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**EUROPEAN COMMITTEE OF SOCIAL RIGHTS
COMITÉ EUROPÉEN DES DROITS SOCIAUX**

11 April 2023

Case Document No. 6

Defence for Children International (DCI), European Federation of National Organisations working with the Homeless (FEANTSA), *Magistrats Européens pour la Démocratie et les Libertés* (MEDEL), *Confederación Sindical de Comisiones Obreras* (CCOO) and International Movement ATD Fourth World v. Spain
Complaint No. 206/2022

**OBSERVATIONS BY THE DEFENSOR DEL PUEBLO
(English translation)**

Registered at the Secretariat on 30 March 2023

Third party observations submitted by the Spanish Ombudsman pursuant to Rule 32 A §1 of the Rules of Procedure of the European Committee of Social Rights, in the framework of collective complaint procedure No. 206/2022.

I. **Background**

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The 2nd of March 2022, the organisations Save the Children International (DCI), the European Federation of National Organizations Working with the Homeless (FEANTSA), the Association of European Magistrates for Democracy and Liberties (MEDEL), Trade Union Confederation of Workers Commission (CCOO) and the ATD International Movement Fourth World, lodged before the European Committee of Social Rights of the Council of Europe a claim against the Kingdom of Spain concerning the lack of electricity supply in a certain area of the so-called Cañada Real Galiana, located in the Community of Madrid.

On 19 October 2022, the Committee upheld the complaint and requested the Kingdom of Spain's opinion.

On 15 December 2022, the Kingdom of Spain submitted its observations on the complaint.

The 9th of February 2023, this Institution received a letter from the European Committee of Social Rights of the Council of Europe inviting the Ombudsman of Spain to present observations on the above-mentioned collective complaint in its capacity as the National Human Rights Institute. In response, the Spanish Ombudsman presents the following observations to the Committee.

II. **Relevant Background**

The Cañada Real Galiana is an ancient road which, since the 13th century, has enjoyed a special system of protection and safeguarding linked to transhumance livestock farming. The economic relevance of the activity carried out, originally by a guild called the "Honrado Consejo de la

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Mesta”, allowed the development of a series of privileges and guarantees for the use and passage of livestock along this network of cattle trails. As a result of the changes made in the exploitation model for the settlement of the livestock population, some stretches fell into disuse. On the other hand, already in the first third of the 20th century, the public administration became responsible for the conservation and maintenance of these routes, which were incorporated into its catalogue of assets with the consideration of “*demaniales*”; that is, assets of the public domain destined for public use (for example roads, canals, etc.) or those destined for some public service or the promotion of national wealth, in the terms provided for in article 339 of the Civil Code. The aforementioned widespread abandonment of transhumance livestock farming, together with the strong demographic dynamics experienced in the areas surrounding the city of Madrid, especially in the second half of the 20th century, a new population of different origins settled in some parts of this glen, gradually developing population centres and economic activities outside of the official planning. This affected, in particular the 14,2 kilometres that turn through the municipalities of Coslada, Rivas-Vaciamadrid and the city of Madrid. At the same time, the administration progressively reduced the width established for this cattle track, in response to a decrease in the need to maintain pastures and all the associated infrastructure for a livestock activity that was in a sharp decline. As a result, between 1958 and 1968, the width in most of the land that is of interest for the purpose of this complaint, was reduced from 75 metres to 14 metres.

Years later, and given that, on the one hand, the primary use of this cattle track is no longer necessary and, on the other, the process of unplanned urbanisation of this area has continued to spread, the Assembly of Madrid (regional parliament) approved Law 2/2011, of 15 March, on the Cañada Real Galiana¹. This piece of legislation disaffected the section that runs through the three municipalities mentioned above. This section thereby lost its public domain status and its status as a cattle route. In the explanatory memorandum to the abovementioned law, the process that followed that decision is outlined in the following terms:

“As a consequence of the disaffection, the land of the section of the Cañada Real Galiana covered by this Act becomes the property of the Community of Madrid, which may dispose of it, including preferentially transferring it to the local councils in whose municipalities it is located or to third parties, establishing a period of time for a prior social agreement to be reached between the parties involved and for the local councils to adapt their planning”.

¹ See *Boletín Oficial del Estado (BOE)*, núm. 158, de 4 de junio de 2011 (cve: BOE-A-2011-11429).

Settlements along this section of the so-called Cañada Real Galiana have continued, and have been particularly extensive in sectors V and VI into which the section subjected to disaffection by means of Community of Madrid Law 2/2011 is divided. Pursuant to the First Transitional Provision of this law, the municipalities involved were required to draw up, within six months of the entry into force of the law, “a census of properties and occupants of the Cañada Real Galiana in the sections within their municipal boundaries”.

On the occasion of the signing of the Regional Pact for the Cañada Real Galiana², on 17 May 2017, a series of quantitative data are referred to; although when referring to people, the pact itself refers to “approximate population”.

Sector V covers territory within the municipalities of Madrid (District of Vicálvaro) and Rivas-Vaciamadrid, with a length of 1.660 metres and an estimated population of 1.601, of whom 601 are under eighteen years of age and 5,68% are foreigners. Sector VI runs entirely through the territory of the city of Madrid (District of Villa de Vallecas) until it reaches the municipality of Getafe. Its length is 6.627 metres and the population attributed to it was 2.953 inhabitants, including 1.211 minors, 52% of whom were Roma and 34% foreigners.

The signing of the aforementioned regional pact, which involved the General State Administration, the Community of Madrid and all the parliamentary groups in its assembly and the three municipalities concerned, sought the “most favourable solution for the irregular settlement of the Cañada Real Galiana, weighing up the interests and rights that are of a general nature”.

After its signature, work began on the implementation of the shock plan set out in the text itself, which included the improvement of a series of services in sectors I to V, such as the adaptation of roads, the installation of a water supply network, the introduction of a bus line, the establishment of a postal service and the cleaning and recovery of plots of land. For sector VI, the chosen route has been to promote rehousing. In May 2018, an agreement was signed between the Community of Madrid and the city council of the capital to rehouse a maximum of 150 families living in this sector. The plan also foresees social integration measures, articulated in five axes (training, support and employment measures; education as a guarantee of social promotion and equal opportunities; public policies and social cohesion; gender equality and

²https://www.comunidad.madrid/sites/default/files/pacto_regional_canada_real_version_web_ok_5.pdf

diversity; innovation and development in Community Social Intervention and collaborative networking).

Historically, residents in these areas have had access to electricity and water supply through irregular connections to supply points. This situation was known and tolerated by the competent authorities. In October 2020, the supply company decided to cut off the supply to sector VI, a measure that was temporarily extended to sector V from November 2020. Sector V partially recovered electricity between March and November 2021. The justification given by the company was that the irregular connections put the safety of the devices installed in the electrical infrastructures at risk. Subsequently, the company again justified the supply cut-off on safety grounds.

In December 2020, a criminal complaint was filed against the company UFD-Naturgy as the residents of the affected sectors, considered that the ultimate aim of this measure was not to leave them without electricity, but to expel them from their homes. UFD-Naturgy again justified this measure on security grounds, and the competent judge requested that an independent expert produced a report.

On 5 January 2021, a family living in sector V requested the adoption of interim measures to alleviate the situation, but these were rejected by the Judge.

Residents in these sectors lodged a petition to the European Parliament on 23 June 2021 for Spain to comply with article 28 of Directive (EU) 2019/944 and Recommendation (EU) 2020/1563 of 14/10/2020 on energy poverty.

III. Proceedings of the Spanish Ombudsman


A. **Complaints lodged, first actions and recommendations (2020)**

On 19 October 2020, this Institution received the first complaint submitted on behalf of the residents of the Cañada Real Galiana in relation to the general electricity supply cut.

As a result of this complaint, which was followed by others, proceedings were initiated with the Directorate General of Industry, Energy and Mines, of the then Office of the Councillor of Economy, Employment and Competitiveness of the Community of Madrid.

On 10 December 2020, a letter was received from the Office of the Councillor of Economy, Employment and Competitiveness of the Community of Madrid. This concludes, after analysing the information provided by UFD Distribución Electricidad, that the supply cuts complained, did not occurred either voluntarily, collectively or individually. These were caused by the automatic actions of the regulatory protections required for electrical installations, the purpose of which is to guarantee the safety of people and property in the face of the risk that may be generated by overloads and overcurrent in distribution installations caused by illegal connections to the distribution network or illegal manoeuvres carried out by third parties on these installations.

After analysing the arguments put forward by the Regional Ministry, on 18 December 2020, the Ombudsman proceeded to make the following set of Recommendations, which, on appreciating the need for coordinated action by the General State Administration and the Administration of the Community of Madrid, these were addressed to both the Government Delegation in Madrid³ and the Office of the Regional Councillor of Economy, Employment and Competitiveness⁴:

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- 1. Immediately and urgently adopt, in coordination with the competent authorities ..., a solution to resolve the lack of electricity supply in sectors V and VI of the Cañada Real, for example, through the installation of generators to supply electricity to the population or any other system that is well suited for that purpose.**
 - 2. Establish a framework for coordinated action to regularise the electricity supply in sectors V and VI of the Cañada Real, thus guaranteeing the right to an accessible and legal electricity supply for as long as these people remain in their homes.**
 - 3. To draw up a joint diagnosis of the situation, which will reveal in as much detail as possible the problems that prevent or hinder the electricity supply from being provided in a normalised manner in this area.**
 - 4. Establish an operational plan of action coordinated between the Government Delegation in Madrid and Office of the Regional Councillor, with the aim of guaranteeing access to electricity supply in the area.**

³ The text of the recommendation can be read t at the following link, by clicking on the word “text” at the top right of the screen: <https://www.defensordelpueblo.es/resoluciones/recuperacion-urgente-del-suministro-electrico-en-los-sectores-5-y-6-de-la-canada-real-galiana/>

⁴ The full text can be consulted at: <https://www.defensordelpueblo.es/resoluciones/recuperacion-urgente-del-suministro-electrico-en-los-sectores-5-y-6-de-la-canada-real-galiana-2/>

5. Periodically evaluate the results achieved and, if no significant progress is made, review and -if necessary- redefine the strategy.

In the letter sent, on the same date, to the Office of the Regional Councillor, this institution, considered it essential to respond to certain statements made by public officials, as he believed that the problem of the lack of electricity in these settlements was being passed off as the exclusive result of a generalised phenomenon of mass marijuana production, and that responsibilities for such an illegal activity were thereby being attributed to all the inhabitants of these enclaves. He made public his consideration that such arguments were “fallacious and dangerous, as they victimised the majority of the people affected and constituted an act of *“aporphobia”*”, while calling for institutional responsibility to remain truthful and respectful to human dignity in addressing the issue.

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On 15 January 2021, the aforementioned Government Delegation responded in writing that it was aware of the situation and had become actively involved. Reference was made to the existence of an emergency plan initiated in a tripartite manner by the Community of Madrid, the town councils involved and the delegation itself to develop coordinated action within the framework of their respective competences. The Government Delegation considered that its responsibilities were confined to the field of security and that their action was therefore limited to the sphere of law enforcement.


On 18 February 2021, the Office of the Regional Councillor, indicated that the provision of electricity supply was contingent upon the existence of a situation of legality. In this regard, it considered citing Article 160 of LAW 9/2011 of 17 July 2001 on the Land of the Community of Madrid, that an urban planning constraint prevents the distribution companies from providing electricity supply to the potential applicants. It also pointed out that the legislative development actions necessary for this regularisation should be carried out within the framework of the Regional Pact for the Cañada Real Galiana, and have not yet been adopted. Finally, it stressed that the undertaking of this regulatory work is not within the responsibilities attributed to the Regional Ministry.

On 17 March 2021, the Ombudsman sent a letter in response to the assessments and information provided by both the Government Delegation and the Office of the Regional Councillor. In this, it was made clear that the conclusions of this institution coincide with those reflected in resolutions 43/14, 44/10, 44/3, 32/8, 42/16, 43/6, 43/8, 44/13 and 42/5 of the

United Nations Human Rights Council which remind Spain of the responsibilities it has assumed within the international human rights protection system.

Likewise, with regard to the arguments put forward by the regional ministry, the Ombudsman emphasized that he did not find it acceptable that Law 9/2001, of 17 July, on the Land of the Community of Madrid, could pose an obstacle to re-establishment of electricity supply in the area. Particularly as the Community of Madrid is responsible to address the obstacles that it claims to have encountered. In accordance with the above, the considerations expressed in the aforementioned recommendations were reiterated.

With regard to the Government Delegation in the Community of Madrid, this institution highlighted the passive role it had adopted, as a mere guarantor of safety in carrying out the electrical intervention on the network. A role that is not sufficient to resolve the serious humanitarian problem experienced by these people.



B. Opening of a line of work with the Commissioner of the Government of the Community of Madrid for the Cañada Real Galiana (2021) and initiation of the actions of this committee

As the proceedings progressed and months went by, it became clear that the measures recommended by this institution were not being taken.

For this reason, with the aim of seeking a greater practical involvement of the official bodies responsible to deal with this situation, and in addition to a new request for information to the Office of the Regional Councillor this institution addressed with the Commissioner of the Government of the Community of Madrid for the Cañada Real Galiana. A body created by Decree 243/2015, of 29 December⁵, to promote dialogue and coordination between the different authorities and entities involved in the Cañada project.

On 19 April 2021, from the Commissioner of the Government of the Community of Madrid for the Cañada Real Galiana, indicated in writing that the powers it holds, in any material area of action are those of dialogue and coordination of the actions undertaken by the public authorities involved in resolving the problems that affect in the Cañada Real Galiana. The Commissioner also maintained that he had no powers other than those indicated above, which is why, since

⁵ It can be consulted at: *Boletín Oficial de la Comunidad de Madrid*, núm. 310, 30 de diciembre de 2015 (BOCM-20151230-3).

the interruptions to the electricity supply in sectors V and VI began, he has worked within the scope of his mandate, to coordinate the search for a solution to the electricity supply.

Finally, it referred to the Regional Pact for the Cañada Real as a document of political commitment, maintaining that the lack of normative value of the pact has been endorsed by the High Court of Justice of Madrid (Contentious-Administrative Chamber) in its Order number 2/2021, of 5 January 2021, by which it denied the adoption of a provisional and anticipated precautionary measure against the inactivity of the defendant Administration in relation to the rehabilitation of the electricity supply to a dwelling in the Cañada Real.

In light of the above, the Ombudsman requested from the Commissioner, on 16 June 2021, to provide further information on the objectives and priorities set for his intermediation work; an assessment of the results achieved; and information regarding the alternatives to regularised supply under legal contracts that were being considered, given the alleged impossibility for those affected to formalise the corresponding contracts.

AG. / On 18 October 2021, the Commissioner responded by indicating that the transformation of the content of the regional pact into standards does not occur spontaneously and requires of someone able to coordinate such tasks, something to which he has applied himself through more than 450 meetings. Furthermore, it was reported that the existing situation in sectors V and VI had led the distribution company to request an independent report in order to detail and verify the state of conservation of the medium-voltage power line in the area. The company in charge of the report (Applus Norcontrol) showed that the buildings around the line invade the easement zone, compromising the minimum safety distances and that the situation of uncontrolled settlements is constantly changing. In line with the above, it underlined that there are a multitude of irregular connections, as well as other voltage lines that are not openly unregulated.

In conclusion, the Commissioner indicated that he focused his work priorities on two points: the fight against illegal connections; and the engagement with the town councils that guarantee basic essential supplies and services, to undertake actions that can alleviate, at least temporarily, the deficiencies.

The official response received motivated the issuance, on 4 November 2021, of a number of considerations ⁶ in view of the approaching winter period, and after having confirmed that, for the second consecutive year, the people living in sectors V and VI of the Cañada, would not be able to access sufficient electricity supply. At that time, the institution insisted that the urban redevelopment plans for sector V and the relocation of the large population living in sector VI could only be addressed with medium and long-term planning. Consequently, it was essential to take measures to normalise the supply in those parts with more articulated constructions, and to offer, at least an emergency supply, in those constructions that remain precarious. Hence, the Recommendations formulated on this occasion to the Commissioner had the following wording:

- 1. To promote the necessary actions, in the exercise of its coordinating powers, so that individual supply contracts can be signed for people living in sectors V and VI of the Cañada Real Galiana.**
- 2. Promote as a matter of urgency, in the exercise of its coordinating powers, as many measures as may be necessary to provide emergency electricity supply to sector VI.**

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It was not until 1 April 2022, that the aforementioned Commissioner submitted a report in which, in summary, he rejected the Recommendation relating to the formalisation of supply contract, on the grounds that the material and legal possibility of concluding these contracts exceeded his powers. Regarding the second recommendation, he indicated that, at the meeting held by the Executive Committee of the Regional Pact on 16 November 2021, a roadmap of 21 measures was established, ranging from the rehousing of families to the adoption of possible solutions to alleviate everyday problems. The Commissioner did however not provide further details on the practical scope of these measures.

Several entities informed this institution, at a meeting held on 13 July 2022, that they had addressed the European Committee of Social Rights, to request the adoption of immediate measures. On 19 October, the Committee announced that it had admitted the complaint and issued a series of measures in accordance with the request made, in the following terms:

⁶ The full text can be consulted at: <https://www.defensordelpueblo.es/resoluciones/suministro-electrico-de-emergencia-al-sector-6-de-la-canada-real/>

- *Adopt all possible measures to avoid serious and irreparable damage to the integrity of the people living in the Cañada Real who do not have adequate access to electricity and are therefore exposed to risks to life and physical and moral integrity, in particular:*
 - *Ensure that all affected persons have access to electricity and heating, in particular considering the needs of vulnerable groups affected (including children, people with disabilities, people with medical problems, people of foreign origin, elderly people and Roma);*
 - *Provide adequate alternative accommodation for affected persons where this is not possible, to ensure safe access to electricity and heating.*
- *Ensure that all relevant public authorities are aware of this decision and inform the Committee of the measures envisaged to implement it by 15 December 2022.*

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C. Third round of Recommendations (2022): In search of a comprehensive involvement of the competent authorities and bodies

The long procedure summarised up to this point showed that the problem of electricity supply in the aforementioned sectors of the Cañada Real Galiana, had become entrenched. In such a situation, in November 2022, the dates when the cold weather becomes more intense, and the inhabitants of the Cañada Real Galiana were once again unable to cope with the inclement weather without serious damage to their health and dignity.

On 22 November 2022, recommendations were addressed to the Office of the Regional Councillors for Health⁷ and Environment and Housing and Agriculture ⁸of the Community of Madrid; to the Commissioner of the Community of Madrid for the Cañada Real Galiana⁹; and to

⁷ The full text can be consulted at: <https://www.defensordelpueblo.es/resoluciones/adopcion-de-medidas-para-asegurar-el-suministro-electrico-a-los-residentes-de-la-canada-real-galiana/>

⁸ The full text can be consulted at: <https://www.defensordelpueblo.es/resoluciones/adopcion-de-medidas-para-asegurar-el-suministro-electrico-a-los-residentes-de-la-canada-real-galiana-3/>

⁹ The full text can be consulted at: <https://www.defensordelpueblo.es/resoluciones/adopcion-de-medidas-para-asegurar-el-suministro-electrico-a-los-residentes-de-la-canada-real-galiana-2/>

the city Councils of Madrid¹⁰, Rivas-Vaciamadrid¹¹ and Coslada¹². The recommendations can be summarised as follows:

1. That access to the electricity supply be facilitated for residents in sectors V and VI of the Cañada Real Galiana, even providing it directly on a provisional basis, if necessary. *(Addressed to the Office of the Councillors for Environment, Housing and Agriculture and the Regional Government's Commissioner for the Cañada Real).*
2. That, (through the collaboration of the mentioned regional entities), the electro-dependent persons living in the Cañada Real Galiana are identified, and that the adoption of measures to ensure their electricity supply, is prioritised. *(Addressed to the two competent regional ministries of the Community of Madrid).*
3. To coordinate the actions of the local councils and the regional ministries of the Community of Madrid to identify electro-dependent persons living in the Cañada Real Galiana, within the scope of their respective competences, adopting the necessary measures to ensure that they have a stable electricity supply. *(Directed to the Regional Government Commissioner for the Cañada Real, as a complement to the above).*
4. That measures be adopted so that the dwellings located in the Cañada Real Galiana that are in a situation of urban development outside of planning, can have access to a normalised electricity supply. This task should be carried out by establishing the appropriate coordination and guaranteeing the participation of those affected through the Assembly of the Cañada Real Galiana guaranteed.
5. To offer its collaboration to the public administrations to adopt measures so that the dwellings located in the Cañada Real Galiana that are in a situation of urban planning that is out of order, can have access to a normalised electricity supply. *(Addressed to the Commissioner of the Regional Government for the Cañada Real, as a complement to the above).*

¹⁰ The full text can be consulted at: <https://www.defensordelpueblo.es/resoluciones/adopcion-de-medidas-para-asegurar-el-suministro-electrico-a-los-residentes-de-la-canada-real-galiana-4/>

¹¹ The full text can be consulted at: <https://www.defensordelpueblo.es/resoluciones/adopcion-de-medidas-para-asegurar-el-suministro-electrico-a-los-residentes-de-la-canada-real-galiana-5/>

¹² The full text can be consulted at: <https://www.defensordelpueblo.es/resoluciones/adopcion-de-medidas-para-asegurar-el-suministro-electrico-a-los-residentes-de-la-canada-real-galiana-6/>

6. **Guarantee the participation in the process of those affected through the Assembly of the Cañada Real Galiana, keeping them informed at all times. (*Addressed to the Regional Government Commissioner for the Cañada Real, as a complement to Recommendation number 4, last paragraph*).**
7. **That the people affected be provided with the urban planning information necessary to determine the dwellings that are out of planning and do not have a regular electricity supply. (*Addressed to the town councils of the three cities through which sectors V and VI of the Cañada Real Galiana run*).**
8. **That measures be adopted so that the dwellings located in the Cañada Real Galiana that are in a situation of irregularity, out of urban development planning, can have access to a normalised electricity supply. In undertaking this task, appropriate coordination should be established, and the participation of those affected through the Assembly of the Cañada Real guaranteed. (*Addressed to the town councils of the three cities through which sectors V and VI of the Cañada Real Galiana run*).**

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In making these recommendations, the Ombudsman sought, first and foremost, to promote more effective collaboration between the different public authorities involved in providing a solution to the problem of the lack of light in this area. In all of its recommendations, the institution has insisted on the humanitarian nature of the actions to be carried out, which should be aimed at satisfying the obligations corresponding to the public authorities, for the safeguarding of human dignity, the basis of political order and social peace, in the terms of article 10 of the Constitution. It is clear that, in the case in question, the dignity of the large group of people living in the Cañada Real Galiana cannot be adequately protected without access to electricity supply.

It should be noted that several constitutional rights are affected by this issue. Thus, the right to life and physical integrity, protected by article 15, especially as regards integrity. The right to decent housing (article 47), which is difficult to predicate for housing without light and heating; the right to health (article 43), especially with regard to electro-dependent persons; the protection of the family and children (article 39) and the elderly (article 50).

In view of the procedure now underway, it is not superfluous to point out that the constitutional precepts cited above find their respective transcripts in the articles of the Revised European Social Charter, among them article 11 (right to the protection of health), 16 (right of the family to social, legal and economic protection), 17 (right of children to social, legal and economic

protection), 23 (right of the elderly to social protection), 30 (right to protection against poverty and social exclusion), 31 (right to housing).

In the current situation at the Cañada Real Galiana, it seems crucial to provide essential electricity supply to people and families to enable them to light and heat themselves, as well as to be able to carry out basic activities (food preservation, school homework, use of medical equipment, etc.). In this regard, special attention must be paid to residents who are electro-dependent.

Such emergency measures should be maintained for as long as the relocations do not take place or it is not possible to find a temporary solution, such as the one that this institution has pointed out in its recommendations. Furthermore, this institution considers that there is a possibility -at least in certain areas of the Cañada Real Galiana- of having a legal electricity supply. Such possibility to establish a regular and normalised electricity supply depends on the urban development situation of the buildings.

AG. / In the case analysed, the urban situation of the different sectors into which this territory is divided is very diverse, with sectors V and VI, located in the municipalities of Rivas-Vaciamadrid and Madrid, being particularly problematic. Many of the dwellings there are in an irregular situation known as “out of urban development planning”.

With regard to what is of interest here, it should be pointed out that the concept of out-of-plan buildings has evolved according to the jurisprudence of the Spanish Supreme Court. Also included in this category are those buildings which, since their construction, have been contrary to the planning in force at the time, but on which action cannot be taken as the legal deadlines for undertaking urban planning discipline actions, either through the imposition of a sanction or through measures to re-establish urban planning legality, have passed.

In relation to the above, the Community of Madrid’s urban planning legislation provides for a provisional and definitive contracting of the electricity supply service. For the latter, a declaration of responsibility is required in accordance with the law, for the provisional contracting, what the law calls “qualifying title” is required. In view of the above, it seems that there could be a possibility, albeit transitory, of access to the electricity supply for certain buildings located in the Cañada Real Galiana. The detailed examination of the relevant legislation, both regional and local, can be found in the text of the recommendations linked at the beginning of this section.

To do this, it would be necessary, first of all, to prove the out-of-order status of the buildings, for which a common urban planning consultation would have to be made to the respective town councils. Once the out-of-order status has been accredited, it would be necessary to apply to the local council for an urban planning licence to contract the provisional electricity supply. It should be made clear that this licence is not a licence of first occupation, but it would be a specific licence for these cases. Once this licence has been obtained, it would be necessary to go to the corresponding electricity company, which would have to present a network deployment project to the town hall. Once this has been done, the responsible declaration for the definitive contracting of the electricity supply would have to be presented to the local council. It should be noted that this whole process may take a long time and would entail costs for those concerned.

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It might also be necessary to seek authorisation from the entity responsible to manage the land owned by the Community of Madrid, which owns most of the land of the area in question in the Cañada Real Galiana. However, this would provide a regular means of contracting the electricity supply, all of which, in view of the entrenched nature of the situation and considering the reasonable rate of execution of the relocation plans, would allow a certain number of buildings to overcome the critical situation of humanitarian emergency in which they have found themselves for a long time.

This institution believes that the authorities concerned should play a proactive role in this process and not limit themselves to receiving the applications and documentation which, where appropriate, may be submitted by the interested parties. The Regional Pact for the Cañada Real Galiana, to which reference has already been made, is an example of this attitude, as it sets out a series of measures aimed at regularising the situation of the inhabitants of the area. In particular, the different bodies involved in the Community of Madrid, coordinated by the Regional Commissioner for the Cañada Real Galiana, should play a leading role in this matter.

In addition to the recommendations made to the different bodies and authorities concerned, the regional commissioner has been asked for information on the existing rehousing plans, requesting him to outline the prioritisation criteria that have been established and their timeframe, as well as the number of people affected in each of the different phases foreseen.

Some replies have been received from the authorities. The town council of Coslada states that there are no electricity supply issues in its municipality. Rivas-Vaciamadrid's town council considers that the possibility of legalising the electricity supply in its municipality, in the terms proposed by this institution, is not viable for town planning reasons. The city council of Madrid,

for its part, views this institution's proposal positively and has stated that, through the commissioner, it will make the necessary information available to the residents to initiate the proposed procedures. Finally, the Office of the Councillor of Health of the Community of Madrid stated that the needs of the electro-dependent patients in Cañada Real Galiana are being met. The Commissioner and the Office of the Councillor of Environment, Housing and Agriculture of the Community of Madrid have not yet provided a response.

IV. Conclusions

1. The lack of electricity in sector VI of the Cañada Real Galiana has been permanent since 2020. In sector V this situation has been intermittent. The last time this institution visited the area, electricity was available in this sector, due to irregular connections. It was however available to users on alternate days, through a self-management system implemented by the neighbours to prevent the activation of the safety devices of the corresponding substations due to overloading.
2. The existence of illegal marijuana plantations constitutes a criminal activity, which must be the object of an appropriate response through the legally established channels. In no way is this activity the modus vivendi of the people living in the Cañada Real Galiana - the vast majority of whom are the first and most seriously affected by its consequences in terms of insecurity- nor can it justify not adopting other measures, even on a temporary basis, to ensure that electricity supply is provided in a legal, safe and accessible manner.
3. In response to the prolongation of this situation, those residents who can afford it to are resorting to palliative solutions, such as the installation of solar panels. However, it should be noted that this technical solution is costly and therefore beyond the reach of those in a more precarious economic situation.
4. Despite the time that has elapsed and the fact that this institution has emphatically insisted on the humanitarian emergency that the prolongation of this power shortage represents, the authorities and entities concerned have evaded their obligation to implement a plan that is adequate to the real needs and realistic in terms of resources and deadlines. The supply of firewood or butane cylinders are not technically suitable solutions, nor do they help to sufficiently address the problem.

5. This state of affairs is leading to a violation of the right to a dignified life for a large group of people.
6. Such situation is prolonged for a period of time which, in the opinion of this institution, is unacceptable for a social and democratic state governed by the rule of law.
7. In the review carried out by this institution, it is considered that coordinated plans could be implemented that contemplate emergency solutions, with others in the medium and long term, for those estates where their constructive development so permits, so that urban planning and rehousing policies can be developed with greater coherence and in amore efficient and respectful manner. Prioritising the actions according to the degree of vulnerability of the beneficiaries of the measures to be adopted.
8. In short, the humanitarian emergency situation in sectors I and VI of the Cañada Real Galiana is unsustainable and requires a solution as a matter of urgency.



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