



Now in force **the by-law for peaceful coexistence**

Barcelona aims to encourage the culture of respect for people and for public space

Barcelona has a new by-law to encourage and guarantee fairness, equality and respect for others in the city. It is a new instrument for a form of community policing that Barcelona City Council has adopted so that public squares and streets in the city continue to be a place where people can meet, in peace.

Daniel Venteo

Barcelona has always been an open, cosmopolitan city, with squares and public places for people to meet; people from here and people from all over the world.

Over the last twenty-five years, major effort has been made to improve these areas in the city, but they are also areas where there is a problem with anti-social behaviour, sometimes with little respect for other people or for property, whether public or private. On the street there are also conflict situations, having little to do with peaceful coexistence.

Peaceful coexistence and respect for public spaces have been pillars of the municipal policies for a while. In 2003, these aspects were developed as a main theme for the programme of action in the city.

Barcelona City Council approved by-laws with measures to discourage anti-social behaviour and encourage peaceful coexistence in public areas, last December. They are a response to new problems arising in streets and squares in the city.

According to this new by-law, the police can fine certain types of anti-social behaviour in the city. This is directed at residents as well as those who are in the city for short periods. This includes tourists.

As well as economic sanctions, the text of the new by-law is pioneer in demanding compensation for damage –for example, if a bin or a road sign is destroyed–, in conflict mediation, and substituting community work for fines.

The new by-laws, which came into force in January, are part of an ambitious project by the council to find ways to confront the everyday problems of anti-social behaviour in the street.

The norms are closely linked to other wide-ranging plans for the city, such as the Municipal Charter –particularly the development of the new rapid justice system “Justícia de Proximitat”–, the arrival of the Mossos d’Esquadra police force in the city, and social care programmes, such as the Plan for Social Inclusion.

The text of the by-law will be updated every two years, to cover situations as they arise. In the text, behaviour is not qualified as being good or bad, nor is there any attempt to make moral judgements. What it attempts to cover is behaviour that may generate problems and conflicts in public spaces.

It is also pioneer in dealing with offences against rights of the individual, including those against children and xenophobic behaviour, for the first time bringing all areas together in one document. **B**

Graffiti

All members of the public have a duty and responsibility to keep the city clean, and not to dirty, damage or vandalise the urban environment in any way. Vandalism in the form of graffiti or scrawling is considered a minor infraction. Graffiti or scrawling on public transport, building facades, or traffic signals and other urban furniture is considered a serious infraction. Defacing public monuments or catalogued or protected buildings is considered a very serious infraction. Whenever possible, those who damage or vandalise property in this way will be made responsible for removing it.



Conduct of those begging for money

The by-law prohibits the use of minors and people with disabilities to beg for money. It also prohibits asking for money in turn for services not requested, such as car windscreen cleaning at traffic lights. Asking for money as charity is not prohibited, but an attempt is being made to avoid this causing annoyance, and to stop the use of aggressive behaviour. The authorities have to contact social services to guarantee help for those who need it, in agreement with the plan for social inclusion.

Preventing free circulation in public areas is considered a minor infraction. Before being fined, those who demonstrate anti-social behaviour will be warned to stop, or risk being fined. Instead of paying the fine, the person may opt for attending individual sessions at a social service centre. Windscreen cleaning is considered a serious infraction. Using children or people with disabilities to beg for money is considered a very serious infraction, without prejudice to the Penal Code.

Offences against rights of the individual

All people have an equal right to enjoy public space, and to be respected. The Ordinance considers any offence against these rights as a serious offence. This includes all “hate crimes”, whether the behaviour is discriminatory or xenophobic, racist or sexist. Offensive behaviour directed against elderly people, minors, or people with disabilities, as well as bullying of children by youth bands, are considered very serious offences.

Games in public areas

The ordinance does not prohibit games or sport in public areas. What it does aim to avoid is inappropriate games or sport, in situations where these may interfere with the safety

and tranquillity of other people, and where urban furniture or other property may be damaged. There will be a first warning, followed by a fine for a minor infraction if the person

continues. When the game or sport may endanger safety, such as reckless behaviour on the pavements or destroying urban furniture, it is considered a serious infraction.



Prostitution: offer and demand

The regulations in the by-law, controlling prostitution in public areas, aim to prevent the exposure of minors to the practice of offering or soliciting sexual services on the street. They also aim to avoid problems with movement of traffic or people in public areas, and to prevent the exploitation of specific socially vulnerable groups.

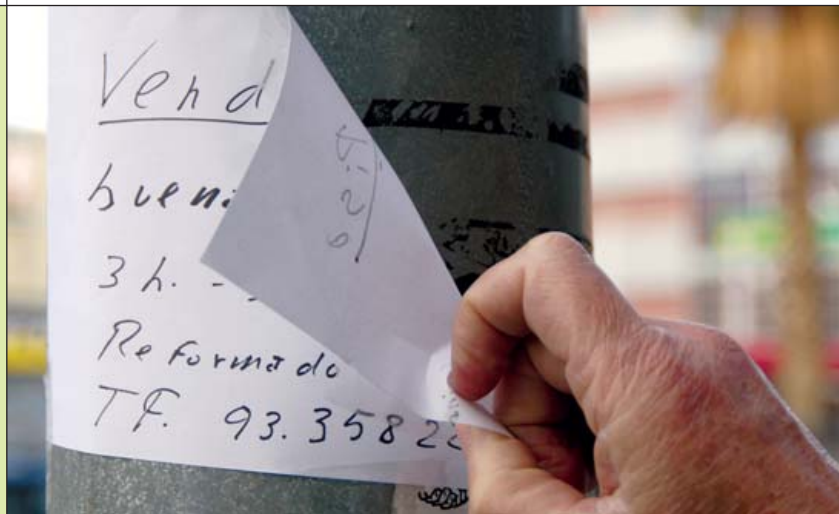
In cases where sexual services are offered or requested within 200 metres of schools or educational centres, or when they limit other use of the area, those involved will be informed of the illegality of the activity. The police or municipal services will also advise people of social assistance programmes available.

If the activity continues, the person or people, may be fined for a minor offence. Having sexual relations in a public space is considered a very serious offence.

Barcelona is preparing a plan to prevent prostitution in public areas where it affects peaceful coexistence in the city. The new plan will be in line with the persecution and prevention of conduct such as pimping and sexual exploitation, particularly of those who are under-age.

Posters, stickers and leaflets

Posters and stickers advertising a whole range of things are everywhere in the urban landscape. Randomly putting up posters or stickers is considered a minor infraction. When this is on monuments, or catalogued or protected buildings, it is considered a very serious infraction. This is also the case with sticking posters on traffic signals or signs where they impede visibility. Whenever possible, those who put up the posters will be responsible for removing them.



Gambling on the street

The measures to avoid tricksters and gambling on the street, involving swindling of money, are necessary in order to safeguard the freedom and safety of the citizens, as well as ensuring free circulation for people in public areas.

Gambling on the street is considered a serious infraction. The so-called "trile" game is considered a very serious infraction. The police can intervene, not only by confiscating the material of these "con-artists", but also any winnings.

FINES FOR SANCTIONABLE CONDUCT

Minor infraction

up to 750 euros

Serious infraction

from 750.1 to 1,500 euros

Very serious infraction

from 1,500 to 3,000 euros

Noise pollution

There is special emphasis on guaranteeing the peace and tranquillity for residents. For this reason, the by-law establishes that the use of equipment such as radios and televisions must not cause a disturbance. Other noise, such as loud singing, quarrels or other offensive noise is also sanctioned within the new by-law.

Musical street performances can only be where the streets are more than 7 metres wide, between 10 a.m. and 10 p.m., and must last no longer than 30 minutes. They are not permitted in front of schools, hospitals, clinics or residences, or by balconies and open workshops.



Use of beaches and parks

The by-law aims to improve the use of parks and gardens, wooded areas and green space, to guarantee safety and security, and to maintain these natural areas.

On the beach it is fundamental, for personal safety, to respect the warning flags. Ignoring these warning flags is considered a serious infraction. The use of soap and other hygiene products in public showers on the beach is considered a minor infraction.

Unlicensed street traders

The by-law prohibits the illegal sale of all types of products in public areas. Those who buy or collaborate with the sellers can also be sanctioned, including those who act as guards to alert the presence of police. Buying a pirate CD or a DVD from the “top manta” sellers, who put a cloth on any street corner, or a can of drink from an unlicensed street trader, is considered a minor infraction. The same sanction is applicable for those selling and those who collaborate.

Vandalism

There are some people who have no respect for others or for their environment, and vandalise urban furniture. This often results in rubbish containers being burnt or destroyed, benches being left unusable, traffic signs and traffic lights damaged or destroyed, etc. Damaging urban furniture is considered, depending on the extent of damage, a serious or very serious infraction.

Physiological needs

It is well known that the maintenance of public areas is often affected by anti-social conduct such as using the streets as a toilet, or spitting, which has become a normal activity in certain areas, and at certain times. The by-law treats this behaviour as a minor infraction, but when it is in an area where many people are likely to be, areas frequented by children, or around monuments or catalogued and protected buildings, this type of practice is considered a serious infraction.



Inappropriate use of public areas

For “inappropriate use of public areas”, the by-law includes behaviour intended to destroy or disrupt people in the area, particularly the inappropriate use of urban furniture. For example, sleeping on public benches is not allowed at any time of day or night. This is considered a minor infraction.

When dealing with people who have problems with social exclusion, they will not be fined, but social services will be brought in to offer assistance.

The long-term parking of motor homes or caravans in certain areas is also not allowed. This is considered a minor infraction.



Drinking alcohol

Preventing unregulated drinking of alcohol on the streets is fundamental for guaranteeing that residents have peace and tranquillity. The consumption of alcohol in public areas is prohibited when this could cause problems in the surrounding area, and when glass or cans are used outside the pavement cafes, bars, or areas designed to serve drinks. This behaviour is considered a minor or serious infraction, depending on the circumstances.

Other activities

The by-law regulates all types of non-authorized services on the streets, such as fortune telling, tarot readings and massages or tattooing in public spaces. These practices may constitute a danger to the health and rights of the consumer, affect industrial and intellectual property rights, as well as causing problems with peaceful coexistence. Both the provider and the person who requests the service can be fined. This is considered a minor infraction.