

**JULY
2020 -
MAY
2021**

**CONSEQUENCES OF
THE STATE OF ALARM
AND THE
INFRINGEMENT OF
CITIZENS' RIGHTS -
FINAL REPORT**

**MONITORING DEPRIVATION OF LIBERTY
AND POLICE ACTIVITY DURING THE
EMERGENCY OF COVID-19**



INTRODUCTION

As already drawn to attention in our previous Report, on March 11th 2020 the World Health Organization declared a global Pandemic caused by the SARS-CoV-2 virus. This marked the beginning of exceptional efforts by government administrations around the world.

With respect to the Spanish state, the government chaired by Pedro Sánchez declared a State of Alarm on March 13th 2020 which would come into effect the following day. We have already indicated in the aforementioned Report what this State of Alarm (SA) has meant in terms of the rights and freedoms of citizens. Also how the various implemented restrictions (mainly associated with mobility) have been conveyed. In addition we studied what control mechanisms and sanctions have been carried out in accordance. In the report we present firstly, the restrictive measures imposed by the SA and, secondly the figures on arrests and fines filed as a result of non-compliance with the emergency measures.

This Final Report, as we have already said in other OSPDH's documents, aims to be "an eye" for the unseen and that which does not usually come to the surface. Yet, we must recognize a significant paradox in the term "preventive eye" as we understand it does not exist without community, social organizations and the affected members of the global community. This will be seen later. Also, and additionally something of a paradox, it is particularly difficult at this time where the imperative has mainly been for us to "stay at home" and this is undeniably true, we did need to stay in our homes, (those of us who have them). Or in terms of movement related with working, (those who are in this position) one must not leave one's regional boundaries; these measures were implemented to reduce the chance of spreading the infection of the coronavirus. However it is true that we have to keep our eyes and senses open and alert in order to avoid a return to what is known as "normality". This "normality" should not be understood as a "domesticated" return to something based on a new individualism, which thus makes us lose our sense of the community; for an open and free community and not a communiqué of the watched and the watchful individuals. This is particularly crucial in the field of human rights, the penal system and the forms of social control that are being tested right now which can emerge into "ordinary" territories when the "extraordinary" occurs.

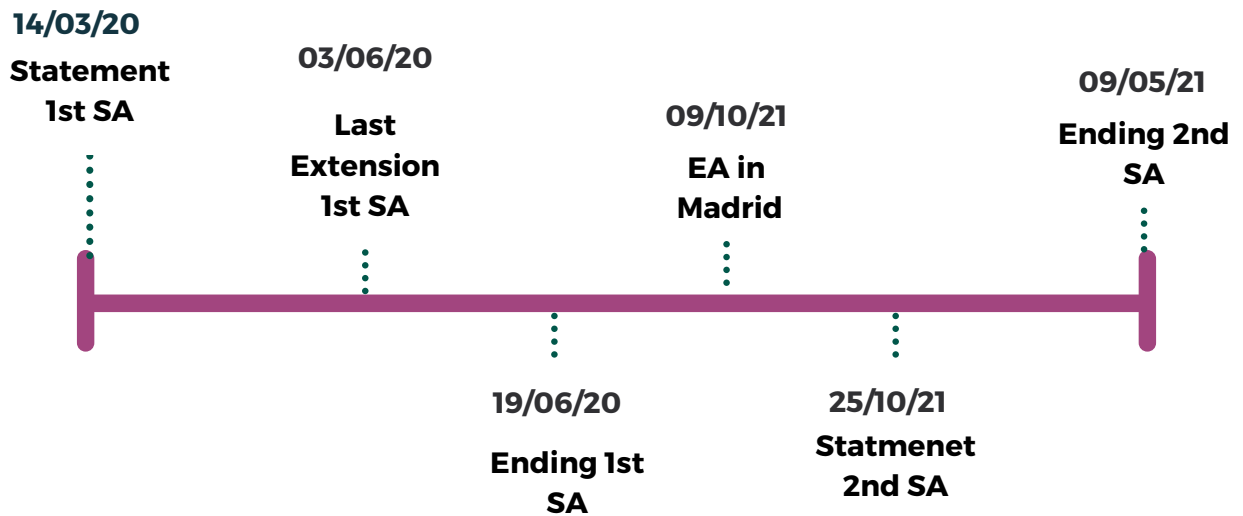
Possibly we have to accept that we have more questions than answers. Yet precisely for this reason we believe that we must seriously pose the question to ourselves about the current situation, its future implications and to the possibilities (and limits) that we will have to continue living with. We should also consider how it will be in the times that some are calling; "post -pandemic". It is evident that we are witnessing an unprecedented challenge in all spheres of political, social, subjectivity,economical, lawful, penal functions and social control. We are experiencing a deprivation of liberty that to a certain degree, generally speaking as a society we have already lived and so should therefore use for reflection. It is important to remember that the public policies and measures decreed in times of exceptional circumstances, the policing activities, economic and punitive sanctions. There is a need to think of a new way in approaching punishment and rule of penalty in times of the pandemic and in doing so, also would be respectful of fundamental rights. Numerous categories with data have been gathered and we have begun to internalize: medical government, population control, electronic surveillance, (re) unions between psychiatry and law, amongst others are once again key concepts in this present moment.

The unequal impact of the pandemic according to socio-economic criteria and particularly class, ethnicity and gender, constitutes another of the important nodes for necessary reflection. What is more, some organizations actively express their worsening situation such as the feminine condition, a collective who have already been historically discriminated against, now their issues have been accentuated and they are calling out against the existing inequalities faced, in terms of work and their role in society. This is related to another issue repeatedly considered at present, linked to social rights, social care and the (very diverse) forms of social security. It is clear that facing the pandemic is like looking into a mirror to the political, economic, health and legal issues which were already a problem prior to the crisis, and now they are amplified.

The concept of *dispositif* may be relevant to explain in order to finish introducing what is intended to be examined. Several authors years ago pointed out that it could be understood as a clearly heterogeneous set that can include discourses, institutions, legal regulations, government orders, architectural installations, scientific statements and moral evaluations, among other elements. In other words, the *dispositif* comprises of both the said and the unsaid: the *dispositif* "is the network" that can be established around such elements. It also includes the sound function of authentication of a certain practice and of giving access to a new field of rationality. The *dispositif* could be a being and / or strategy that tries, at a certain moment, to respond to an event of urgent, exceptional and/or emergent nature, one where ordinary remedies are not enough. The *dispositif* could be (or later become) a clear instrument of a government to justify a certain necessary practice, described as essential. The *dispositif* is not an institution, it is a relationship, a network, or a complex bundle of relationships that includes knowledge and power, of a non-abstract nature. Although it may seem so and is normally expressed with a time and space delimitation (which can later vary and spread) the *dispositif* does not capture subjects, but produces them thus produces subjectivity.



TIMELINE OF THE REPORT AND SOURCES USED



Subsequently, phases which began with “de-escalation” and their various stages and durations, as well as the new State of Alarm decree approved in October 2020 (until May 9th 2021), maintained the implementation of exceptional measures, and whose analysis will be carried out in this second Report 1. This document, (the first assessment that we will highlight) uses materials that come from civil society organisations who are committed to the promotion of fundamental rights, which stands out today as an element which alerts the dangers of the "normalization of the exception" which constitutes a serious risk of the social and democratic state governed by the rule of law. This is the reason why we name various social organizations who throughout Spain have been carrying out the essential task of monitoring, informing, claiming and following up on the development of numerous measures, situations and consequences of the implemented restrictions. These restrictions fundamentally make events visible and if it were not for the work carried out by said entities, such occurrences would remain unseen and consequently "normalized" with the passing of time.

We wish to thank the work carried out by Red Jurídica, Iacta, Iridia, Amnistía Internacional, Asociación pro derechos humanos de Andalucía y Defender a Quien Defiende. An organized civil society committed to democratic values is more necessary than ever, in order for the spread of a culture of emergency does not end up breaking the fundamental pillars of contemporary societies.

This Report has been prepared following a more qualitative criteria in the sense of highlighting those biases (gender, class, ethnic and other variables), which may reveal situations of discrimination towards certain social groups and / or indicate inequalities and unforeseen circumstances in the management of public policy within the context of the global sanitary crisis. Thus, after indicating some of the main concrete restrictions that have been implemented in the last year : mobility, travel bans, nations closing their international borders, bans on meetings and celebrations), we also address the problem associated with police violence and institutional violence exerted. Subsequently, in correlation with the aforementioned three axes, we mention the sexist, racist and class bias operations, the measures taken and the specific effects on unequally targeted social groups.

CONTEXT

If we consider that the crisis caused by the spread of Covid-19 has not been solely nor purely health related, it would seem quite obvious. Even so, there are certain aspects that need to be analyzed, since issues such as the fundamental freedom of citizens and, therefore, their rights, have been violated. Due to logic and under the guise of protecting the life and health of the population, arbitrary occurrences have taken place in the Spanish State from a social and legal point of view, constituting in some cases institutional violence. Looking at this report in light of the behaviour of the police sector and also the diminishing freedom of citizens, in the last two stages of the SA, there has been an obvious limitation of rights such as the freedom of movement or freedom of assembly. In some cases as a result of power from the central government, and in other cases by the Presidents of the autonomous communities.

The concept of health as indicated by the Constitution of the WHO, refers to a complete state in terms of its physical, mental and social well-being, not being defined by the absence of diseases or illnesses. Likewise, International Human Rights Law (IHRL), in article 12 of the International Covenant on Civil and Political Rights, defines the obligation of States to provide individuals under their jurisdiction with the highest possible level in services of health. Thus, and following the words of Carmen Pérez (report on the Legal Network), it is necessary to adopt a multidimensional and comprehensive approach when we speak of health, which requires “addressing the needs of the most vulnerable groups in a way which will guarantee economic, safety and health security, personally and politically. In short, it requires respect for their rights both civil and political, as well as economic and social”. Therefore health must be understood as a set of variables that must be taken into account just as is freedom for the individuals in the face of fear and their needs and furthermore should not be forgotten. As David Bondia² indicates, the setback in human rights issues has been going on for years; even so, the health emergency (and we add, socio-economic emergency), has placed this mentioned “mirror” in front of us and has allowed us to see where the most serious deficiencies are in this regard. We were of the belief that we had overcome adversity, repression and social struggles, yet the pandemic crisis has made clear that far from having gained ground in the area of fundamental rights, there still exists extremely worrying cracks, which continue and which are expanding.

1 See <https://www.rtve.es/noticias/20210313/cronologia-pandemia-ano-desde-estado-alarma/2081800.shtml>

2 Revista idees (March 10, 2021). Drets humans i repressió política al món. See <https://revistaidees.cat/drets-humans-i-repressio-politica-al-mon/>



Specific restrictions

Based on a report carried out by Red Jurídica together with the Bar Association ³, we will point out and analyze the restrictions that have led to these last two stages of the SA. Stages that, unlike the first SA, have had repressive responses and been less quantitative in terms of social control (for example, with fewer proposals for sanctions). Basically so that some authorities have more of a control over the environment which had already gained the space and legitimacy for repression.

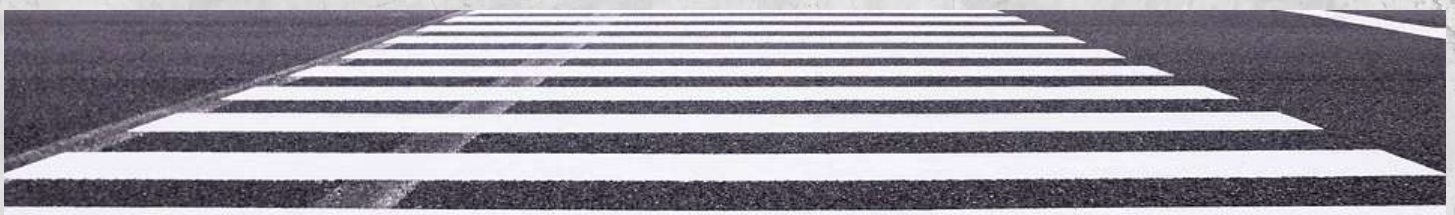
- **Free movement of people**

The disproportionality of police actions, following the rationale previously explained, has been characterized by a less physical and less “accountable” use of authority which plays a crucial role in the control and occupation of spaces. As Carlos Briso indicates, in the aforementioned report by Red Jurídica: “Freedom of movement is a necessary right for the free development of the person, and if limited, these same limitations must be in proportion and in the interest of those they protect, to avoid generating greater harm than the limitation causes itself, adopting less disruptive instruments”. Thus, we have found out for ourselves that in the context of what is clearly an imbalance in the control of freedom, it goes way beyond the mere limitation of the free movement of people. To take advantage of the provision of coercive and restrictive mechanisms, without even considering alternatives to said measure, or the enabling of making use of a right. Under the veil of health protection as we have pointed out, the last SA have nourished themselves by implementing measures to control “public order”, of their own accord, as indicated in the aforementioned report, from a state of exception or the exceptional.

Consequently, the legal response to the accusation of crimes of grave disobedience towards the authorities, during which restrictions and the prohibition of driving on public roads was breached in the period of confinement / SA. Jacobo Dopico addresses the issue in the same report by Red Jurídica, and responds flatly that said interpretation is incorrect. If everything is disobedience then nothing is disobedience. If we follow this way of proceeding, any violation of any prohibition or mandate would be a crime of disobedience.

3 Guías sectoriales Covid-19. Sección de derechos humanos. Ilustre colegio de abogados-Red Jurídica (2020). Retrieved from https://red-juridica.com/wp-content/uploads/2020/04/GUIA_DDHH_CONVID-19_14_04_20.pdf

4 See also: Committee of human rights, general observation no.27 1991, on the freedom of movement, paragraph 14



• *Sanctions for illegal gatherings*

These last stages under the framework of the SA, have been characterized by the condemnation of celebrations, meetings and parties held outside the legal parameters, and their consequent penalization. The sanctioning regime by which these conducts are applied is found in Law 22/2011 of October 4th of general public health. As we can see, the symbolic, social and legal framework of the protection of public health is followed. The minor penalties translate into fines of up to 3,005 euros, the serious ones from 3,005 to 15,025, and the very serious ones from 15,025 to 601,012 euros 5.

The celebration of said illegal gathering opens debate concerning police action, in terms of arbitrariness, improper use of force and legality. Entry into private homes without judicial authorization is only provided if there is an urgent need to avoid the perpetration of a heinous crime, a circumstance that in principle does not occur in gatherings of a celebratory nature, and even when the regulations regarding Covid-19 6 are being breached. The same is true in the possible denial of identification; in no case is it a crime of disobedience, but rather a serious administrative offence regulated in article 36.6 of the Law for the Protection of Citizen Security - better known as the Gag Law -. This Law states that a serious offence means "disobedience or resistance to authority or its agents in the exercise of their functions, when it does not constitute a crime. As well as refusal to identify themselves at the request of the authority or its agents or the allegation of false or inaccurate data in the identification processes " 7.

If we forget these guarantees, as is the inviolacy of a home, if it were in favour of the police authority, judicial authorization would never be necessary and the imperiousness in policing would be extremely high 8. Once again, under the cover and the pretext of citizens' security and for health reasons, there are clear arbitrary behaviours contrary to the guarantee of fundamental freedoms; in this case, a behaviour that is typical of an administrative sanction is treated as a criminal offence.

5 Sanctions for illegal parties 2021: What fines exist for each Autonomous community (14 th april, 2021). Retrieved from <https://www.legalitas.com/actualidad/coronavirus-fiestas-ilegales-2021>

6 El diario (29th march,2021). Clandestine parties and police excesses: breaching the restrictions does not allow agents to enter an address. Retrieved from https://www.eldiario.es/politica/fiestas-clandestinas-excesos-policiales-incumplir-restricciones-no-permite-agentes-entrar-domicilio_1_7360139.html

7 In an article in El Diario, Jacobo Dopico, professor of Criminal Law at the University of Carlos III of Madrid, pointed out that "heinous crime for the purposes of an arrest is not the same as constitutional authorization to enter a home, where the Constitution refers to a serious emergency, a true state of need in the one that cannot wait for a judicial authorization and in which it is necessary to intervene urgently to prevent the crime from being consumed - from being finished - or from being exhausted - from taking advantage of it -. This is the central idea."

8 See images of the unauthorized entry of the police in a home. https://twitter.com/boye_g/status/1375777815593951240

- **Specific cases of institutional violence**

As Amnistia Internacional points out and as we have indicated in previous reports, the application of confinement measures has revealed previously existing structural inequalities, and discrimination exercised on the grounds of ethnicity, race, immigration status and / or socio-economic condition. 9 In some cases, they point out, "these measures have reinforced the marginalization, stigmatization and violence that said collectives already suffered."

Sexist Bias

When taking into account the intersectional perspective for the analysis of the fundamental rights of citizenship, the role of women in the SA and confinements must be taken into account, as a particularly vulnerable social collective. With the onset of the pandemic, and due to a clear lack of a gender perspective or planning in the necessary measures taken against the pandemic, worldwide gender-based violence has increased significantly. Restrictive confinement measures have resulted in a clear increase in gender violence, a reality that should not be overlooked.

With regard to the specific case of the Spanish State, from (March 1st to April 15th, 2020), online inquiries to the number of care for victims of gender violence multiplied by 650% 10. Not having access to subsequent data, it can be assumed that the trend has remained the same; all the more taking into account the studies which indicate the calls and complaints of gender violence as having increased during the easing off of confinement, due to the fact that the aggressors stopped having such extreme, daily control over the victims.

In addition, there has been a large decrease in complaints of gender violence from 2019 to 2020. This echoes what was recently indicated; by living with the aggressor, victims of gender or domestic violence did not have access to file complaints about their situation. Even so, online consultations cases multiplied by the hundred. New reporting mechanisms are urgently needed for these cases, a response to this structural violence, regarding women as highly vulnerable subjects.

Likewise, by approaching the problem from a gender perspective, one cannot fail to mention the extremely vulnerable situations experienced by domestic workers. As Iridia indicates, some of these workers were forced to be confined in the houses where they work. In the same way, women workers who did not have their work situation regularized were subjected to administrative sanctions because they had no way to justify their displacement, since it was not recorded as a movement related to work 11.

9 Institute of Global Health of Barcelona (24th november de 2020). Gender violence: the other on the rise. Taken from the <https://www.isglobal.org/healthisglobal/-/custom-blog-portlet/violencia-de-genero-la-otra-pandemia-que-sigue-en-aumento/5573964/0>

10 Women's Intitute. The general percpective in response to Covid-19 (2020). Taken from [https://www.inmujeres.gob.es/disenovov edades/IMPACTO_DE_GENERO_DEL_CO VID_19_\(uv\).pdf](https://www.inmujeres.gob.es/disenovov edades/IMPACTO_DE_GENERO_DEL_CO VID_19_(uv).pdf)

11 Centre Iridia (2021). Report on institutional violence 2020. Taken from https://iridia.cat/wp-content/uploads/2021/04/RGB_INFORME-SAIDAVI-2020_DIGITAL_CAST.pdf

Racist Bias

The United Nations pointed out that the COVID-19 pandemic, in addition to being a public health problem, is also a reflection of institutional “racial priorities”. As they point out in their assembly report. 12. Racism - in this case regarding people of African descent - is the product of institutional amalgamation, which surpasses police violence, and acts as a structure made up of many pillars. Impunity, misconduct and brutality are widespread in an enabling environment. This environment has become more alarming in the context and framework of Covid-19 and the SA. This “structural discrimination”, in turn translates into greater inequality in the access to health care and treatments - we remain to analyze access to vaccines from this perspective - which leads to racial disparities in terms of the health system, and an increase in mortality in this social group.

This institutional compound exceeds what is visible, such as physical violence against racialized people; the lack of privileges, institutional violence, and directly affects the propensity to contract Covid-19 itself. As they indicate, "the lack of privileges means that a person cannot afford to temporarily stop working without it having serious consequences for his or her livelihood and does not allow the use of safe practices, not even keeping two meters away." In this sense we can appreciate how the structure works as a whole. In which racism is concealed not "only" in police violence, but is accompanied by a purely racist basis in the way governments proceed. It is necessary to take into account all these variables, since police violence is the result of institutional violence that we find in a conceptual, legal, and social framework, and which works hand in hand.

As of August 2020 (in the context of the pandemic), in the Spanish state, 70% of Afro-descendants surveyed by the United Nations declared that they felt persecuted by the police due to their race. Presumably, to this day, the situation remains unchanged.

As we have pointed out, this violence is fueled by many facts. In the case of the Spanish state, it manifests itself particularly in the application of the Law for the Protection of Citizen Security. According to this report, the application of said regulations pushes Afro-descendants to self-censorship, with the consequent reduction in the number of complaints about discrimination, and, therefore there is a decline in cases that are investigated and prosecuted.

12 Covid, systematic racism and worldwide. Report from the work of the Group of experts concerning Afrodescendent . Taken from <https://ridh.org/news/covid-19-racismo-sistemico-y-protestas-mundiales/>





In addition to this is the violence of a more psychological and / or symbolic nature - with a direct material consequences - in which threats of returning to the countries of origin are propagated; In the case of domestic workers, approximately 30% of them stated that they were fined and harassed for not possessing “necessary documents to travel”.

Thus, in research "Covid-19; systemic racism and world protests", Spain is ranked by the UN among the countries most often indicated in relation to violence against people of African descent. Although both the Afro-descendant Decade Team in Spain and the RIS organization urgently requested action from the Ministry of Equality and the Ministry of the Interior with respect to the alarming racially discriminatory abuse from the police. The said investigation indicates that “despite this, no action has been taken, from June to the present day, to correct the deficiencies and violations indicated, nor have policies been modified, nor have any investigations been carried out”.

Class Bias of the cases

The APDHA 13 Association in its report "Confined Rights" claimed that Covid-19 has shown the rise in poverty rates in neighbourhoods which are already impoverished and excluded. These social groups are majoritively dependent directly on the informal economy, on precarious and temporary contracts and so have been doomed to housing evictions, and uprooting of many families. These situations make up a clear class bias, in which arbitrary police action is the protagonist, in the direct mistreatment against the poorer social groups, in which, additionally, police brutality in evictions, stands out.

In the aforementioned Report, Amnistia Internacional informed that dozens of homeless people have been fined by police officers for their failure to comply with isolation measures and because of the restrictions on the right to freedom of movement.

The evident lack of ethical, social and even legal logic in these cases only reflects the latent class bias in countries such as Spain, Italy or the United Kingdom.

13 APDHA (2020) Pandemic: confined rights. Impact of Covid on human rights. Inattention and abandon. Taken from <https://www.apdha.org/wp-content/uploads/2020/12/Derechos-confinados-10D-diaDH-2020-1.pdf>

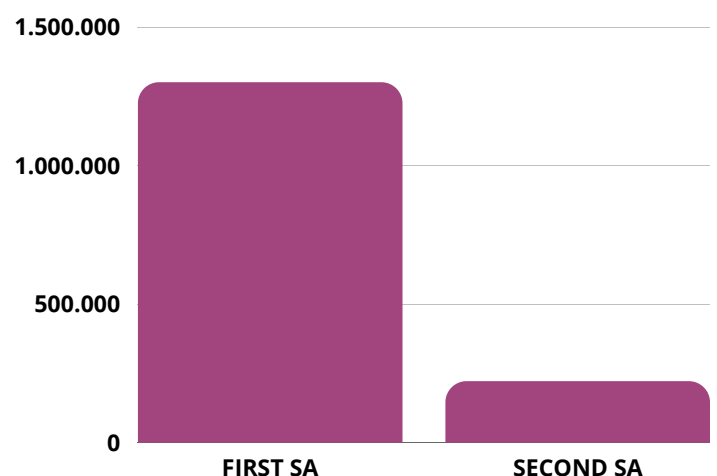
• *Detections and Fines*

Entering into the specific cases of arrests and fines, on October 25th, 2020, the Red Malla de Defender a Quien Defiende 14, recorded an incident constituting police violence. The Mossos d'Esquadra agents detained with clear arbitrary use of force and authority during a protest by a Covid-19 denialist collective, who were protesting in Plaza España in Barcelona against the SA 15.

Likewise, in January 2021, the group detailed an event where journalists and protesters who were preparing to demonstrate for Black Lives Matter and those who did not wear protection against Covid-19 such as facemasks, were identified by Mossos d'Esquadra agents, for having ignored or gone against the health protocol 16.

These are only two illustrative examples of a reality that has become structural 17; Focusing on the data, more than a year after the central government decreed the first SA. Data from the Ministry of the Interior indicate that there have been a total of 12,000 arrests for disobedience of the imposed restrictions. During the first SA, a total of 9173 people were arrested, in Andalusia there was a notable amount of detainees, with a total of 1423 arrested in that region.

Sanction proposals according to SA



In the second State of Alarm, it was the Community of Madrid that accumulated the highest number of arrests (2000), out of a total of 2,952. It is also worth mentioning the sanction proposals that carry economic fines. According to the same balance sheet of the Ministry of the Interior, more than 1.3 million proposals have been made - most of them during the first State of Alarm. Andalusia and the Community of Madrid continue to be the communities with the most sanction proposals. In the second State of Alarm there were a total of 220296 sanctions. 18

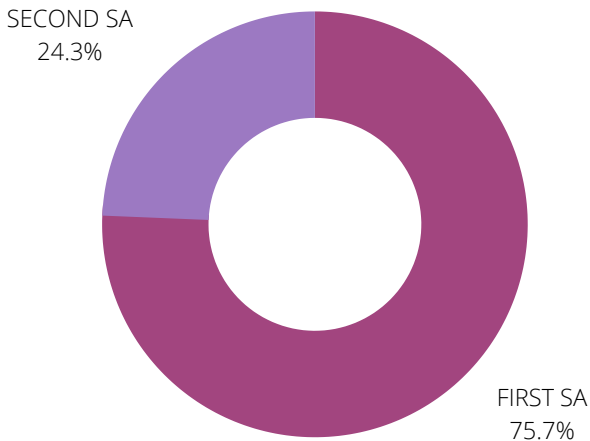
14 See <https://redmalla.net/#/map>

15 See <https://twitter.com/punsix/status/1320488583791300608>

16 See <https://twitter.com/repressiu/status/1267498223352061952>

17 From the Observatory of the Penal System and Human Rights, together with Irdia - Center for the Defense of Human Rights, Novact, Defend someone who defends, Red Jurídica and the Asociación Pro Derechos Humanos de Andalucía, together with other groups, made a communication to the Ministry of the Interior, after the first state of alarm, in which various situations constitute acts of police violence and disproportionality in the context of the state of alarm. See <http://defenderaquiendefiende.org/wp-content/uploads/2020/03/200325-Escrito-M-INTERIOR-1.pdf>

Arrests according to SA



% of arrests First SA. Andalusia - State total



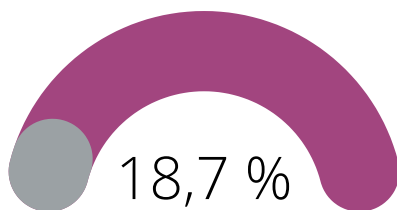
% of arrests Second SA. Madrid- State total



It should be noted that as of October 2020, only 7408 files had been completed with a sanctioning resolution or advance payment by the sanctioned person; this represents 1% of total fines processed 19.

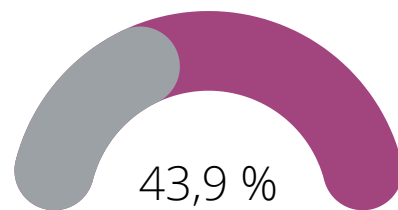
Finally, and focusing on the Catalan sphere, the Report on Institutional Violence in 2020 carried out by Iridia, and its Service for Attention and Reporting in Situations of Institutional Violence (SAIDAVI). It has attended a total of 96 cases of institutional violence, 18.7% refer to cases produced in the context of the Covid-19 restrictions. Of the 41 cases attended to that occurred in the public space, 18 are under the context of the limitations caused by Covid-19 20.

% of VI cases produced in context Covid



Source: SAIDAVI

% of cases attended produced in public space in public space in Covid context



Source: SAIDAVI

18 National balance after a year of the first state of alarm: one million fines and more than 12,000 arrests (May 27, 2021). Retrieved from https://www.infolibre.es/noticias/politica/2021/03/14/balance_interior_desde_primer_estado_alarma_millon_multas_mas_000_detenciones_117999_1012.html

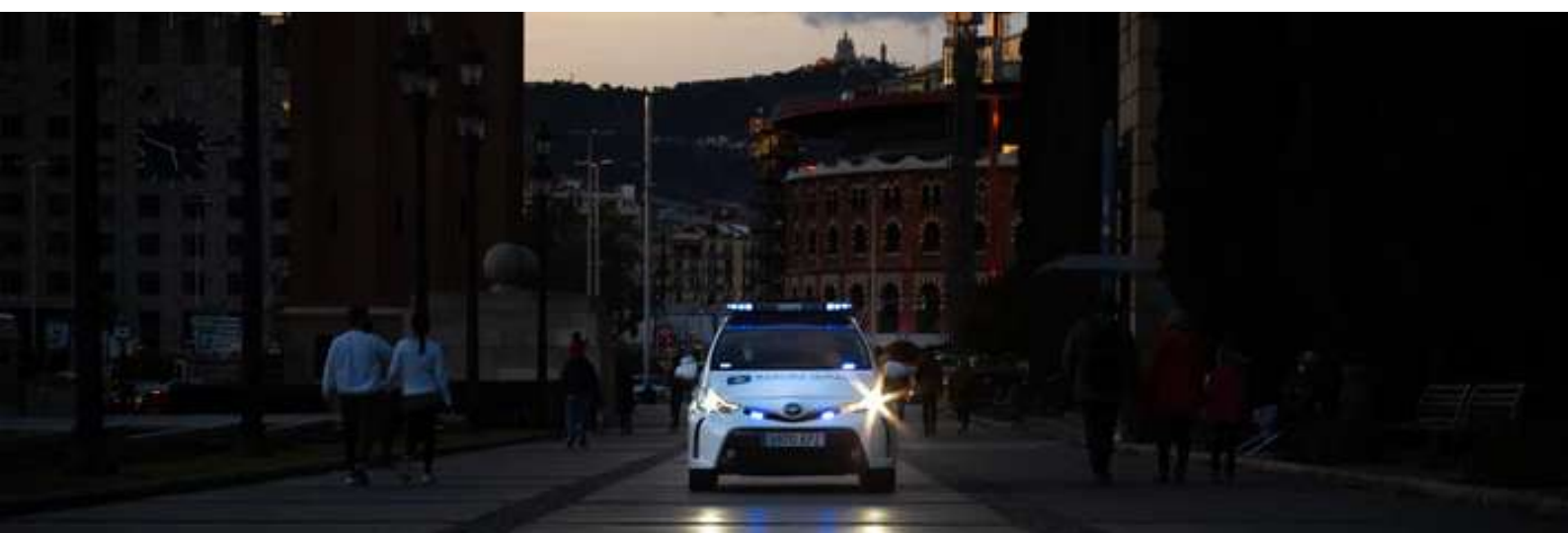
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20 Centre Iridia (2021). Report on institutional violence 2020. Retrieved from https://iridia.cat/wp-content/uploads/2021/04/RGB_INFORME-SAIDAVI-2020_DIGITAL_CAST.pdf

FINAL CONCLUSIONS

Unfortunately, we must once again point out certain conclusions that we already drew in our first Report, regarding the SA and its consequences regarding fundamental rights and the guarantees for the citizens of the Spanish State.

- 1.** In effect, and in effort to make an initial conclusion, the fact that the consequences derived from an exceptional situation persist and seem to settle with time (even in periods without a declared SA), this in itself reveals **the expansion of emergency and exceptionality culture (political and policial in this case). Thus endangering fundamental guarantees.**
- 2.** On the other hand, as we have previously said and continue to say, we have to re-establish **the application of complaints and arrests, which adopt in many cases a selective, discriminatory and unequal behaviour**, since many terms have been applied arbitrarily, thus have affected extremely vulnerable beings.
- 3.** It should be emphasized **that the management of the pandemic in its various phases examined, lacked a specific gender and vulnerability profile perspective for those who required attention and that were absent from public policies due to different variables** (age, health, nationality, social class). We will also have to be vigilant as to the policy in the administration of the vaccine in the transition period that we are currently experiencing, ensuring a non-discriminatory application of them to **social groups in vulnerable situations.**
- 4.** As indicated in the making of this Report, we have reviewed different sources of the cited social organizations which reveal that one of the **striking issues is the differentiated impact of social exclusion** on high risk groups. Therefore, it is worth highlighting the situation of so many women, homeless, street sellers and generally precarious workers who have been affected even more severely during these months, where layoffs have been of an exponential rate. Also to consider are the elderly and those migrating and people deprived of liberty. Those with diverse or conditioned abilities and psychological conditions have been severely affected by the consequences of both the pandemic and its political and economic management.



5. As aforementioned, it is of great concern that measures and actions which present, sexist biases, sometimes racial discrimination and in turn, consequences of socio-economic or class inequality, thus are normalized. These are also promoted by extreme right-wing discourses who pervade with great force in their collective imagination. In effect, we must largely reiterate what we alerted in our first Report; **class, gender and ethnicity have also been determining factors in the disciplinary behavior of the security forces.**
6. Once again, in this last year, we have verified how certain groups are more vulnerable to the regime of exception, such as migrants and / or racialized people, the homeless, prostitutes, or people with a lower income.
7. Furthermore, **the unequal nature of the way police forces proceed depending on the neighbourhood, has continued.** Indeed, it must be said that in part this "is explained" by the overcrowding of families in small spaces or the precarious conditions that represent the daily lives of people with fewer resources. Surely as well as being "explained" by the ideological bias of the police forces that has permitted citizens of the richest neighborhoods to manifest without significant reprisals. Obviously, pointing out that "it is explained" is not the same as saying that it is "justified", if not, quite the opposite. The mere fact that we are reiterating "in the new normality", situations that were typical of the first SA decreed last year, would highlight both trivialization of such measures, as well as the dangerous emergency extension measures. And, in many cases situations seem to have come to stay. Ordinary life and its space are now undeniably affected, monitored and sanctioned by the alleged health discourse. The same health discourse which endangers legal guarantees in the face of the expansive impulse of the police and the punitive power as a whole. The social state is not strengthened by one of a police nature. A supposed "right to security" ends up endangering the principle of, "the security of rights", which should guide public policies for a more just and freer society.
8. And in this way, special attention must also be given to the complaints and sanctions made. It should be noted that many of them have been sustained through the crime in disobedience to authority. EA's first decree did not provide specific penalties for non-compliance with the dictated restrictions. However, **we must study how the category of disobedience has been used in many cases as an argument to give sanctions in situations which were not even mere administrative offences.**

