
- A beauty workshop facilitator. Leads the young people taking part and teaches them the appropriate knowledge and aptitudes for the workshop make-up and characterisation sessions.

In all these cases, it is important there is coordination with the various reference figures so the dynamics of the activity can be evaluated and any problems that arise can be sorted out.

## 4. Project goals and actions

### 4.1. Goals:

- To promote a healthy, alternative way of spending free time among adolescents in Bon Pastor and Baró de Viver.
- To reduce the risk factors in the overall health of young people and increase the protection factors.
- To prevent the risks that young people run by consuming alcohol, cannabis and other drugs.

### 4.2. Specific goals:

- To ensure young people know about the network of resources and public spaces in their community and take part in them.
- To foster the positive integration of adolescents and young people into the life of the community.
- To involve young people in their community by means of social construction processes.
- To encourage young people not linked with any socio-educational space or activity to participate in the programme.
- To empower young people so they can handle and access training tools to give them skills that will equip them for work.
- To increase the information on the risks and consequences of taking drugs.
- To contribute towards the personal development of confidence, self-image and self-assurance in young people
- To turn the established consumption dynamics among young people into critical consumption.
- To involve the families of young people more in the project.
- To foster community recognition of young people through their artistic work.
- To develop critical thinking, reflection and decision-making on the part of young people with regard to the issue of gender and equality in advertising and the media.
- To generate a space for an assertive relationship between equals and knowledge of the other person.
- To have young people from different backgrounds living together so they can discover other realities and learn the culture of the local, welcoming population.
- To foster young people's interest in taking part in community and social development projects in their city.
- To get young people to immerse themselves in a life experience that fosters cooperation, solidarity, commitment and the culture of peace

### 4.3 Actions

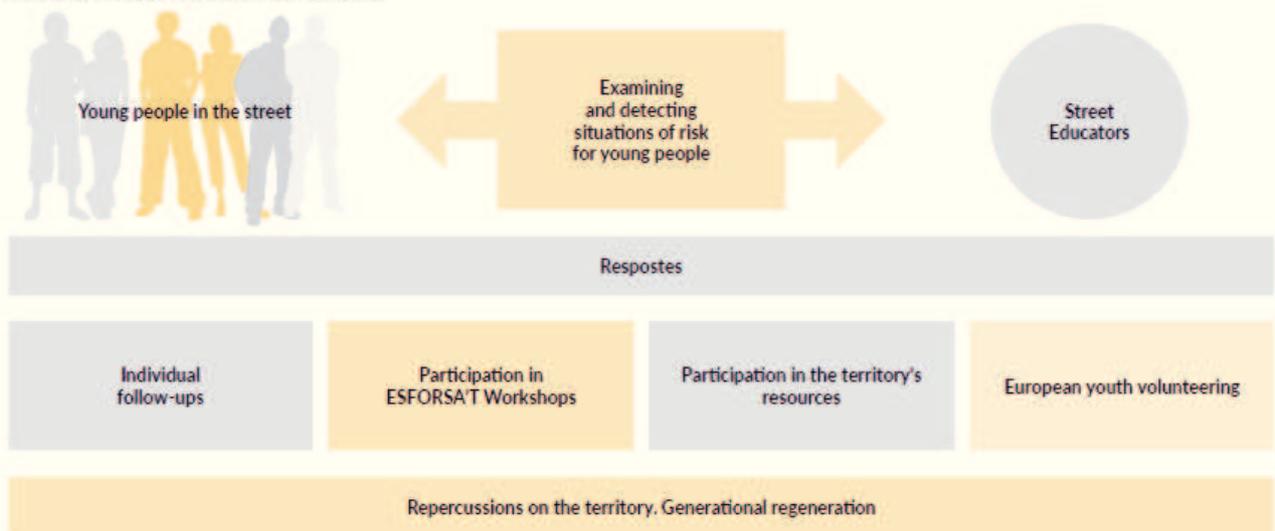
**Diffusion strategies.** Diffusion is one of the key factors in the success of each edition of the project. Part of the success is related to the project's community perspective, and the fact that all

the neighbourhood facilities and professionals in every intervention sphere (social, health and education) participate in it. The exploratory work of the APC education team, which offers young people who have no link with any resources or facilities the chance to participate in the project, has a great deal to do with it. Mention should also be made of the referrals by Social Services and other territorial services.

**Individual support.** Each of these actions involves individual, cross-cutting socio-educational support and monitoring for each participant, based on their requests or needs, or the risk indicators that might be observed. In addition to the activity, the whole group is directed towards the training, work, leisure and other resources that reach the APC service through their contact and diffusion channels, in an effort to motivate young people to start a programme of work training, community participation, personal growth, social cooperation and so on, depending on their individual and personal concerns.

**Community impact.** Promoting young people as a whole in their community is a basic part of the ESFORSA'T programme. Various activities aimed at doing that arise in the course of the project. The decision to play the corresponding CEEB (Barcelona School Sports Council) matches at the municipal sports centre (CEM Bon Pastor) is one way of projecting local youth activity. The fact that this encourages families to get involved in their sons' and daughters' processes, and helps to attract more young people to take part in future editions, is vitally important.

Figure 1. Processes in the ESFORSA'T project



All these goals are worked on in the workshops and activities explained below:

**ESFORSA'T. Men's football.** A training space is offered two days a week, starting in October, so young men who are interested in taking part in the project can start getting into physical shape and acquire training habits, while generating group cohesion among the participants. This pre-season space runs from September to December and is important because it lets the professional team find out the needs of these youths and plan individual monitoring for those who show the most difficulties or who ask for it directly. It is also important because it is during the pre-season that the link with these youths is established. In January the team, now established, starts to play in a league with other teams from other parts of the city. During the season, we also work on more community-related aspects, such as the home games or the relationship between players and fans.

**ESFORSA'T. Image and body workshop.** The intention of the image and body workshop is to integrate the various artistic and creative disciplines the project aims to promote, including

photography, make-up and hairdressing. The idea is to promote the integral health of those taking part by developing group cohesion, social awareness and participant interrelationships through reflection spaces and dynamics prior to the start of the workshop. The Bon Pastor Youth Animation Service (SDJ) is also involved in the workshop and joint sessions are held involving the SDJ, the CSS Franja Besòs educators and the workshop facilitators. At the workshop itself, the group creation process takes priority over the individual process. One group focuses on the photographic set (lighting, props, background, camera, etc.), while the other develops the aesthetic side to create the final image, which the photographic group also joins in on. All the time, the people taking part are those tasked with and responsible for preparing and doing the photo session. Throughout the workshop sessions, various topics are introduced to promote healthy habits, social awareness and factors to protect against gender discrimination attitudes. An outing is organised once a month to stimulate group cohesion. This activity takes place outside the neighbourhood to foster mobility and involves visits to other cultural, informative and leisure spaces in the city.

**ESFORSA'T. Women's football.** This activity is for young women with technical knowledge of indoor football as well as those who do not. The objective is to encourage the participants to take up an active sport and foster the development of healthy habits in their everyday dynamics. The workshop is held jointly with the 'Convivim esportivament' programme. As in the case of the young men's football workshop, there is an initial period of acclimatisation to sports activity and to the link between professionals and participants. In the second period, the girls play in a recreational women's league that belongs to the CEEB. In the first period, they also play friendlies to work on managing group emotions and handling frustration. The fact that the girls play in a regular league fosters effort, personal achievement, teamwork and other educational values that sport can provide.

**European youth volunteering.** One of the features that has characterised the project from the outset has been the possibility of reinforcing it by collaborating with other associations and programmes. And one of the external resources that helped to give ESFORSA'T its own identity was the youth exchanges at international work camps. Through COCAT (the Catalan Coordinating body for Organisers of International Work Camps), project participants are offered the opportunity to travel to a foreign country – some for the first time – and share a fieldwork experience with other young people. This is based on one of the project's implicit aims, namely, to encourage youth mobility in order to discover new realities and break down inbred attitudes, but the fact it revives the volunteering experience is also seen as important. The intensity of living an opportunity like this makes it a life experience where values such as cooperation, solidarity and companionship are the main features, without forgetting the whole process of personal growth these young people undergo in overcoming their fears and feelings of insecurity.

Once a year, either during the skills acquisition phase or at the end, an exhibition of the group work is scheduled to show the end result of all the sessions. These exhibitions are held at various public facilities, such as libraries and civic centres, both in and outside the project territory.

Finally, ESFORSA'T has the necessary dynamism and flexibility to include new community actions in the course of the workshops. These range from informative and preventive talks on taking drugs or abusive relationships to disseminating preventive material produced by the Barcelona Public Health Agency (ASPB) or occasional community activities that supplement the activity of the project. These activities provide various unique opportunities to show the community the work that all the young people do in each edition and to get the community to participate.

## 5. Target public

The driving force behind the project is the adolescent and youth population of the Bon Pastor and Baró de Viver neighbourhoods. The project is targeted at teenagers and young adults aged 15 to 23. Priority is given to boys and girls not involved in any educational leisure centres (*sala jove*, open centre, *casal*, etc.) or out-of-school activities, because they are more likely to make intensive and/or improper use of the streets and, in the future, acquire habits that pose a risk to their health.

Each activity has its own, specific participant profile.

- ESFORSA'T. Men's football. For 12 youths aged 16 to 20. Prior to the start of the project, there is an open pre-season for skills training, lasting two months, in which a maximum of 15 youths can take part. The selection is based on those who have maintained a high level of commitment and participation. A waiting list is drawn up to fill places immediately if anyone drops out during the course of the project.
- ESFORSA'T. Image and body workshop. For 20 young people aged 15 to 23. Registration is open to both boys and girls.
- ESFORSA'T. Women's football. For a maximum of 15 girls/young women aged 16 to 23 who are interested in and motivated to join in a team-sport activity on a regular basis. A waiting list is kept to incorporate more if any drop out.
- European youth volunteering. For 5 young people aged 18 to 25 to go to national and international work camps. Registration is open to current and former participants in the project.

## **6. Results**

Graph 1 shows the evolution of the project over a five-year period. We can say that it has established itself and the participation of young people from the area has increased.

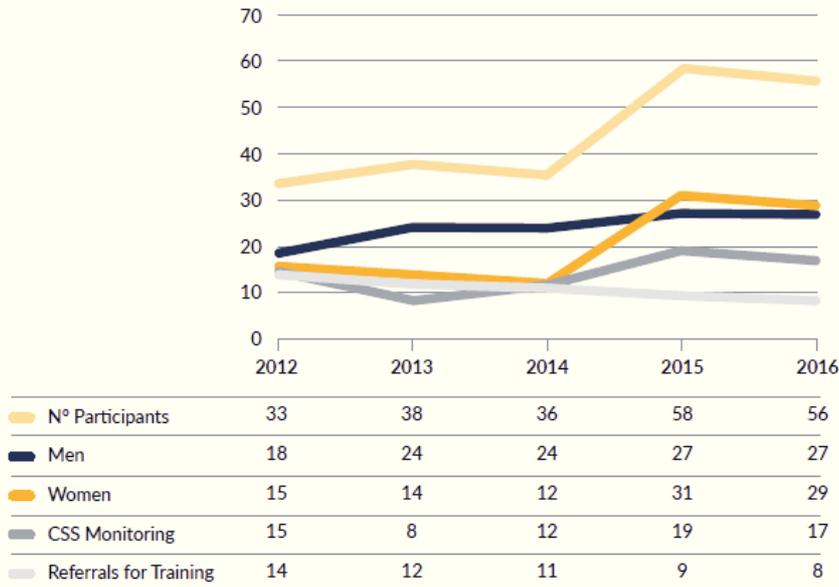
It has become an annual event and there are more young people asking to take part, which is a success in itself. Despite that, the last edition also confirmed the need to rethink some aspects of the project because of the generational change.

However, we want to highlight the fact that the gender gap has been eliminated by adapting the activities and workshops so there is no differentiation on the basis of sex. Another aspect that needs highlighting is the increase in the number of young women over the life of the project.

As readers will have appreciated from these pages, one of the goals of the project, aside from working with young people, was to improve coordination and joint work between various professionals, within the CSS itself and with other neighbourhood facilities and services. Internally, that has meant the project has become another Social Services referral tool. At the same time, the number of young people and families being monitored by the team of professionals has increased.

It is also worth highlighting the training referrals, because we have to remember that absenteeism and dropping out from school are characteristics of the population of the Bon Pastor and Baró de Viver neighbourhoods. Although we can see the number of training referrals has fallen, that has more to do with the fact that this work is carried out through other channels – new projects at the centre and family monitoring by CSS staff.

**Figure 1. Change in the people taking part in the ESFORSA'T project. 2012-2016**



Source: Original.

## 7. Conclusions and areas for improvement

We believe the ESFORSA'T project is a success, as far as the needs of the area and the young people taking part are concerned, because it offers solutions that go beyond group work. Group work becomes a tool for meeting both individual and community needs and for networking.

Despite these successes, the project has been adapted during this period. Generational changes, motivation to take part, involvement of the families, etc., have forced the project to adapt year after year, without losing its essence but looking for ways to improve, such as adopting the vision of reinvesting the results back into the neighbourhoods, creating the young women's football team at the request of the girls and restarting European volunteering to get to know other realities.

We also want to highlight the importance the project has in the dynamics of the CSS. This project, and its recognition as a good practice, have led the team to opt for a centre educational project and other projects being developed around ESFORSA'T that complement its work. The CSS Franja Besòs team did not want to stay in individual care, and instead it has fostered group and community work too as tools for change in families and the neighbourhoods.

That means other projects have been generated in the childhood, adolescence and youth area with co-participation from, for example:

- 'Compartint coneixences'. Leisure space for infants aged 0 to 3 built through the Bon Pastor Childhood, Adolescence and Youth Network (XIAJ).
- 'Forja't'. Project targeted at adolescents and young people who drop out of school. Carried out with secondary schools, it aims to help young people choose their studies and monitor them, as well as give families an important role so they understand the importance of their children's education.
- 'ESFORSA'T júnior'. In 2017, following requests from under-15s, we realised the importance of starting up a similar project to ESFORSA'T that could work with minors aged 9 to 15. It also responded to one of the principal problems of the mother project, namely generational change.

As explained above, the ESFORSA'T project has also served to improve networking and create new synergies that enable community work. One of the main ones is the setting-up of the Bon Pastor and Baró de Viver XIAJ networks, which expand the existing community work in those neighbourhoods.

In conclusion, and as an area for improvement in future editions, the ESFORSA'T project intends to develop the leadership role of young people and previous participants in the project itself. Because we would like to see the young people who have taken part in it leading the project and generating spaces and associations that could have a positive impact on their neighbourhoods.

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Setember 2018

**Key words:** Universal accessibility,  
service learning, sensitisation,  
awareness-raising, functional diversity**Comerç Amic sense Barreres (CASBA).<sup>1</sup> The experience in the Casc Antic, Sants and La Marina neighbourhoods.**Sandra Bestraten<sup>2</sup>, Neus Tormo<sup>3</sup>, Clara Santamaria<sup>4</sup>, Ferran Urgell<sup>5</sup>.

**CASBA is a sensitisation and training project for students of architecture that promotes improved accessibility in local commercial establishments and fosters the participation and independence of people with functional diversity. To achieve this objective, an innovative project has been started that provides a link for many stakeholders to work together. The Barcelona School of Architecture (ETSAB) at the Polytechnic University of Catalonia has adopted the service-learning approach as a vital tool for introducing students to social realities on a local level. The Municipal Institute for People with Disabilities (IMPD) coordinates associations of people with disabilities in the neighbourhoods under study, retailers associations, the university, Barcelona City Council, the Ciutat Vella and Sants-Montjuïc districts, the Commerce and Markets Department and the Institute of Urban Landscape, and also promotes cooperation on the project. The agreement is altruistic but the personal satisfaction enhances student learning and the commitment of all those involved in spreading the benefits of increasing accessibility for everyone.**

**After running for four years, the CASBA project has carried out a pilot test to implement the improvements, with the help of financial incentives offered by Barcelona City Council.**

**Introduction**

CASBA's main objective is to train and sensitise the various stakeholders on accessibility, in order to enhance the learning of architecture students on this issue, make retailers and traders more aware, improve shop accessibility, encourage people with functional diversity to take part, involve municipal technical staff and raise public awareness of how important it is to ensure accessibility in the city.

The project was first run during the 2013-2014 academic year and this year sees the fifth edition. Sections of the Casc Antic, Sants and La Marina neighbourhoods have been studied so far. The starting point is the collaboration agreement between the project stakeholders.

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<sup>1</sup> Promoted by the Municipal Institute for People with Disabilities (IMPD), the Polytechnic University of Catalonia (UPC), associations involved in the disability area and the Ciutat Vella and Sants-Montjuïc districts.

<sup>2</sup> Lecturer in architecture at the ETSAB-UPC

<sup>3</sup> Sants-Montjuïc District commerce support worker

<sup>4</sup> Municipal Institute for People with Disabilities technical support worker (IMPD).

<sup>5</sup> Municipal Institute for People with Disabilities technical support worker (IMPD).

It takes place during the university year and is based on a series of activities carried out in four stages. The first three – training and sensitisation, collecting data, and analysing and presenting the results – are carried out in the first term. The fourth stage takes place in the second term and includes the project report, evaluation and reprogramming.

The method used for training the students is service learning (SL, ApS in Catalan). SL is an educational approach that combines learning processes with community service in a single, well-structured project, where students learn and work on real needs in the area at the same time in order to improve it.

Since 2004, ETSAB has been teaching an optional subject on housing and cooperation. This subject teaches future architects about accessibility and uses the SL method. Tarragona, Calafell and Vilanova i la Geltrú are the first cities where it has been put into practice. The 'Accessible Tarragona' project created an exhibition that was shortlisted for the Salas Foundation Access Awards in 2007.

Since 2013-2014, and through the CASBA project, ETSAB students have been analysing streets in Barcelona using the SL methodology (Escofet, Anna; Fuertes, Teresa). They follow a route in each neighbourhood chosen by the associations of people with disabilities, retailers associations and the districts, and they study it in what is a new way for them: its suitability for people with functional diversity. They study streets, as well as public and private facilities on them, and put forward achievable improvements. The aim is to find the easiest way for adapting them, thereby providing a social return on their training and education.

In addition to that, joint activities are organised between the students and associations of people with disabilities so the former can see what accessibility needs there are, understand the reason behind accessibility regulations and raise their awareness. They also impact on the others involved.

To encourage shops to implement the improvements that are proposed, a pilot test was run in the Creu Coberta shopping hub during the 2016-2017 university year.

### **1. The starting point**

The right to accessibility is enshrined in the UN Convention on the Rights of People with Disabilities, approved by the UN General Assembly on 13 December 2006 and ratified by Spain on 28 November 2008. Barcelona City Council declared its commitment to rolling out the rights enshrined in the convention the same day and tasked the IMPD with monitoring their implementation. The city's commitment is now fully in force (see the government measure on drawing up the 2018-2026 Barcelona Universal Accessibility Plan), p. 3).<sup>6</sup>

The convention sets out the concept of the principal of accessibility in Article 9:

'To enable persons with disabilities to live independently and participate fully in all aspects of life, the States Parties shall take appropriate measures to ensure access to persons with disabilities, on an equal basis with others, to the physical environment, to transportation, to information and communications, including information and communication technologies and systems, and to other facilities and services open or provided to the public, both in urban and in rural areas.'

In Articles 2 and 5.2 it defines the need to make the necessary reasonable adjustments for promoting equality and eliminating discrimination against people with disabilities.

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<sup>6</sup>Barcelona City Council approved the government measure on drawing up the 2018-2026 Barcelona Universal Accessibility Plan in May 2017.

Data from 31 December 2016 show us that the number of people in Barcelona with a recognised disability<sup>7</sup> was 132,133, i.e. 8.13% of the city's total population (1,625,137), and these people have to exercise their right to participate in the city on an equal basis with the rest.

However, as the government measure on drawing up the 2018-2026 Barcelona Universal Accessibility Plan points out:

'Universal accessibility is an aspect of intervention in urban activity that enhances the personal independence and quality of life of all citizens. An accessible city is an inclusive city for children, elderly people, people with functional diversity, for all those people who at some point in their life might have some form of disability. Universal accessibility incorporates elements of personal independence in the life of the city which, basically, the entire population of Barcelona can enjoy.'

In other words, accessibility is a right that must be guaranteed for everyone, as our functional abilities vary in the various stages of the life cycle and we could be affected, temporarily or permanently, at any time. It means comfort and security for everyone: adults with pushchairs, elderly people, people carrying a heavy weight, with orientation difficulties or little command of the language, etc.

There is State and autonomous region legislation that translates this right into obligations that must be complied with but enforcing it is complex and once again we are faced with the interpretable concept of reasonable adjustment. Catalonia has established criteria for applying the legislation: those established by the Committee on Accessibility to Activities in Catalonia (TAAC) to standardise the application criteria for establishments in existing buildings where activities open to the public are carried out.

Barcelona has been and is a benchmark city in the area of accessibility. Thanks to the intervention of city governments and the participation of people with functional diversity<sup>8</sup>, there is increasing awareness of the need to resolve the issue of accessibility in the city as one of the requirements for making it a real inclusive space.

But we still face difficulties. There are areas which are difficult to adapt but we also find ourselves with interventions carried out in the past, when accessibility was not a priority, where small details were not properly resolved, such as a step at the entrance to some premises or an unsuitable handrail, which make access difficult.

The lack of solutions for both physical and communicative accessibility lead to situations where many people are discriminated against, as they are unable to enter a space because of physical barriers or unable to access certain information, which is not accessible to people with sensory

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<sup>7</sup> The concept of disability is constantly changing.

In May 2001, the WHO Assembly approved the International Classification of Functioning Disability and Health (ICF), which replaced the one approved in 1980.

It included the principles for interaction between a person and the environment and their psychological and social integration. A specific disability is produced by interaction between the 'deficiency', the limitation on activity and the restriction on participation. Subsequently, new perspectives introduced the concepts of quality of life and independent life, where disability is the result of a lack of adaptation between the person and the environment. Finally, the Forum for Independent Life (2005) introduced the concept of 'functional diversity': the functions and abilities of people, like other components of human beings (sex, ethnicity, etc.), are diverse.

<sup>8</sup> In 2011, Barcelona was shortlisted for the European Commission's [European Award for the most Accessible City](#).

disabilities, for example<sup>9</sup>. That prevents them from fully participating in public life and, in many cases, leaves them isolated.

Local commerce, neighbourhood commerce, has usually been seen as a link in the network of relationships between neighbours; a capacity appreciated by Barcelona City Council, as shown by the second line of the government measure 'Strategy for Boosting and Raising the Profile of Commerce in Barcelona, 2017-2019', which focuses on local commerce in the city as a model that has to be preserved and strengthened. This role is very important for people with disabilities, whose accessibility has a direct impact on their quality of life.

## **2. Start of the CASBA project and taking root**

This is the context in which the CASBA project was set up in 2013, following a meeting between the Commission on People with Functional Diversity in the Casc Antic (the Commission), ETSAB and the Ciutat Vella District to analyse accessibility in the neighbourhood.

From the moment it was set up in 2010, members of the Commission noted that while their neighbourhood (the Casc Antic) and the city were highly accessible, there were still many issues that needed resolving, both on the streets as well as in public and private facilities, and shops in particular<sup>10</sup>. In 2013, the interest in studying the neighbourhood took them to ETSAB and, based on the previous track record of all the stakeholders, the CASBA project was born.

In 2014, the Sants-Montjuïc District, responding to public requests for action to improve shop accessibility in a particular area, decided it was worth incorporating Creu Coberta in the project as that shopping hub had already carried out improvement work on shop accessibility on its own initiative.

It was agreed to transfer the CASBA methodology to Sants to carry out an analysis of the hub and, as a pilot test, the project broadened its intervention by offering to help retailers who wanted to implement the improvements. Technical support was offered and subsidies were sought from municipal departments as a basis for establishing cross-departmental work. The subsidised work was finally carried out between 2016 and 2017, and the experience is currently being evaluated. The CASBA diagnosis and sensitisation method continues to be applied in a number of shopping hubs in the district.

In all the actions it carries out, the project tries to encourage the retailers to go further than the established minimum legal obligations for each type of establishment. It puts forward solutions geared towards eliminating any kind of barrier so they can offer a quality service adapted to the needs of people with disabilities and, in turn, help them to broaden their potential clientele and ensure a safer, more comfortable and pleasant shopping experience. With regard to the street, the project believes accessibility involves more than the pavement and that it is necessary to look at the whole chain, in which commerce is an essential link for ensuring independence in everyday life.

## **3. Basic design of the project**

The academic year begins with various theoretical classes on accessibility. In explaining the regulations, a big effort is made to ensure students understand the reasons for each measure, so these future architects have a vision that goes much further than complying with a few regulations and focus their creativity on innovations in the functional adaptation of spaces.

<sup>9</sup> This situation does not only affect people's basic rights either; it also has implications for commerce. As Barry Ginley points out, if you remove a part of society, you are limiting your offer. (<http://holadesignforall.com/barry-ginley-disability-and-access-officer-at-the-victoria-albert-museum-in-london/>).

<sup>10</sup> The survey that Barcelona City Council's Department of Commerce conducted in the commercial sector shows, on page 48, that 38.4% of the establishments surveyed said they had no step and 22.8% pointed out that their entrance door was less than 70 cm wide.

[http://comerc.bcn.cat/sites/default/files/arxiu/r15006\\_sector\\_comerc\\_informe\\_web.pdf](http://comerc.bcn.cat/sites/default/files/arxiu/r15006_sector_comerc_informe_web.pdf)

This training is supplemented by a series of activities run by the CASBA project that are designed to reinforce what has been learned. Associations of people with disabilities and retailers' associations each visit the students in class and explain at first-hand what universal accessibility in everyday life means. That enables students to discuss in detail and learn more about physical, visual, sensory and intellectual disabilities, mental disorders, and the requirements of each one in the universal design of spaces, as well as the complexity, confluences and divergences of the requirements of each need. This activity is decisive in demonstrating the key role architecture plays in ensuring the autonomy and independent life of each person, more than their disabilities. It is a day when people with disabilities act as teachers and answer lots of questions.

It is then followed by a collective outing. The students, accompanied at all times by a person with functional diversity, see at first-hand what it means to go around the city's streets in a wheelchair or with the white stick used by blind people. This mutual knowledge allows them to establish relationships based on trust that will enable them to go around with the Commission when the time comes.

**Photo 1. Students and associations of people with disabilities visit the route. Barcelona, 2013-2014 academic year**



The joint visits are widely reported in the media and that helps to highlight the day-to-day difficulties people with disabilities face. Throughout the course, students are made aware of how they raise the issue through their work.

Subsequently, improvements are suggested for a section of the street, a facility or four shops. An elevation plan of the shop or facility is produced, access to it and internal circulation are analysed, as well as the signs and the functionality of the furniture, to provide a specific response on how to adapt the space in the simplest way possible. This work enables the students to take on a real job and approach the professional world from a more social angle.

Other awareness-raising activities can be proposed in this period, such as the Accessible Commerce Route in the Casc Antic to incorporate the points found in the previous year as accessible on the More Sustainable Barcelona map. That way, retailers with an accessible shop get publicity and once again the issue is raised.

In January, after the course has been completed, all the work done is returned to the neighbourhood at an act that brings the students, retailers, districts and IMPD together again. Shopkeepers, building owners and municipal technicians receive the file-solution for their space.

**Photo 2. Presentation of the work done by the students in the La Marina neighbourhood. Barcelona, 2016-2017 academic year**



In gratitude for the work they have done, the students are offered an artistic representation of inclusive companies, in which people with disabilities take part.

The second term focuses on the internal work of the project: drawing up the report, project evaluation and redefinition. Collaborating entities and municipal departments are informed of the results of the project and the possible application of the improvements proposed is sought. The various stakeholders come up with a suggestion for the new route that should be studied the following year.

#### **4. Goals**

The main goal of the CASBA project is to sensitise and educate people on accessibility with regard to actions in public spaces as well as commercial premises. It has four lines of impact, with the following specific goals.

##### **4.1. Empowering people with functional diversity**

- Highlight the expertise people in this group have on the issue of accessibility.
- Promote the active participation of people with disabilities in their neighbourhood and the city.

##### **4.2. Getting to know the situation, defining viable solutions and, if possible, implementing them**

- Carry out an exhaustive technical analysis of physical and communicative accessibility in the public highway, public facilities and commercial establishments.
- Study the accessibility chain between the street and the shops in the sections analysed.
- Propose accessibility improvements and look for the most affordable solutions.
- Present the analyses and results to the responsible public and private associations.
- Carry out the specific actions proposed to the shops studied and offer the necessary support.

##### **4.3. Training the students**

- Break down prejudices and remove barriers in relation to people with functional diversity.
- Learn the architectural needs of people with disabilities.
- Design in line with universal accessibility and propose safe and efficient technical solutions at the service of people as standard.
- Encourage communicative habits with the target customers and the general public.

##### **4.4. Sensitisation**

- Sensitise the various social groups: the public, retailers, the local authority and professional sectors (architecture, construction, maintenance, public management, etc.).
- Encourage student social participation through service learning.
- Give shape to the UPC's social responsibility strategy.

## 5. Groups who benefit from the project

CASBA has the effect of jointly influencing the various beneficiaries:

- Architecture students, who learn about accessibility in detail.
- People with disabilities and their associations, for whom accessibility is vital.
- All the people who live, work in and walk around the neighbourhood streets, as accessibility benefits everyone.
- Neighbourhood retailers, who receive a free analysis of their business.
- District technicians and political bodies, because it helps them prioritise their actions.

## 6. Methodology for the project

### 6.1. Product development stages

#### 1. Definition And Training

- Renovation of the collaboration agreement: establishing synergies between the stakeholders involved.
- Training the work team: accessibility training cycle with the students.
- First-hand experience: a walk round with students in a wheelchair or wearing a blindfold and with a white stick, accompanied by people with functional diversity.

#### 2. Data Collection

- Analysis of four shops or a section of street, or one facility per team of two.
- Generation of the documentation: elevation plan with an evaluation of the architectural barriers and a suggested improvement; presentation with images describing some recommendations for improvements.

#### 3. Analysis of the Results

- Analysis of accessibility to the streets, evaluating the technical and economic facility or difficulty of the solution.
- Analysis of accessibility to shops and facilities, in the same way.
- Handing-over the files and plans to retailers and the local authority.
- Presentation to the neighbourhood and the local authority of the work done and the conclusions. Closing party.

#### 4. Report and Evaluation

- Preparation of the project report, incorporating the analysis of the intervening parties,
- Evaluation of the results.
- Application of improvements to the process or to the data collection instruments.
- Evaluation of possible new routes to be studied. Definition of the area of work for the following year

#### Pilot Test - Evaluation

- Setting-up of the project team that will implement the aids and improvements, with the collaboration of an architect to help the retailers.
- Analysis of the files and proposal to the Creu Coberta hub retailers, looking for shops that want to implement the improvements.
- Evaluation of the budget and application for the subsidy.
- Coordination and follow-up of the improvement work
- Evaluation of the data and the results.

### 6.2. Leadership and participation of the various stakeholders.

CASBA is driven by various stakeholders in the Ciutat Vella and Sants-Montjuïc districts, as well as the university, but it is the IMPD which provides collaborative leadership for the project.

The diagram below synthesises the universe of stakeholders in the project.

**Figure 3. Stakeholders in the CASBA project**



We highlight the participation of the members of the Commission of People with Functional Diversity in the Casc Antic, made up by, among others, the Residència Vigatans of the APIP-ACAM Foundation, the Amputats Sant Jordi Association, the Saräu Inclusive Leisure Association, and also the members of the Sectoral Council of People with Disabilities in the Sants-Montjuïc district: AICE, Hospital Sant Pere Claver Foundation, Dincat, Esclat, Pere Mitjans Foundation and, finally, the Assemblea per la Diversitat.

### 6.3. Resources

The project can count on economic, human and material resources.

The economic resources are as follows:

- Two architecture interns paid by the participating districts to provide support to ETSAB, the Commission and the IMPD.
- Show to celebrate the end of the project, paid for by the districts.
- Accessibility measures for the acts, on the part of the districts.

The project's human resources are as follows:

- A lecturer from ETSAB-UPC.
- Volunteers, members of the associations of people with disabilities.
- Technical staff from the municipal departments.
- People linked with the shopping hubs and the shopkeepers themselves.

Finally, the material resources include material for drawing up the final report and some sensitisation workshops.

### 7. Results

- As a project based on the service learning method, we can confirm that, in practice, all the stakeholders gain.
- Architecture students gain by providing a service to society and understanding the accessibility regulations in an efficient and practical way.
- People with functional diversity gain from being able to offer their expertise on accessibility, which further empowers them by being seen as customers of shops and public facilities, by raising awareness of civic attitudes that facilitate accessibility, and by achieving greater medial impact for their problems.

- The students' visit to the neighbourhood and the closing event have been published in print, in El Periódico de Catalunya, La Vanguardia, the Europa Press agency, and the Diari Digital de Barcelona, as well as on TV, on BTV and 8TV, and the radio, on Ràdio Nacional d'Espanya and RAC 1. The project has also appeared in the corporate websites of the UPC, the IMPD, the Ciutat Vella District and the More Sustainable Barcelona map. It has been presented at different conferences too.
- The gains for retailers are discovering the convenience of applying accessibility regulations, having a specific architectural proposal, making the implementation of accessibility improvement work a priority and boosting local shops as an alternative to the big department stores, which really are accessible.
- Finally, the districts and the IMPD gain from the greater awareness of all the stakeholders regarding the need to apply the accessibility regulations and offer a broader knowledge of social reality that can help to prioritise actions in the city.
- During the four years the project has been running:
  - 233 architecture students have taken part.
  - 390 shops have been analysed in the Ciutat Vella and Sants-Montjuïc districts.
  - 17 public facilities (civic centres, schools, the Citizen Help and Information Office (OAC), Barcelona Activa, etc.) have been analysed.
  - 5.7 km of public highway have been checked.

The project has been presented at various professional forums, namely, the Jaume Bofill SL Foundation, where it received a grant for 2013-2014, Eurocities, the International Congress of Educating Cities, on its visit to Ciutat Vella, at a meeting on service learning projects in the third sector, and at Jornades 10x10 in 2015.

Other positive results include the following:

- Participation in the 2016 edition of the third sector guide *Universitaris que col·laboren amb entitats socials en el marc de la seva activitat acadèmica*.
- Producing three accessible commerce routes in the Casc Antic for the More Sustainable Barcelona map.
- Publishing a guide in 2017 for city retailers based on what all the stakeholders have learnt: *Fem el nostre comerç accessible*<sup>11</sup>.

Finally, a pilot test for implementing shop improvements has been carried out in Carrer de la Creu Coberta, a street in the Sants-Montjuïc district. It was based on the study carried out in 2014, when 9 accessible establishments were detected, which represented 11.25% of the 80 shops analysed. The pilot test, carried out between October 2016 and June 2017, involved applying the accessibility measures with the help of a subsidy programme and doing improvement work on 16 commercial establishments.

## 8. Learning

Among the strengths of the CASBA projects, one that stands out is the use of the service learning method because all the stakeholders gain from it: the resources invested in training the students serve to sensitise the stakeholders involved.

Its sustainability over time and the way it has taken root in the local authority, the university, the associations and the neighbourhoods are other strengths.

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<sup>11</sup> The aim of this simple, visual guide is to collaborate in realising the right of all citizens to actively participate in community life, independently and safely, and to build a network of accessible local shops open to everyone.

<http://mobilitat.ajuntament.barcelona.cat/ca/noticia/fem-accessible-el-nostre-comerz-tota-una-guia>

Another is the active participation and central role played by people with disabilities. They are the key figures and driving force of the project, who have highlighted their needs and, at the same time, made the most of their expertise in accessibility and raising social awareness.

As regards the main difficulties, we need to mention the challenge of securing the necessary involvement of retailers to carry out the alterations to the premises, given the complexity it poses for them (cost, time the work takes, etc.). We need to be able to offer them support.

On the other hand, the project has shown itself to be transferable. It has gradually grown and is being copied in other districts and with other universities.

CASBA is an example of the joint work of universities, shops and associations, coordinated by the local authority, and a good strategy for overcoming, in a real way, the complex needs of universal accessibility. Establishing new synergies with the stakeholders and key social groups in the city has been an opportunity to propose new perspectives and responses, and to keep working for the future of people with functional diversity in Barcelona.

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September 2018

**Key words:** Links, education, leisure,  
childhood, community**Vincular x educar' project**

Jordi Caròs de la Cruz<sup>1</sup>, Carme Sáez Peinado<sup>2</sup>, Jèssica Vázquez Mula<sup>3</sup>, Rosa Ana García Moreno<sup>4</sup>, Miquel Rubio Domínguez<sup>5</sup>.

**'Vincular x educar' is a community project set up to further children's education processes by improving the link families have with schools and leisure associations in the community.**

**For the children, this is an opportunity to establish good links with their neighbourhood. For the families, it means a possibility to have closer ties with the school and leisure associations in their area. For the school, it can facilitate a more overall connection with the pupils and establish educational continuities between the various stakeholders in the area. For all of them, as a whole, it means participating in a proactive way in children's education.**

**That is done by schools and Social Services working together to identify areas where first-year primary school students will be able to develop their potential better and compensate for any shortcomings, and by establishing links between children and their families and the neighbourhood recreation centres and Scout groups (*esplais* and *caus*).**

**Introduction**

The 'Vincular x educar' project understands the right to global education as one of the fundamental rights of childhood and a strategic element in the development and improvement of all societies. The education sphere, what we understand as education, covers a field with a much broader scope enriched by the concurrence of multiple disciplines, stakeholders and activities.

From the outset, schooling has always been a basic element in the development of human beings and even more so in modern societies, where a sound basic education followed by an ongoing, up-to-date education are an indispensable condition for work and social inclusion. But, besides that, there is leisure or free-time education as a pedagogical tool that participates in the general process and which is a key element in initiatives which aim to combat poverty and inequality. Very often good schooling is guaranteed but there are notable differences in other spheres, such as access to leisure, connection with local networks and participation.

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<sup>1</sup> Social Services psychologist

<sup>2</sup> CSS Numància social worker

<sup>3</sup> CSS Numància social educator

<sup>4</sup> CSS Cotxeres Sants social worker

<sup>5</sup> CSS Cotxeres Sants educator

The idea of the 'Vincular x educar' project started to take shape in 2010, drawing on the experience of joint work in Social Services, specifically between the Numància and Cotxeres de Sants centres, as well as the ongoing work of local schools through the social commissions and territorial networking.

This collaboration gradually gave rise to a number of ideas that needed thinking about. If, instead of waiting to identify serious difficulties in children, generally in the later years, it was possible to plan a preventive task at a younger age, we could proactively look for the necessary complements and boost children's education with the support of leisure associations.

We believe that fostering the links children and their families have with school and the neighbourhood, as well as between associations, can enhance the educational process. And, if we start to link children with free-time education from the first year of primary school, that can have an effect on the entire education community through systemic irradiation, as leisure activities are based on values, expectations, links and practices that gradually spread as pupils go up through the school years and leisure groups, as well as on the families and communities.

### **1. 'Vincular x educar' and public space**

This initial hypothesis for our project fits in with a much broader concept of public space that includes various dimensions (physical, social and educational) and which refers to streets and squares, transport, civic and cultural centres and lots of other places where life that is not strictly private takes place. We need to keep the social and educational dimension of public space in mind.

As Richard Sennet puts it, it is the place where two strangers meet (Sennet, 2014). It is the framework where 'Vincular x educar' and public space join hands, because it is in the public space that we can identify, get to know and understand other people, exchange information, do activities and so on. The most important thing is what happens in that public space. It is the framework where the interactions between social players take place outside the purely private sphere. It is where the city, the community, is built, where the wealth of diversity and the freedom of anonymity meet.

Access to that public space, where social life goes on with all its potential and all its conflicts too, is not guaranteed. It needs to be inclusive, as far as its structure and dynamics are concerned, but learning, attitudes and aptitudes are also necessary to be able to access and fully develop there.

In that sense, educational institutions, such as school, but also free-time education associations, such as *espais* and *caus*, act as intermediaries: they facilitate 'the transition between public space and the private sphere through the cross-cutting construction of these spaces and time by pupils and educators, though pupils must not be given this public world, which they will eventually inhabit as fully-fledged citizens, already formed and finished. They must be offered tools so the day after tomorrow they can also co-construct it with their own contributions, so they can be active subjects in this public space they cohabit, and not just passive subjects in a space they would simply wander around in'. (Lemkow, 2017).

These educational services therefore provide learning, attitudes and values that serve as the necessary tools for creative, effective and solidary participation in public space, and so this public space takes shape as a suitable place for identification and social cohesion, with the confluence of differences in an inclusive space.

The 'Vincular x educar' project, as a community project where links between people, groups and institutions are fostered, plays an active part in creating and developing this public space in the sense of boosting relationship networks and, above all, facilitating the fluid access of more participants to these networks. The participation of children in *espais* and *caus*, when, in theory, they were not expected to be part of that, is an opportunity to invite and help those children to enter

the public space, and equip them with more elements that will enable them to participate in better conditions.

## 2. Goals

The general goal would be to enhance the educational process of children through the joint efforts of school, the family, leisure groups and Social Services, to weave shared involvement in a cohesive educational community.

How? By identifying development opportunities and detecting risk situations in a first-year primary class. That would mean doing a study of the protection factors (individual, family, group and institutional resilience, etc.) and the risk factors (isolation, language, etc.) and then reducing the latter while boosting the former by creating multiple links: family-school, children-leisure groups and between the various stakeholders.

Participating stakeholders:

- Social Services
- Schools
- *Esplais and caus*
- Children and families

The basic principles of our intervention are as follows:

- Complementing the development model (providing the things a child needs to develop before any problem arises) with the deficit model (attending to shortcomings and problems as they arise).
- The confluence of the three spheres of education: family, school and informal education.
- Education is the sum of everything a child does and happens to them. The links can be creative and protective.
- Prevention, beginning at the earliest ages at school, with proactive action.
- Compensating for deficits in disadvantaged families and social environments.
- Systemic irradiation: improvements in specific pupils at an early stage can avoid difficulties later on, and the improvements can have an effect on the class system, the overall school system and the whole of the education network.
- Resilience, as individuals, families, groups and institutions have the capacity to respond through working on their capacities.
- Participation in building networks as opposed to being in a state of exclusion. Children, families, leisure associations and institutions establish relationship networks and participate in the neighbourhood networks.
- Working on improving expectations. As professionals, we foster the habit in families and ourselves of looking for skills and interests, as well as shortcomings. Education has to focus on developing students' abilities, not on 'fixing' their deficiencies. Training and participation based on the modelling of monitors and other participants.
- Fostering multiple identities that facilitate relationships and prevent ghettoisation.
- Creating proactive contexts: in the classroom itself, in the families-school or *esplai-cau* relationships, in the neighbourhood, etc.

- Making the most of the tutor's knowledge of the pupils to do a review following a guide by areas that would enable aspects that need improving in some way to be spotted.
- Developing the informal education network in the neighbourhood. In Sants, and Barcelona in general, free-time education is a very important asset with a long tradition behind it which must not be wasted but fostered.
- Intensive action, given priority over one or two school years, so as to be able to adequately manage the project and so most of the children all go through the same course.

### **3. Methodology**

As a community project, we start from a perspective of participatory and preventive work. The methodology, in this context, has to be flexible so it can be adapted to the diversity and complexity of the participants: parents, teachers, the team of monitors and Social Services staff.

The current participants include two schools (Escola Francesc Macià and Escola Cavall Bernat), ten recreation centres and Scout groups (Esplai La Lluna, Esplai Xiroia, Esplai Sant Medir, Esplai Turons, Esplai Totikap, Esplai Espurna, Agrupament Skues, Agrupament Sant Ferran, Agrupament Montserrat-Xavier, Agrupament Estrella de Mar), and two Social Service centres (CSS Numància i CSS Cotxeres de Sants).

Figure 5. Methodological process



As mentioned above, 'Vincular x educar' covers four broad areas: the family, school, informal education and the Social Services. The sum of their knowledge and the methodological process seek to achieve a broader education for our children that is integrated in the community.

### 3.1 In schools

The intervention in schools starts with a project presentation to the heads and teachers so the teaching staff can make it their project and adapt it as necessary to the situation in each school. The project focuses on the first year of primary school (though it intervenes in other years too) where the first-year tutors are the key piece in the process of proposing children.

These referrals are always based on the potential and shortcomings detected in the classroom: children who spend many hours on their own, who show a particular interest that will not be stimulated by their disadvantaged environment, who want to do activities or establish relationships, and the need for a support network or working relationship between the family and the school, etc.

Once the children have been selected, a joint interview takes place between the school, the family and Social Services. This is always in the school environment, as this is the most valued context and the closest one to the families. The main aim of the joint interview is to establish a close link with the family, to transmit to the parents the abilities to be developed that the children have and

they do too, as parents, and the idea that we as the school and the community can help them in this development.

Even when the link with the leisure association has been established, the school and the tutor continue to have an important role to play. It is in the tutorials, the day-to-day contact with the pupils and meetings with parents that we can detect participation and involvement in the resources. Similarly, the school is often the communication channel between recreation centres and Scout groups and families when contact, either direct, by phone or by email, is impossible. That way, they can get information to families on activities they are organising (camps, outings, gatherings, parents' meetings, etc.)

### 3.2 In families

Families become part of the project on the basis of this interview, which is sometimes received with concern (requests to attend an interview are often to talk about problems). The fact that the tutor might want to talk to them about their children's qualities and that, given their potential, what is being proposed is to offer them a resource, it is received with a great deal of interest.

A considerable number of the families are newcomers and that makes it difficult to explain the project. In such cases, we work with intercultural mediators, who facilitate understanding not only of the language but also the concepts: what an *esplai* or *cau* is, what informal education is, what going away to a *colònia* means, and so on. This cultural distance sometimes means that families need a slower linking process between their child and the *esplai* or *cau*.

When a family accepts the idea of their son or daughter taking part in 'Vincular x educar', they are asked to sign a participation commitment, whereby the parents undertake to ensure their children attend the *esplai* or *cau* in exchange for the right to receive a project grant.

Finally, once the recreation centre or Scout group that will take the children has been assigned, the parents must go there to formally register the children in person, taking the documentation that each centre requests.

### 3.3 In educational leisure centres

These are formed by youth volunteers who dedicate part of their time to doing some free-time education work at weekends or during school holidays.

Based on each referral, we search for the *esplai* centre or *cau* Scout group best suited to the characteristics of the child: proximity to the family home, availability of places, times, etc. The centre or group contact person is then contacted to draw up a plan of action. After the link is agreed, the information is conveyed to the family.

Once the child has been registered, a follow-up procedure is established with each centre or group. In theory, contact between the family and the centre or group is fluid and Social Services only directly intervene again with the family at the request of the respective *esplai* or *cau*.

A joint follow-up of the children linked with each one is carried out periodically as well as a joint evaluation.

### 3.4 In Social Services

The role of Social Services staff taking part in the project is to propose and animate schools, families, recreation centres and Scout groups. It is necessary to create an educational network and ensure all the stakeholders interact, each with their own characteristics. These diverse components form living, changing relationships that require a lot of adaptability to facilitate communication, meeting times and so on.

There are a variety of specific actions. We collaborate with the schools in selecting the participating children and the presentation to the families. With the *esplais* and *caus*, we work on the links. With

the schools and these associations, we monitor the children. And with the families, schools, centres, groups and other stakeholders, we organise joint activities: the project party, painting a mural in the school playground, etc.

Another important aspect of the work is managing the grants through an agreement with Barcelona City Council and the federations of associations, or other budget allocations, to ensure the participation of all children.

#### 4. Evaluation

In order to evaluate the project, we have taken various aspects into account to give us an overall view of our intervention: the goals set, their indicators and the project process itself. The result is a quantitative but, above all, a qualitative evaluation that allows us to give more information on how the participating children experience the project.

'Vincular x educar' got off the ground in the 2011-2012 school year at a school in the Hostafrancs neighbourhood and five *esplais* and *caus* in the area. In that first year, 10 children were linked to them. Currently, 85 boys and girls have been linked to these groups, of whom 78 are students of Escola Francesc Macià, a school we have been working with since the start of the project, and 7 are from Escola Cavall Bernat, who we started working with this year. Over the years, these children have been linked with 13 *esplais* and *caus*, and there are currently active links with 10.

Escola Francesc Macià has gone from being a school with no children taking part in leisure education activities (*esplais* and *caus*) to having 55% of primary students taking part in one of these groups. Quantitatively speaking, it is clear that the project has had a very important impact on the school but it is on a qualitative level that the teachers highlight and value the changes most, in terms of expectations and improvements in the curriculum. Monitoring the children and their participation in these groups, we can confirm, along with the teachers, families and teams of monitors and leaders, the improvements in areas like written and oral comprehension and communication, the acquisition of social habits and the impact this learning has on other academic subjects (maths, social and natural sciences, etc.). A broader network of relationships and better knowledge of the neighbourhood and the surroundings are other aspects that should be mentioned.

By way of example, we could highlight the evaluation of some families, according to Catalina Arenas (Arenas, 2017): 'The mothers agree there have been clear changes in the children in relation to their social skills, which the mothers describe as an increase in the children's ability to make new friends and interact with them. In addition to the above, the mothers highlight an obvious development in their motor skills and in their skills for doing physical activities. Another thing the mothers agree on is that once the children are home, they look for spaces to share the activities they have done and share information with their parents, which could undoubtedly be a door leading to new dialogue spaces in the family'.

Participation in the project could mean new communication spaces are established in the family and in the relationship they establish with their immediate circle. Thus the links are very well received by both the children and their families, who often bring a brother or sister to the project. It is also worth commenting that some families have acquired an important role as facilitators between new families and leisure groups, resulting in a flow of entries into leisure groups parallel to the project.

The schools value highly the opportunity it represents for the children to establish a link with the neighbourhood, as well as the educational improvements in every area, and they acknowledge the pedagogical work that the *esplais* and *caus* do.

Participating in these activities empowers schools to plan new types of action, as well as to change the kind of relationship they have with Social Services and the community itself. They gradually

incorporate the project as an important part of their work: tutorials, the teachers' assembly, the social commission and now, as well, the participation of *esplais* and *caus* in school activities. With every school year, the leisure groups are more enthusiastic about receiving new children, thanks to the experience of these years and because they are also aware of the social and educational work they are doing, something they had already planned but often without finding the appropriate channels. They see participating in the project as a rewarding experience that allows them to reach a more diverse public and make a more inclusive intervention. It has helped them to interact with different families and open up their activity to diversity. As a result of our joint work, the *esplais* and *caus* we work with have incorporated the project as their own and see it as a reference when it comes to strengthening their groups with new incorporations. They have frequently asked us about the possibility of opening the project up to other areas. From Social Services, there has been a move and intensification towards more preventive action in the work with children and families. As regards the network, it has meant the consolidation of a space of trust, where social and educational stakeholders can be identified and they can work on the basis of mutual respect and opportunities.

The overall evaluation is that, thanks to the joint educational action (interconnected community: families, schools, leisure, etc.), the educational process has improved and helped to broaden the vision to the whole environment. Not only are there leisure associations that educational links can be built with, but there are other associations too. These new dynamics have led us to put forward new ideas, such as the mural painting in the Escola Francesc Macià playground, with the active participation of the whole educational community plus the Col·lectiu d'Artistes de Sants and the Secretariat d'Entitats de Sants.

In the last school year, we were able to celebrate the sixth anniversary party of 'Vincular x educar' with all the stakeholders involved in the project. This party involved work throughout the year which, besides increasing the interaction between the stakeholders (schools, families, *esplais*, *caus* and social services), served to establish new relations with other players active in the community: musicians, the Sants giants, etc.

In addition, the whole process of ongoing work was documented with the production of a documentary video designed to promote the project from the perspective of all those involved and explain its development.

Of course, the very development of the project and the particular characteristics of its components give rise to difficulties that need to be borne in mind. On the one hand, the diverse organisational cultures that have to reach an agreement requires a leadership that can enable incidents to be resolved and promote a way of doing things in common that is adapted to the needs of each moment. On the other hand, while the interculturality that has characterised the population that attend these schools is a value, at the same time it is a challenge as far as social inclusion is concerned and the practical difficulties that come with it, basically communication and understanding (e.g. language and cultural norms). The possibility of including the participation of intercultural mediators in the project has been a big help in that aspect.

Another aspect that needs to be borne in mind is that any project with multiple participants from diverse associations and services has to adapt to the reality of constant changes in the reference figures (teachers, monitors, etc.), which requires an agile and flexible methodological model.

## **5. Conclusions and future challenges**

The 'Vincular x educar' community project has been a very effective tool for shaking many inertias and creating new, innovative dynamics for change in relation to school, families, leisure associations and Social Services themselves, with the aim of generating its own collective culture. It works on the basis of the relational capacity of people, groups and associations, of the need people have to establish links in order to be able to develop themselves and the collaboration of all the social stakeholders in an area to take part in children's education.

During the years the project has been running, the necessary affinities between school, social services, leisure associations and families have gradually been strengthened so they can work on getting children with more needs as regards language, relational and other skills into educational leisure activity groups (*esplais* and *caus*) in their neighbourhood, with all that means for expanding their own and their families' relational network and supplementing their school education with free-time education from the first year of primary school.

Our experience confirms our belief that this is a living, organic, growing project, in terms of the number of linked children, participating schools and teachers, and monitors and leaders of the *esplais* and *caus* in the area. We have also been gradually developing methodologies agreed with the stakeholders involved that enable the project to be adapted to diverse realities (other schools, other neighbourhoods, etc.) depending on the needs. This design enables the project to be extended to other areas and other associational networks (children's choirs, human tower groups [*castellers*], etc.).

We think there are two main challenges that have to be tackled in this process of community development:

- Consolidating the project as an effective preventive tool for facilitating social inclusion and harmony in our city, bearing in mind the cultural diversity.
- Seeking to integrate the maximum number of schools and leisure groups into our project, so we can export it to other towns and cities.

And all that has to be done with the conviction that it is necessary to continue promoting this type of preventive community work from Social Services, for the following reasons:

- It promotes the participation of all social and cultural groups.
- It establishes cooperation and communication channels between the various social and cultural groups, schools and educational leisure groups.
- It facilitates a shared vision of reality, built thanks to the contribution of the social and cultural stakeholders.
- It allows for a future cohesive public space with coexistence models based on recognition of otherness, mutual respect and everyone's participation.

To sum up, it means moving towards a new culture based on the participation of the whole community, transforming social and educational communities into communities that learn together and collaborate in designing actions to bring about change and improvement, so education and society become more equitable. All of that will require the development of a new social and educational culture based on collective participation, on new ways of working and a different way of thinking about responsibility, and about individual and collective roles.

Let's all build the 'Vincular x educar' project together.

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Setember 2018

**Key words:** Homeless women,  
homelessness, feminism, associations**A project for homeless women in Nou Barris**

Clara Naya Ponce

"Lola, no estás sola" Association

**"Lola, no estás sola" is an association formed by eight women set up to manage a social intervention project with homeless women in Nou Barris. The reason why a group of women organised ourselves to make this project a reality is part of the DNA of the district we live in; it's because of the air we have breathed taking part in associations and organisations, because of all the times we have felt the solidarity between women neighbours in the streets, and because of our feminist outlook too.**

**1. Where does "Lola, no estás sola" come from?**

The aim of the association is to propose a social intervention project with women who are vulnerable, invisible and discriminated against, with a vision that is faithful to the way feminism and social movements in Nou Barris do things. The "Lola, no estás sola" project is a great opportunity for direct action with women, as well as highlighting their situations and generating a social and feminist transformation of the associations, organisations, the district and the men and women who live here.

Mutual support and solidarity have been one of the foundations of social construction since the district's origins. The working class of the Seventies showed its strength by raising its neighbourhoods and houses (Las Roquetes, for example) and it fought to have the streets paved and traffic lights put up. But things didn't stop there. They continued building the neighbourhood and focusing the more human side of their attention on social problems.

A clear example of that was the associations' stance on locating a care and monitoring centre (CAS) on drug addiction in the area, despite the opposition of some local residents. While in other districts they blocked the streets, demanding the CAS wasn't located in their neighbourhoods, in Nou Barris it was the people who were at the centre of the debate. They understood that their sons and daughters might need the centre's services and, therefore, they had the right to have it nearby. That way the stigma was removed from those suffering from drug addiction and the reality was considered through an integrational approach. A committee was set up, not anti-drugs, but to deal with the situation in the neighbourhood. The image of "Comidroga" was displayed on badges and stickers at popular festivals and families who were grappling with this problem, which had been affecting youth so much in the Eighties, felt they had the support of their neighbours.

There are more examples, such as the 9 Barris Acull network. It was set up from the sit-ins immigrants being organised in Barcelona's churches in 2001, more specifically, in the Santa Engràcia church in La Prosperitat. Their aim was not to form an organisation that would deal with immigration but to integrate this reality into the organisations in the district. For years links have

been created with people who arrive from other places and they have been included in this rich district. Likewise, local people and associations have been provided with tools so they can be more inclusive with the various realities. The “Festival de Sopas” is a great example of the community spirit in the district and its annual gathering is an opportunity to develop the inclusive discourses of associations and organisations, to strengthen them and generate debate.

As early as 2013, under the “Nou Barris cabrejada” campaign, the district, associations and other organisations took a stand on poverty, with the slogan “It’s not poverty, it’s injustice”. Local associations carried out a study on the situation regarding inequalities in the district to demand improvements in the quality of life of its inhabitants, faced with an Administration with little social vision.

Campaigning to overcome the social inequalities of our neighbourhoods is now a way of building the district, which is reflected in a host of realities: in associations, in streets, in communities and in families; between individuals and between collectives; in schools, health services, community centres, community plans, facilities, *esplais* [recreation centres], sports clubs, entities and collectives. Through “Lola, no estás sola” we want to gather all those experiences and share them with women living on the streets and, at the same time, encourage associations and organisations to learn from them. Because if there is something we learn every day it is that each person has a lot to say in improving their reality and in transforming those inequalities, creating fairer spaces for living together.

Nou Barris also took part in the feminist movement, specifically in the *vocalías* [women’s groups] that sprang up in the city after the “Primeras Jornadas Catalanas de la Mujer” [First Catalan Women’s Conference], in June 1976. The struggle of those women is also part of this project.

Demands for women’s equality have made this society a little fairer with our situation but in Nou Barris the *vocalías* of the residents’ associations did a lot more. Spaces have been created for women to meet and discuss their problems, helping each other with the situations they experience in the neighbourhood and finding solutions for them: from a whole network that helped women to go and have an abortion in Avignon, to free them from the “Butcher of Sants”, to a demonstration to denounce the harassment a woman working at a neighbourhood supermarket was getting from a boss. The women were clear that the struggle in the neighbourhood was the responsibility of everyone, men and women, but the associations were not taking women into account when making decisions. An example of that was the meeting times, which prevented lots of women from going. However, they were the ones organising to keep up the fight, to close off the streets or put the neighbourhood under siege to demand traffic lights.

The *vocalías* provided a space where these women could be empowered. They talked about sexuality and maternity, focused on their education, highlighted schools for adults, the demand for municipal nurseries, the family planning centre and so on. The struggle that began with those *vocalías* continues today in the form of the feminist groups and it has left a big mark on the associations and on the streets.

And that is where the Nou Barris Women’s Group came from, uncoupled and freed from the residents’ associations, which played an essential role in creating the women’s advice and information points (PIAM) and in highlighting and conceptualising male violence. The celebration of 8 March shows how eager we women in Nou Barris are to keep on celebrating and demanding.

From now on, given the situations we are experiencing in a district full of all kinds of injustice, through “Lola no estás sola” we are planning to work with the women who have it the worst and suffer the most: homeless women, more specifically, those living on the streets or temporarily at the Centro Residencial de Primera Acogida shelter in Nou Barris.

## **2. Homeless women: a harsh, hidden reality**

The situation facing women sleeping rough on the streets, their specific needs and the lack of any resource adapted to them make this project necessary.

Seventy-six percent of the women in this situation have been victims of male violence, 71.5% are mothers and cannot care for their children, 22.3% are suffering from a serious or chronic illness and 57.2% suffer some type of mental disability. All those percentages are higher than those of the male population living in the same circumstances. On top of that, the distribution of gender roles in the patriarchal society we live in, where men come to occupy public spaces and women domestic, directly affects those women. It holds back the process by which they end up on the streets but, once they reach that situation, they enter it in worse conditions than men. In addition, they never represent more than 20% of the population in the resources they opt for, which is why they suffer the consequence of being a minority group.

The 2015 study carried out by the Barcelona Homeless Persons Care Network (XAPSLL, by its Catalan initials) devoted a chapter to women's homelessness, showing the need to work with this group of women and learn more about their circumstance (Sales, 2015).

Women who end up out on the streets come over to residential resources looking for protection but what they find does not match their expectations. They experience situations of intimidation, they are a minority surrounded by men, they yield their privacy to men and so on. That only increases the victimisation they face and makes it much more complicated to work on the process to empower them as individuals and women. To solve that problem, we have to attend to their needs through a place, a secure place that is adapted to those needs.

Lack of privacy and personal hygiene at centres or on the streets has repercussions on the women's self-esteem and identity, two basic pillars for their empowerment, which would improve if they were offered a resource that they did not have to share with men.

Women with children have no way to normalise their relationships, as their situation makes it difficult for them to have meetings with the children. The place they live in will have to have spaces where they can see their children and thereby establish family relationships that are less painful for them.

However, the reality of the job market and the difficulties women face do not help them to maintain the financial stability they need to turn their situation round. The solutions they often resort to consist of precarious jobs that provide them with accommodation and help them survive but not in their personal or interpersonal process.

## **3. What response can you give?**

Through "Lola, no estás sola" we plan to give a feminist and community response, as these are the two approaches through which we women can be dealt with in a fairer way and go through processes of empowerment that will enable them to reverse the situation.

When we talk about a feminist response or outlook, we mean recognising and highlighting the specific problems that these women experience for the simple fact of being women. Women sleeping rough on the streets have an added difficulty as regards men: they have failed in their "mission", the role that society has marked out for them; they are no longer able to care for anyone, not even themselves. That idea not only lurks in each personal process, it is present in the abuse they experience and the relationships they establish. Added to that, there are fewer of them than men. So, the reality they face is full of different kinds of violence, discrimination and forced relationships. Their experience is nothing but an extreme version of the machismo all women suffer but they reach this stage so damaged on a personal level and so invisible to society that they are immersed in a spiral where they assume their reality is justified.

The idea is to work not just to ensure these women and society recognise all the circumstances they face are the result of a patriarchy and that they are at a disadvantage, but also to offer them adequate protection and support. Working to give these women autonomy through collective empowerment, to understand where this patriarchy places us. Enabling them to look at their situation, history and life experience, and freeing them from some of the responsibility and guilt that are imposed on them for being women. Enabling them, in short, to place the reality they experience in the context of the inequality between men and women.

Once this vision of women's homelessness has been assimilated and understood as the basis of our response, we will focus our work on other premises that refer to homelessness in a more general way.

We understand homelessness as a lack of housing, a situation which violates human rights, so our main solution is to offer homeless women a safe place that can reverse their situation and which, what is more, is not subject to time restrictions, so it is as much like a home as possible. For that, "Lola, no estás sola" is planning a specific project we will explain later.

Besides our feminist outlook and understanding that we need to provide homes for the homeless, we at "Lola, no estás sola" believe that the project would be incomplete without a community response. When people, and women specifically, reach this point, the social networks they can rely on are very limited or non-existent. What's more, those they subsequently establish do no more than perpetuate their situation. Establishing relations in new conditions of equality, with no stigma attached, would facilitate their process. The reality of Nou Barris, an assertive protest district which, far from resigning itself to its situation of poverty, fills its streets with culture, solidarity economies and various forms of mutual help and offers women a whole host of possibilities. And these women, too, are an opportunity for all those movements to incorporate new realities to fight and keep changing for. The great variety of entities and their predisposition will get women, who so wish, to become part of this fabric, learn other ways of doing things and adopt several perspectives while sharing theirs. An enrichment that will surely be incorporated into their empowerment, which will return to society in the district, by showing it a hidden reality. There can be no change, without this two-way path, for recognising homelessness as a violation of human rights and acknowledging the difficulties faced by women in this society. And for a transformation, besides recognition, to achieve a fairer society.

#### **4. How can that be done?**

We at the association aim to respond to this situation through various projects. The first of these consists of finding funding for two flats in Nou Barris.

Our idea is to offer these women a room in a flat shared with two other women in the same situation - where they will find the protection they are looking for and be attended to according to their individual difficulties - and to work on their collective empowerment. The stay will be limited to the individual process of each woman, under a personalised work plan where each is the master of her own empowerment.

The women will take part in organising and managing these flats, so they resemble a home as much as possible. Besides that, they will be able to organise meetings and share spaces with their children. They will be likewise given appropriate resources to cover their psychological, physical and social needs, so they can achieve their personal independence. In short, these flats will provide the women with the positive shared living, privacy and emotional and personal recovery they need, while establishing links with entities and collectives in the community that will enable them to create new social networks and other realities.

The "Lola, no estás sola" project is meant to be a home for women who are on the streets can recover emotionally and become aware of who they are and how they are capable of being the masters of their own change. They will always have the help and support of professionals and

women in the district, who will offer them tools for their empowerment, helping them to set out on the path to personal success they want.

Our methodology is based on a three-level process of empowerment (individual, interpersonal and collective), during which the woman herself can identify her reality, along with her strong and weak points, become aware of her needs and take the necessary decisions for responding to them.

These three levels are the basis of the intervention areas that are being developed under the following programmes:

- Individual work plan: the woman will have to do a snapshot of her reality, identify her needs and propose a series of actions that will lead her to improve and overcome her situation. The time needed will depend on each woman. It will be a dynamic stage, open to modifications, and a way for her to gradually become aware of her individual empowerment and life process.
- “Soy madre” [I’m a mother]: this is about adapting the project to women who are mothers, offering them meetings with their children in the flats and working individually on their relationship, with the aim of developing it in a positive way so they can experience their motherhood naturally, not as a burden. There is also the possibility of linking them up with a children’s group or family space in the neighbourhood, where they can take their kids and get them to take part in children’s activities in the district.
- “Participando en mi barrio”[Taking part in my neighbourhood]: is a programme where they can establish new social relations and foster the creation of new social networks. The women will be put in touch with district entities where they will be able to take part in developing those networks. That way, the association gets known among the neighbourhood entities working on a community level, establishes links of mutual aid and raises awareness of reality of these women to remove the stigma from homelessness.
- Women’s Assembly: aims at getting the women themselves to organise the running of the flats. The assembly will be run by one of the women on a rotating basis, and a mediator plus a person from the association will also take part. In addition, the assembly will take charge of flat logistics and act as a space for tackling issues relating to cohabitation or relationships that develop among women.
- Women’s Group: the aim of this group will be highlight women, whether by talking about important women in history, dealing with feminist issues or simply offering a meeting where women can share their reality. The purpose will be decided by the participants themselves and may change if they consider it opportune. Any woman will be able to take part, whether or not they are homeless.

“Lola, no estás sola” is a project that puts women at its heart, supports them in their empowerment and offers them the necessary time and space for achieving that. We at the association believe that, if these aspects are not respected, it will be very difficult to achieve successful outcomes, a success which not only depends on reversing the situation but also on achieving women’s empowerment.

## **5. A year and... of “Lola, no estás sola”**

Since we started giving shape to this project in July 2016, it has been a stage full of reflection, debating and questioning, all for the purposes of enabling its practice and implementation in the best way possible. We have not lost sight that women and the violation of their right to housing have to be at its heart. It is from here that we will be looking more into Housing First and introducing its principles into the project.

We have introduced it to the neighbourhood's organisations and the response has been very productive, not just in raising awareness and removing stigmas, but also in getting entities and individuals involved in the project. So far it has been they that have been offering contributions to enable its funding.

We have been able to contact some women living in homeless situations, even without the resources of the flats, offering them information, help and support. The experiences we have had until now have reaffirmed our belief that empowerment of the woman herself must be based on respect for her times and she must play the leading part in it. All that is helping us to generate new projects where we can provide these women with other resources.

We have had the opportunity to explain the project at women's conferences in Barcelona, at community spaces in the district and also to the authorities, in an initial phase of publicising the project and looking for resources.

It is worth mentioning that we have achieved some results: we are starting to take part in a University of Barcelona study on the reality of homeless women and their support, and we have joined the Barcelona Care Network for the Homeless (XAPSLL).

This path, where we are only at the beginning, is gradually leading us towards realising the project. Our next step is to offer a flat in response to the need of three women for a room who can then choose their path from here on, start from zero and empower themselves. Requiring investments yet to arrive, this intervention stems from our sense of solidarity as a campaigning neighbourhood and from our feminist heart. And from our dedication and the project's warm reception from women an

Setember 2018

**Key words:** rehousing, settlement,  
housing first, social intervention**The experience of rehousing the carrer d'àlaba settlement**Gemma Izquierdo  
FACTO Estrategia

**At the end of 2014, the need to rehouse nine families with minors from a settlement in Carrer d'Àlaba in Barcelona provided an opportunity to simultaneously evaluate two different social-intervention models for housing families over a period of two years.**

**At the start of this experience, all kinds of questions were raised concerning the chances of achieving positive results with the subject group of people, who had a deeply-rooted itinerant lifestyle.**

**A monitoring methodology based on the Social Work Plan has provided data concerning development, trends and costs which are valuable for reaching conclusions about the experience and for considering new challenges.**

**1. The detonator**

The rehousing experience with the Carrer d'Àlaba settlement began suddenly at the end of 2014.

Some unexpected, determining circumstances led to the urgent need for rehousing nine Galician-Portuguese families with dependent minors, attended by Barcelona City Council's Social Care Service for the Itinerant Roma Population (SISFArom)<sup>1</sup>. This service complements the territory's social services, and its main focus is on children and covering their basic needs.

At a time when homelessness experts were debating on the pros and cons of the two social-intervention models, i.e. the 'housing first' and 'treatment first' models, the case of the Carrer d'Àlaba settlement's families was seen as an opportunity to evaluate and compare the application of both models in real social intervention cases.

For social intervention of vulnerable homeless or poorly-housed people, the Housing First model regards the availability of housing as the first step of the action plan, while the Treatment First model sees it as an achievable option once the intervention action plan has been completed, or put another way, passed.

SISFArom were aware of the profile of the families who needed rehousing, and with the aim of comparing the two intervention models, they began searching for another nine families with similar

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<sup>1</sup> During the month of November of the year 2015 a new service, the SISFA Rom, which replaces the former Social Assistance Service for the Traveling Population of Gypsy Ethnicity (SASPI), is being operated.

characteristics who were also under the service's care, i.e. people living in the city in settlements or poor housing. It is important to understand that SISFArom is a specialised social-insertion and primary-care service, designed to apply more urgency to social intervention when there are minors involved. Consequently, it creates strong ties with the families and builds up an extensive knowledge of them.

The two groups were each formed by nine families of Galician-Portuguese origin living in settlements in the city, with similar ages and composition, who made a living from collecting cardboard and scrap metal. Both families had children at school and up-to-date health care. For two years, the eighteen families would follow either the Housing First rehousing programme or the SISFArom model (Treatment First model). The differences between the two programmes can be summarised by access to housing and the intensity of specific, exclusive social-intervention resources available for the rehousing programme, and the ones habitually available for the SISFArom programme.

## **2. Overcoming the myths**

While the rehousing was being prepared, doubts arose concerning the real chances of success, due to the myths surrounding the subject.

The proposed radical change in lifestyle for the rehoused families and the stigmatisation the group suffers gave rise to doubts such as:

- "They won't give up their way of life, or their dwellings and belongings, and there's no room for them in the flat..."
- "They won't last long in the flat, they won't be able to adapt..."
- "Changes will come slowly..."
- "They don't know how to live in a community, they don't integrate, they have a different culture and habits, they are annoying neighbours that no one wants..."
- "They won't want to, because they won't be able to keep doing what they do; there's no room to bring materials home, they won't have anywhere to leave their vehicles and they need those for their activities..."
- "They'll destroy the flats, the furniture, the stairway..."
- "They don't want to work, and they won't be able to afford the expenses; they'll bypass the electricity meter..."
- "The kids won't go to school..."

Overcoming these myths involves establishing clear objectives, defining a methodology for the intervention and monitoring of both programmes, developing ad hoc indicators for various aspects, such as housing, economics, work, health, education, leisure, social and family situation, integration in the community and the legal situation.

The methodology and monitoring indicators were expressly developed for this rehousing experience. In the search for methodologies that are commonly accepted, that already exist and are applicable, emphasis was placed on an analysis of the following areas:

- Permanence in the programme.
- The degree of the participants' commitment to the aspects of the designed action plan.
- How well they settle in to their new home and their new environment.

However, there was a lack of specific indicators for specifically and objectively evaluating these areas.

For that reason, the indicators were designed in an effort to measure the variations that were produced, and also with regard to the above-mentioned aspects emphasised by the action plan defined for the social intervention with the eighteen families. It was also decided that the indicators

would be for the objective and homogeneous evaluation of the two groups of families: those following the Housing First programme and those following the SISFArom "treatment first" programme, although they were adapted to the various circumstances of each group.

For the rehousing programme, additional indicators were included, which concerned the start of the process and aimed to temporarily delimit the activities involved in moving to the new flat (e.g. leaving the settlement 15 days after obtaining the keys to their new home, or being properly installed in their new home after one month) or to evaluate the adaptation to new ways of life (e.g. using utility supplies properly).

The range of indicators used for monitoring both groups include:

- The dwelling (new home or poor housing) in terms of functionality, habitability and also maintenance.
- Economic management, measuring the use of tools received during training (monitoring the recording of income and expenses and compliance with the spending schedule).
- Training and work placement, which evaluates monitoring the work and training schedule, looking for work, successfully finding work.
- Health, especially in the children, and the levels of nutrition, hygiene and health in the family.
- Education, which measures the children's progress at school and the parents' compliance with the schooling agreements.
- Socio-educational leisure, which seeks the children's integration into after-school, neighbourhood and summer-camp activities.
- Social-family aspects, which measure satisfaction with the change of lifestyle or their willingness to change their lives, according to the group of families, as well as their applications for aid, in terms of both number and amounts.
- The local network, with aspects that include good relations with neighbours and the use of neighbourhood services and resources.
- Juridical and legal aspects, especially in terms of dealing with accumulated fines arising from their cardboard and scrap-metal collection activities.

The defined methodology evaluated the indicators for each family every month, and this included encryption to safeguard the personal details of the participants, allowing individualised monitoring of the action plan. It also added data obtained for each group in order to evaluate developments in the application of each social-intervention model, i.e. Housing First and Treatment First. Six-monthly monitoring reports were produced showing the results of these parallel projects.

This monitoring system applied by the SISFArom team during the two years of social intervention provided data on development, trends and costs which were valuable in terms of reaching conclusions about the experience.

The intensity of support for rehoused families through the use of specific resources during the first months was shown to be vital for the intervention. Through group training programmes and in situ individual interviews and support, it was possible to carry out the necessary preparation of the families prior to their change of dwelling.

Things that might seem commonplace or easy, such as signing a rental contract, dealing with the first bills, living in a flat that isn't on the ground floor or no longer living at all times with a community that goes beyond the nuclear family, all require continued support so that families can successfully deal with them, until after a few months, the adults achieve self-sufficiency.

The differentiated resources for rehoused families consisted of a team of two specialists in social and family work, kept stable for the two-year period, as well as initial aid concerning the change in dwelling, such as expenses arising from the move, the rent and acquisition of new furniture, which mostly occurred in the first year.

The impact of these resources on the budget were evaluated differentially in the first and second years, taking into account their stable or temporary nature. During the first year, the total expenses of the additional technical team and the initial aid accounted for 24% of the budget which would be necessary if an alternative, temporary accommodation solution in a hostel had been chosen for the families. In the second year, the additional technical team for the rehoused families was maintained, while the economic aid for changing to the new accommodation was limited to a rent subsidy and, very occasionally, utility supplies, which means the real impact on the budget was reduced.

The habitual aid for all families under the care of SISFArom is another matter, and was therefore available to both groups. That aid is to help families with expenses such as schooling, transport and clothes. In this case, the difference in developments with the economic aid applied for by the two groups is significant, both in the number of applications and the amounts. For the families in the rehoused group, the intensity of applications was high for the first six months of the programme, but it then showed a downward trend, indicating that the families were progressively achieving self-sufficiency in managing their resources. By contrast, for the families in the SISFArom programme, the applications were stable throughout the experience, with normal seasonal changes during the year, without any sign of improved family management.

When we broaden the focus to include all the areas evaluated by the indicators, during the first year, we see nearly all the families in the two groups evolved positively, although this process was faster in the rehoused families. For example, it can be seen that the rehoused families had an expenses schedule, regularly interacted with other parents from the school and used neighbourhood services.

The influence of the children is noteworthy, including immediate changes, as a positive factor for integrating the adults into their new surroundings.

One aspect that needs to be improved is following work training and work placement schedules, which was deficient in both groups of families, and shows the need for a specific programme in order for them to achieve self-sufficiency in terms of employment.

The second year was a stage of necessary stability, in which the achieved development was consolidated, and there were very few changes in either group of families.

### **3. Two years later**

If the current situation of the rehoused families is analysed, it is easy to conclude that the associated myths have been overcome:

- They left behind their caravans and belongings voluntarily.
- No families have abandoned the rehousing programme.
- The families' adaptation to their new homes and their visible surroundings was achieved in five months.
- They have become integrated into their community of neighbours, the neighbourhood and their school.
- The employment part of the programme still has to be developed, but the families pay for their housing and utility supplies.
- The flats and the furniture are in perfect condition and complaints from neighbours have been anecdotal and unjustified.
- The children's attendance at school is normal.
- They have found a new place for interacting with their former community in the settlement, maintaining their ties.

Therefore, the dwelling is shown to be an anchoring point that accelerates the development of the action plans, improves the achieved results and makes them long-lasting, although the availability of this type of housing is a challenge in itself.

After two years of the programme, the experience can only be evaluated positively.

Some of the most relevant aspects worth mentioning include the satisfaction of the rehoused families in having become integrated into a new community and a new way of life, the experience this has provided for the SISFArom social intervention team, which was totally involved in the project and had the chance to validate the methodology, and lastly, the challenges that this rehousing experience has revealed in terms of the evaluated social intervention models, with an eye to tackling them on future occasions.

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## Barcelona Societat

Journal on social knowledge and analysis



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Journal on social knowledge and analysis  
Issue 22 - September 2018

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### **Language consulting**

Linguaserve I.S, S.A.

### **Original design**

Croma Studio

### **Design**

Jordi Salvany

### **Photography**

Istockphoto. Some images have been ceded by the authors of the articles

**Print**

Vanguard Gràfic SA

**Edition**

Social Observatory of Barcelona  
Research and knowledge Department  
Manager's Office for Social Rights  
Barcelona City Council  
Diagonal, 233 - 08013 Barcelona  
Telephone: 934132669

ISSN: 1133-635

Legal license: B-21.686-1993

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*Barcelona Societat* is issued biannually

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