



EURO-MEDITERRANEAN HUMAN RIGHTS NETWORK
RÉSEAU EURO-MEDITERRANÉEN DES DROITS DE L'HOMME
الشبكة الأوروبية - المتوسطية لحقوق الإنسان

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Organic Law for the Protection of Public Security: A Threat to Civil Liberties in Spain

The Euro-Mediterranean Network for Human Rights (EMHRN), the World Organization Against Torture (OMCT) and the International Federation for Human Rights (FIDH) deplore the adoption of the draft Basic Law for the Protection of Public Security, by the plenary of the Congress of Deputies on 11 December 2014. Our three organisations denounce the growing restrictions on the right to demonstrate in Spain.

This law, also called the “gag law,” was adopted on 25 November by the Commission on Internal Affairs of the Congress of Deputies, without modifying the text in any meaningful manner so as to protect citizens’ rights to freedoms of expression and peaceful assembly. Despite its rejection by all the opposition parties and civil society organizations, which denounced the direct threat that the law poses to the right of peaceful assembly, and despite the opposition of 82% of the Spanish public opinion according to recent polls, this law was adopted the very day after Human Rights Day and will enter into force by the end of this year.

Using the pretext of improving public safety, the Basic Law on the Protection of Public Security establishes an arsenal of administrative sanctions, some of them very severe, aimed at dissuading citizens from expressing their concerns by means of public demonstrations. This law would criminalize collective action and new forms of expression that have developed in recent years, including *escraches* (“demonstrations aiming at public denunciations”), sit-ins, “occupying” public spaces, peaceful “surrounding” of parliaments and “concerts of pots and pans”.

In addition, it is particularly alarming that fines can be imposed for organizing public meetings and demonstrations without advising the authorities in advance, including spontaneous gatherings, for which prior notification is impossible. No account at all is taken of the peaceful nature of the demonstrations. Peaceful assemblies in the vicinity of the Congress, the Senate or the legislative assemblies of the Autonomous Regions, will be considered as “serious offence” punishable by a fine of up to 30,000 euros should they seriously disturb public order. The “non-authorized” use of images of the authorities or law enforcement personnel would also be



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considered a “serious offence”, which could hinder the documentation of abuses by law enforcement personnel and reinforce the impunity they already enjoy.

EMHRN, OMCT and FIDH also denounce the legalisation, by an amendment presented at the last minute by the Government, of the practice of summary expulsion, used in Ceuta and Melilla, by which migrants from Morocco who have succeeded in crossing the border are immediately sent back. Our organisations consider that this new provision violates the right to asylum and the principle of *non-refoulement*. Moreover, this amendment exposes these migrants to serious risk of torture and ill-treatment since they would be deprived of the possibility of filing a claim in case of abuses by law enforcement personnel.

The adoption of the draft Basic Law for the Protection of Public Security is contrary to the international commitments undertaken by Spain, in particular the Convention relating to the Status of Refugees of 1951; articles 12.1, 18 and 19 of the Charter of Fundamental Rights of the European Union and article 4 of Protocol No 4; article 11 of the European Convention on Human Rights; and the recommendations of the European Court of Human Rights and other international human rights bodies. The Council of Europe High Commissioner for Human Rights, Mr. Nils Muiznieks, has also emphasized the threat that the law poses for the exercise of the right of peaceful assembly and has called for the prior authorization requirement, the classification of demonstrations around Congress or the regional assemblies as grave offences and the prohibition on recording images of law enforcement personnel in the exercise of their duties to be removed from the final version. The Commissioner also noted that the proposal to legalise automatic and collective expulsions of migrants is “unjust and illegal” under international law.

EMHRN, OMCT and FIDH therefore call upon the Spanish authorities to modify the law without delay so that it conforms to the international standards concerning the rights to assembly and to asylum, and expects a firm reaction from the European Union, including the European Parliament and other member States, in the face of this violation of civil liberties in Spain.

For more information, please contact:



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