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Asociación Pro Derechos Humanos
de España



Spain Gags Freedom of Expression and Assembly and Restricts the Right to Asylum

Despite fierce opposition from civil society, all opposition parties, Spanish public opinion, as well as condemnation from the United Nations and the Council of Europe, Spain adopted last Thursday 26 March the Basic Law for the Protection of Public Security, considered by many as a black day for democracy.

The Euro-Mediterranean Network for Human Rights (EMHRN), the World Organization Against Torture (OMCT), FIDH (International Federation for Human Rights), the European Association for the Defence of Human Rights (AEDH) and their member organisations strongly condemn the law, aptly dubbed the “gag law”, and reiterate their serious concerns over the growing restrictions on the right to freedoms of expression and peaceful assembly in Spain.

Under the pretext of ensuring public safety, the “gag law” introduces administrative sanctions, some very severe, aimed at dissuading citizens from expressing their concerns through public demonstrations. This law criminalises new forms of collective action and 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”.

The Basic Law for the Protection of Public Security imposes fines for organising public meetings and demonstrations without prior notification, rendering spontaneous gatherings impossible regardless of their peaceful nature. Even peaceful assemblies in the vicinity of the Congress, the Senate or the legislative assemblies of the Autonomous Regions can be considered “serious offence” punishable by a fine of up to 30,000 euros. The dissemination of images of the police officers and state security bodies will also be considered a “serious offence”, which could hinder the documentation of abuses committed by law enforcement personnel and reinforce the climate of impunity.

The law also consolidates the practice of summary expulsion of migrants from the Spanish enclaves of Ceuta and Melilla to Morocco, restricting the right to seek asylum and violating the principle of non-refoulement and the prohibition of collective expulsions. It further exposes migrants to a serious risk of torture and ill-treatment by denying them the possibility of filing a claim against law enforcement personnel in case of abuse.

On 23 February 2015, five United Nations human rights experts [urged](#) Spain to reject the Basic Law on the Protection of Public Security, as it “violates the very essence of the right to assembly since it penalizes a wide range of actions and behaviours that are essential for the exercise of this fundamental right, thus sharply limiting its exercise.”

The Council of Europe’s Commissioner for Human Rights, Nils Muiznieks, also expressed concerns over the threat that the law poses to the exercise of the right to peaceful assembly and [stated](#) that the proposal to legalise automatic and collective expulsions of migrants arriving in Ceuta and Melilla is “unjust and illegal” under international law.

Our organisations urge Spain to repeal this law, which violates the Spanish constitution, international and European human rights and refugee law. We also urge the EU institutions, in line with our demands expressed in a [letter](#) sent to European Commissioners and to the members of the European Parliament's Civil Liberties, Justice and Home Affairs (LIBE) Committee earlier this year, to take a clear stand in order to protect the fundamental values the EU is based on and take action to ensure that these are not violated in EU member states. The European Commission as guardian of the treaties has especially to ensure compliance by member states with the fundamental rights and freedoms guaranteed by EU law, including the EU Charter for Fundamental Rights.

ACSUR-Las Segovias - Asociación para la Cooperación en el Sur
Asociación Pro Derechos Humanos de Andalucía (APDHA)
Asociación Pro Derechos Humanos de España (APDHE)
Euro-Mediterranean Human Rights Network (EMHRN)
European Association for the Defence of Human Rights (AEDH)
Federación de Asociaciones de Defensa y Promoción de los Derechos Humanos
FIDH (International Federation for Human Rights)
Institut de Drets Humans de Catalunya (IDHC)
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