Controlling dissent through security in contemporary Spain

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The forces of security

In 2015, the Spanish Parliament passed the Public Order Regulation Act.¹ This Act greatly restricted public order, and came to be known as the Spanish *Gag Law*. The legislation mobilised numerous international human rights organisations, generated intense parliamentary debate and saw the emergence of new civil liberties movements. In 2012, Secretary of State Ignacio Ulloa, the highest Spanish home affairs authority, justified the law by arguing for the need to regulate the 'proper' use of public space. At the same time, he announced the use of audiovisual control of mass demonstrations for the surveillance of 'radicals', 'in order to discriminate between those who resist in a violent way [...] and those who appropriately use their right of assembly' (Ulloa 2012: 15–16). This law is considered to be the Spanish state's principal response to anti-Austerity mobilisation since 2011 and exemplifies the government's bid to control dissent (Blay 2013; Bondía 2015); it is also widely believed to be limiting freedom of speech and protest. We argue that this legislation was not enacted in a vacuum and that there are other initiatives limiting protest and speech; as such, it can be seen as part of a larger political process.

In the period 1999–2016, consecutive Spanish governments developed regulations to tackle behaviour regarded as disruptive and a threat to stability. These actions became part of a process that saw the state's power reinforced through security as a mechanism for regulating conflict (Fernández de Mosteyrín 2013). Over the last two decades, the Spanish state has developed strong counterterrorism apparatus that has strengthened its power. While the state has not invoked special counterterrorism powers since the 1980s² (Lloberet-Anglí and Masferrer 2015) a strong consensual narrative developed between state and civil society in the early 2000s, resulting in the codification of new criminal laws, criminal procedures, the reform of intelligence services and new regulations for political parties (Cancio 2014). In recent years, the state's strategy became more sophisticated in its attempt to prevent *jihadism* and to counter radicalisation (Fernández de Mosteyrín and Limón 2017). Throughout this period, an increasing range of behaviour, including

glorification of terrorism or diffusion of extremist ideas, came to be seen as connected to terrorism. These developments had an adverse effect on freedom of speech.³ This chapter shows how this effort at control spread beyond 'the problem of terrorism' to state-sponsored mechanisms to govern political dissent generally (Jackson 2005).

At the same time as counterterrorism spread, an alternative strategy by the Spanish state in the field of public order has impacted on young people's politics. This programme of governance started with the labelling of particular kinds of conduct and groups as 'problematic'. They included minor antisocial behaviour – 'incivilities' – which affected 'undesirable groups' such as 'foreigners', 'the underclass' or 'radicals' (Limón 2013). Young people became a particular target of such regulatory interest. This first occurred when the state began limiting young people's leisure options and their opportunities to participate in politics in the public space, as we endeavour to demonstrate below.

A growing field of research has analysed anti-Austerity movements and their responses to neo-liberal policies (Fletcher-Fominaya and Cox 2013; della Porta 2015). Social movement studies provided empirical evidence, mainly macro-comparative, documenting processes of diffusion of repertoires of collective action (Fletcher-Fominaya and Montañés Jiménez 2014; Romanos 2016). There is also a significant body of research examining the state's policing of protests and innovations by law enforcement for control (Gillham 2011). The emerging field of inquiry into what is described as 'the authoritarian turn' is shedding light on transformations in criminal justice systems (Garland 2001; Wacquant 2009) and on the militarisation of law enforcement in the US, Britain and France (Hallsworth and Lea 2011; Fassin 2013; Goffman 2014). Finally, there is a growing body of research that examines the impact of counterterrorism/extremism policy on political dissent, surveillance of 'suspicious communities' and freedom of speech (Mullard 2007; Crain 2012; Jarvis and Lister 2013; Kundhani 2015). Although securitisation discourses and practices are receiving considerable attention across various disciplines, there still is, with notable exceptions (Neocleous 2000, 2011; Tarrow 2015), a lack of clear theorisation of the role of the state's power in this authoritarian transformation.

We juxtapose the analysis of counterterrorism and public order to better understand the Spanish state's response to the Indignado movement and youth politics more broadly. To this end, we move away from the categories of collective action to analyse state power. We argue that the Spanish state resorted to engaging security institutions, like the police and penal system, and deployed the rhetoric of securitisation to regulate dissent. This strategy resulted in the expansion of state powers to label and monitor specific groups, and to punish them. In short, we offer a critical review of security policy and public order regulation for the period 1999–2016, focusing on young people and the state's interest in imposing social order. We show how this happened through state action that identified and labelled particular groups of young people.⁴ To this

end, we develop a genealogy of state action in the period and examine recent post-15M regulations. We will highlight two different forms of state power that illustrate its capacity to designate certain behaviour as 'radical', and the power to treat certain actions as 'crime'.

The problem as security and need for social order

State power has been theorised as the ability to regulate social relations (Neocleous 2000). It can be recognised by its penetration into the everyday lives of citizens. Following Mann's concept of infrastructural power, it is the 'capacity of the state to actually penetrate civil society and to implement logistically political decisions throughout the realm' (1984: 189). We focus here on state action aimed at maintaining order inside its territory. As devices to pacify oppositional movements, we examine the role of institutions in which that power is enshrined and how those institutions have been deployed to repress certain actions in the name of social order.

State power is frequently defined in terms of its external capacity – military power – and its bureaucratic power (Soifer 2008; Enriquez and Centeno 2012). One way of understanding the expansion of this bureaucratic capacity is to focus on the political, social, legal and technical expressions of the government regulation. However, these regulations affect various groups differently. While some groups are described as 'threats to social stability', it is paramount to examine how this process occurs and how youth are affected by state action.

We concentrate on the state's use of the law to regulate behaviour. As Neocleous argues, 'we need to address the constitutive power of the state over civil society and the way this power is expressed by law and administration continuum' (2000: 11). By looking at how political practices are identified as threats, prohibited by law and policed by security institutions, we can reveal how young people's politics is being governed through security discourse. This is a disciplinary mechanism designed to prevent dissent (Neocleous 2011: 193) which operates, we claim, through surveillance, designation, regulation and punishment.

Before the state can regulate certain social practices, a process of identification takes place. Labelling is an interactive process in which powerful actors like state authorities and security operators (such as intelligence communities, law enforcement, judges, etc.) and actors in civil society (media, experts or think tanks, for example), tag groups and individuals whose behaviour is considered deviant or a threat. Deviance depends on the reaction of others and the consensus imposed by those with power (Becker 1963). Therefore, 'antisocial behaviours', 'extremism', 'radicals', even 'terrorism', are defined as disruptive before being categorised as a crime. This process is key to understanding criminal coding. As the Spanish case shows, discourses of threat and instability of certain youth activities preceded the expansion of criminal laws.

Statecraft in contemporary Spain: youth protest and security policies

While the prominence of young people as political actors has been highlighted since 15M (García Galera 2014; Lobera 2015; Subirats 2015), the Spanish state had been developing countermeasures to manage or repress young people's political practices since the early 2000s. These measures included the criminalisation of certain leisure activities, surveillance of public spaces, infiltration of demonstrations and other control strategies that, as said above, culminated in the criminalisation of dissent through the 2015 Spanish *Gag Law*.⁵

This process began when the anti-globalisation protests in Seattle at the World Trade Organization summit (1999), in Prague (2000) and Genua (2001) were replicated in Spain through the mobilisations of movements like *Ninca Más* and the *anti-trag War* mobilisation in 2002/2003 (Aguilar Fernández and Ballesteros Peña 2005). The official response came in the form of urban civic ordinances (Limón 2012, 2014). The first legal instrument used against the organisation of youth movements was the so-called *Anti-street binge drinking Law*. In 2002, the Madrid Assembly approved Law 5/2002, of 27 June, on 'addictive disorders'. This initiative tightened sanctions for the 'undue' presence of youth in public spaces, and established 'zones of priority action' at the discretion of city and regional government.⁶ By including regulations for 'hygiene' and civic coexistence,⁷ many municipalities restricted 'free' participation in public space, which stigmatised urban groups engaged in political action (García and Ávila 2015). These arrangements were widely backed up by surveillance to prevent 'uncivil' behaviour (Chasco 2014; Galdón-Clavell 2015).⁸

The impact of the 11 March bombing in 2004 in Madrid was transformative in many ways for state counterterrorism work, especially in the expansion of intelligence (Navarro and Bonilla 2007) and the increase in law enforcement resources (Reinares 2008). These events also transformed Spanish politics. New forms of mobilisation developed and became central to young people's political action. For the first time, new information technologies (e.g. mobile phones) entered the theatre of dissent (Fletcher-Fominaya 2011).

Despite attempts by the mainstream media to criminalise protest movements such as *Ninca Más* and the *Anti-war* movement (Aguilar Fernández and Ballesteros Peña 2005: 111–112), there was at this early stage no clear identification of 'youth' as a threat to social stability. This 'identification' began with the mobilisation of *Movimiento por la Vivienda Digna* [Movement for Dignified Housing] in 2006, which predominantly involved young leftists and student leaders who demonstrated against their limited access to affordable housing (Aguilar Fernández and Fernández Gbaja 2010: 689–696). It was in response to this mobilisation that the labelling of young people as a serious threat to social order became paramount.

The Movement for Dignified Housing focused media attention on young people's particular political identity. Through this framing process, they became associated with various 'problematic' issues such as violence, antisocial

behaviour and addictions (Alcoceba and Marheus 2010). This representation of youth shifted from the idea of them being alienated from institutional politics, to them being harbingers of unconventional and dangerous political action (Benedicto and Morán 2015: 84; Espinar-Ruiz and González-Río 2015). This labelling process was then used to justify a tougher police response.

This activity peaked following the 2011 appearance of the social movement *Juventud Sin Futuro* [Youth Without Future]. Their protest crystallised on 15 May, leading to the wide-scale occupation of public spaces across the country and the emergence of the so-called 'Indignado' movement, which revealed a new political subject whose mobilisation urged multiple changes demanded by youth,⁹ such as housing, a fair income, etc. The creation of new organisational structures, discourses (Abellán Bordallo 2015: 18; Jerez *et al.* 2015; Subirats 2015) and the rise of informal mechanisms of participation were evident (Lobera 2015), especially by young people (García Galera 2014). The new political repertoires included a sophisticated use of social media and the occupation of public spaces (Fleisher-Fominaya 2015; Romanos 2016).

The state responded to the Indignados by discouraging young people's participation in political protest (Hueso *et al.* 2015: 62). This was achieved through the redefinition of behaviours allowed in public spaces (including tighter control of the Internet) and the surveillance of social media.¹⁰ Additionally, most demonstrations were strongly policed (Blay 2013; Fernández de Mosteyrín 2013; Pisarello and Asens 2014; Camps and Vergés 2015) by undercover and uniformed officers.¹¹

In reaction to the protests, the authorities also advanced a counter-narrative that connected acts of political dissent with extremist behaviour. The label *antisistema* ('extremist' or 'radical' left-wing activists) was not new, as it had appeared in the early 2000s in public debates. However, it became increasingly common in press reports and official narratives following anti-Austerity protests.¹² This narrative of 'young political actors as a radical threat' was used to censor humour (Bessant 2017), to demand tougher criminal regulation, to delegitimise innovative repertoires by depicting protesters as terrorists and to justify policing of demonstrations.¹³

Police power, bureaucratic power and 'radical youth'

In the period 2014–2016, four legal pillars in the Spanish security system were reformed: private security, criminal law, public order policing and national security.¹⁴ In each case, regulations expanded the definition of security, labelled new crimes and threats, prescribed the actors involved and the mechanisms of accountability. Either oriented to counter religious terrorism or to regulate public order disturbance in anti-Austerity protest, each of these aspects resulted in a limitation of speech and the restriction in the use of public spaces. Glorification of terrorism and dissemination of extremist content essentially affected young social media users, and the criminalisation of certain uses of public space affected youth political practices.

The Public Order Regulation Act was said to be justified because of a rise in criminality, a sense of insecurity and claims that citizens demanded peace and tranquillity.¹⁵

The increasing regulation of public space expanded the range of unlawful offences, as well as increasing the sanctions, which made this statute 'tailor-made' for use against the anti-Austerity movements. Additionally, many of the innovative repertoires that developed on or after 15M became 'an administrative offence' rather than a 'crime'.¹⁶

Most of the proscribed actions are common political practices amongst young people (Feixa and Nofre 2013). In particular, the category of 'passive resistance to authority' criminalises civil disobedience (art. 36). It is considered a very serious offence and is heavily fined, together with 'public order disturbance any time a meeting or demonstration is taking place before the seats of political institutions' (of the type popularised by Occupy). New 'preventive' police powers include the use of 'stop and search' to verify identity, including people whose face is not completely visible. This provision affects people who wear religious clothing and especially juveniles wearing hoodies (both pejorative symbols of potential radicalisation). Restrictions on circulation in public spaces are permitted on the basis of a preventive logic and may be accompanied by registrations and body controls (arts. 16, 17, 18) in order to search for evidence of intent to undermine public order. Police agencies are allowed to employ static and mobile cancoders (art. 22), expanding their power to monitor mass events. The creation of security zones in public spaces and the dissolution of gatherings for preventive purposes are allowed (art. 23). The Act further codifies extraordinary measures in cases resulting from the 'spontaneity' of certain forms of mobilisations (art. 21). The subject 'offender' has been expanded in a way that might make the people who convene demonstrations responsible (art. 30–32). Sanctions have stiffened.¹⁷ The vagueness of the drafting of the law has been analysed in detail by legal experts (Amnesty International 2014, 2017), but the logic that underpins the regulation is preventive¹⁸ – suspicion based and spatial in nature.

Further measures include the national *Criminal Code*, which was reformed in 2015.¹⁹ It continued to broaden the definition of the crime of terrorism to include behaviours that were related to social media and the dissemination of certain ideas. It also codified attacks on authority, and transformed certain offences into crimes (e.g. graffiti or petty robbery).

The *Ley de Enjuiciamiento Criminal* [Criminal Procedure Law] is a law that regulates the rules of criminal procedure in Spain. It was modified in 2015 with the special purpose of regulating police powers to develop undercover investigation of cybercrime. The regulation has expanded police powers and legalised internet surveillance.

In all the aforementioned legislation, the scope of police power and bureaucratic power has expanded. Law enforcement agencies have gained greater discretionary power, have increased their operative capacity²⁰ and have increased their disciplinary and surveillance power. On the other hand, certain

controls over law enforcement agencies have been removed. Police officers, for example, can directly fine specific offenders under the Public Order Act, without recourse to the courts. Finally, this same regulation penalises the recording of images of the authority, which could be argued to obstruct citizen and press control and discourage oversight.²¹

The term *Bureau-repression* alludes to 'the use of administrative sanctions to criminalise, repress, penalise and ultimately defuse protest carried out by social, political and civic movements' (Oliver and Urida 2015: 1314). This type of suppression is less visible and less violent, but more coercive. It results in bureaucratic intimidation (García and Ávila 2015) that differentially affects social groups, especially marginalised youth and anyone labelled as 'radical'.²² In effect, it discourages political engagement and quashes political dissent.

As state power increases, so too does its ability to penetrate and monitor society. Although the measures taken to avoid criminal law in matters of public order appear to be an innovation in the state's response to anti-Austerity, this is not entirely the case. As we have argued, the shift to a soft repressive strategy by the Spanish state is a legacy from experience. The Spanish government has avoided the invocation of special powers to tackle terrorism since the 1990s. One of the most successful 'lessons learned' by security operators and authorities is that the 'the full force of the law' narrative made possible and socially acceptable a wide range of legal changes throughout the 2000s. For instance, these changes normalised the criminalisation of glorification of terrorism and the outlaw of Basque radical nationalist parties, eventually repressing dissent through a soft strategy (Fernández de Mosteyrín 2013). We can follow the development of this strategy and the merging of logics of preventing terrorism and controlling public order if we now turn briefly to the most recent security programme that especially affects young Muslims.

Controlling dissent through National Security

The National Security Law of 2016 established a new structure for the Spanish security system. Widening the concept of public security to include internal security and defence, this law incorporates law enforcement, private security and military and civil society's involvement in surveillance intended to prevent terrorism, amongst other threats. Official concern about public order has merged with counterterrorism measures as part of this framework. This law is also the context in which state-sponsored 'counter-radicalisation' is being implemented. According to the official definition, radicalisation is 'any incidence that may involve the initiation or development of a process of radicalisation or gestation of extremist, or hatred for racist, xenophobic, belief or ideological reasons'.²³ Even though this definition refers to religious radicalisation, it is also used to prevent certain communities considered 'vulnerable to be drawn into extremism'. While it specifically focuses on young Muslims, all 'politicised youth' may also be surveilled. According to National Security and law enforcement agencies, anarchism, far-left and -right

organisations are considered to be evolving drivers of extremism (DSN 2013, 2014, 2015). Therefore, their members and sympathisers will also be under control and monitored. The vague official narrative of this counter-radicalisation programme means it could include a variety of social groups.

In the Spanish Counter-Radicalisation Strategy, counterterrorism and public order can be seen to be merging and, in this context, police power and bureaucratic power are especially visible. This programme is also a good indicator of Mann's concept of infrastructural power since it requires the mobilisation of all public sectors and, in particular, civil society institutions,²⁴ stimulating surveillance not only amongst security agencies, but also amongst sectors of society (Fernández de Mosteyrín and Limón 2017). Under this logic, which has been extensively analysed in the UK and the US (Hickman *et al.* 2012; Kundhani 2015), the Spanish state makes use of its administrative apparatus to monitor social order and pacify dissent.²⁵ As in other Western countries, groups deemed to be potentially 'at risk of radicalisation' are young people – especially young Muslims – and young activists.

Conclusion

This chapter documented how Spanish governments responded to young people's dissent in the period 1999–2016.

We have offered a critical review of state security policy and public order regulation for this period by focusing on the state's interest in imposing social order. We show how this happened through state action that labelled particular groups of young people as dangerous 'radicals'. In this process, the Spanish state expanded its power through a labelling process, via increased surveillance of those named problematic and through their regulation and punishment.

The Spanish government's approach provides a strong case study that illustrates the convergence of counterterrorism and public order strategies by extending the reach of criminal law and increasing its surveillance of public spaces via the expansion of routine coercion and control, without the need to invoke special powers. In this process, legacies of past counterterrorism experience, the new cycle of anti-Austerity protest and the international expansion of jihadist violence have operated as transformative forces. This chapter has also demonstrated how this has impacted upon various kinds of youth dissent.

Notes

- 1 Ley Orgánica 4/2005 de 30 de marzo para la Protección de la Seguridad Ciudadana. Therafret, LOSC.
- 2 Spanish counterterrorism strategies in the early 1980s were tainted by allegations of a 'dirty war', resulting in a delegitimation of the new democracy in the Basque Provinces and boosting recruitment by the Basque organisation ETA. 'Lessons learned' by authorities in the 1990s later helped shape counterterrorism.
- 3 In 2016, the case of the Spanish musician C. Strawberry resonated internationally as he was given a sentence for 'glorifying terrorism' in the lyrics of his music.

- 4 Our case study draws on our previous research, the relevant scholarly literature, primary legal documentation, official speeches, parliamentary debates and press accounts.
- 5 In the field of counterterrorism, strategies to address 'low intensity' youth street violence were developed in the early 2000s (kale borroka) in the context of the Basque Conflict. The Criminal Law of the Minors was transformed in order to hold minors accountable. Following post-9/11 EU counterterrorist measures – especially the EU Terrorist List – juvenile organisations connected to ETA were banned in Spain. See: Fernández de Mosteyrín 2012.
- 6 The Spanish state is highly decentralised. While national security is centralised through law enforcement agencies (National Police Agency and Civil Guard), regions (Comunidades Autónomas) are free to develop their own legislation in many other areas. In terms of security, however, only the Basque Country and Catalonia regions have their own law enforcement agencies. Cities and towns across the country have their own local policing agencies with their own responsibilities and accountability systems.
- 7 Civic Ordinances adopted in the Spanish state particularly affected are: Law 5/2002 (on drug dependence and other addictive disorders) within the Madrid Autonomous Community – Anti-street binge drinking Law); The Metropolitan Police and Government 2009/6 (on cleaning public spaces and waste management); Law 31/2010 (of the Metropolitan Area of Barcelona); General Plan of Seguritat in Catalonia 2012–2013; Law 4/2003 (on the Ordinance of the Public Safety System of Catalonia); The Ordinance on Measures to Promote and Guarantee Citizen Coexistence in Barcelona's Public Space (adopted on 23 December 2005/amended 29 April 2011).
- 8 Law enforcement can use video surveillance to ensure the specific use of public spaces (Ley Orgánica 4/1997, BOE 1997, art. 1).
- 9 Between 2010 and 2015, mobilisations in Spain increased. In 2010, 21,941 demonstrations took place across the Spanish state. These practices intensified after the emergence of the Indignado movement, peaking in 2012 and 2013 (44,233 and 43,170 respectively).
- 10 In 2016, Amnesty International reported that the Spanish High Court sentenced 25 people for 'the glorification of terrorism'. In total, Operación Araña (2014–2016), arrested 73 people for this crime. This operation entailed the interception of social media messages (Amnesty International 2017). For a compelling case study on the criminalisation of humour and satire in Spain, see: Bessant (2017).
- 11 Undercover policing in demonstrations has been reported since 2001 anti-globalisation demonstrations in Spain. According to press accounts and magistrates' courts (Ríos *et al.* 2001), since 2011, a number of protests resulting in public order disruption have revealed the undercover policing of demonstrations. These practices have been recorded and disseminated by protesters as part of their repertoires of action. See: Rodríguez-Piña 2012.
- 12 As we have argued elsewhere (2012), one way authorities criminalised 'radicals' was to make a connection with the terrorist organisation ETA. In the Spanish public debate, the slogan 'todo es ETA' [everything is ETA] became part of a powerful narrative of social delegitimation of violence in the Basque Conflict (Fernández de Mosteyrín 2012). Afterwards, it also became a way to censor disruptive actions in all sorts of demonstrations.
- 13 In 2012, after the General Strike known as 29M, the Catalan law enforcement agency (Mossos d'Esquadra) published a report comparing public order disturbance to 'low-intensity terrorism'. The report employed language such as 'cells', 'columns' and 'urban guerrilla' (see: www.abc.es/20120402/local-cataluna/abci-mossos-detendidos-huelga-general-201204021909.html [accessed 11 July 2017]). The protest known as 'Roda el Congreso' [Occupy the Congress] ended in September 2012 with 35 detentions and 64 people wounded. On 26 September 2012, to justify the heavily policed demonstration in Madrid, the Government's Delegate in Madrid blamed the 'radicals' and 'antisistema' (www.rre.es/noticias/20120926/ciudadanos-sobre-incidentes-del-25s-policia-rechibio-ataque-desproporcionado/565053.shtml).
- 14 Organic Law 4/2015, of 30 March, on the protection of public safety; Law 5/2014 of 4 March on Private Security; Criminal Code 2015 (previously amended in 2003, 2005, 2010) and Law 36/2015 of 28 September, National Security.
- 15 See: Balance of Criminality, Ministry of the Interior (2013; 2014; 2015). Also, *Surveys 2702/2007*; 2315/1999; 2284/1998 Spanish Centre for Sociological Research (CIS, 1997; 1998; 2007). The perception of terrorism as a problem has historically been very important for Spaniards. However, according to this data, 'insecurity' has not been a major cause for concern since the 1980s. Since the end of ETA (2011), jihadist terrorism has been mentioned as one of a number of problems.
- 16 By decriminalising behaviours previously included in the criminal code, and considering these same actions as administrative offences, law enforcement officers have been empowered to fine protesters directly without recourse to a judicial process.
- 17 Very serious infringement: EUR 30,001 to 600,000 fine (e.g. unauthorised demonstrations or demonstrations in critical infrastructures). Serious infringements: EUR 601 to 30,000 fine (e.g. obstruction of authority when executing judicial decisions, such as evictions; demonstrations in front of parliament; the unauthorised use of images of agents of authority).
- 18 The preventive use of detention were considered by civil liberties organisations as a mode of surveillance. Between May 2011 and December 2015, the Legal Sol Commission (the Indignados' office for civil liberties) reported 646 detentions related to public order crimes (this organisation estimates that this amounts to 20% of the total detentions in the period). Of these, only two cases ended in a court sentence (Commission Legal Sol 2015: 122). Official data are not available to support this argument further. However, while 'identification for security purposes' was, according to the Spanish Ministry of Interior, in clear decline in the last decade, 2011 and 2012 show the highest rates 8,773,862 (2011); 7,585,526 (2012). The case might be that while the general trend in 'identification' is in decline, it is more selective by profile. According to The Spanish Ombudsperson (2010), complaints about police identity checks of foreign nationals were increasing (Amnesty International 2011).
- 19 The code had been reformed before in 2001, 2003, 2008 and 2010.
- 20 The Private Security Act (2014) regulates the private sector and makes it compulsory to co-operate with law enforcement. The status of the private sector moves from a 'junior' to an equal partner in the new regulation – from subordination to co-operation. This logic also applies to the field of National Security.
- 21 Rigorous investigations into police excesses in recent years is absent (Amnesty International 2014).
- 22 According to official statistics, people sentenced for public order crimes amounted to 13,113 (2009) and 13,745 (2015) with no significant change. Around 60% of those sentenced were people younger than 35 years old. See: www.poderjudicial.es/cgij/es/Temas/Estadistica-judicial/Estudios-e-Infornes/Justicia-Dato-a-Dato/. This is consistent with the fact that in the period 2010–2015, detentions-investigations related to alleged public order crimes fell (28,116 in 2011 to 18,626 in 2015) while offences and public order sanctions in related demonstrations increased: 561 (2010); 376 (2011); 1,722 (2012); 981 (2013); 593 (2014). Police were already using their discretionary power to channel disruptive behaviour towards administrative, rather than criminal, law. Following the drafting of the Public Order Regulation (2015), these offences rose rapidly: 87,872 (2015) to 97,947 (2016). Of these, 126,115 (2016)

- and 66,832 (2015) related to 'passive resistance to authority' (i.e. civil disobedience). Fines amounted to EUR 61,175,445 in 2016. These data shed light on how the law was tailor-made to counter public disorder and discourage collective action. See: <https://estadisticadecriminalidad.es/mir/es/>
- 23 See <https://stop-radicalismos.es/mir/es/stop/FormServlet>
- 24 The counter-radicalisation strategy, society's effort to prevent radicalisation, and the requirement to communicate it to the authorities via intelligence agencies and online platforms implies the institutionalisation of a de facto system of horizontal surveillance, and is a maximum expression of the state's capacity to penetrate society.
- 25 'Local Groups for the Detection of Radicalisation' comprise members of the local law enforcement agency, social services and the educational community and are coordinated by the intelligence services.

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