



Spain: repressive laws that also concern Europe

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(Unofficial translation)

On 17 October, Members of Parliament from the People's Party, party in government in Spain, have adopted the draft Organic Law on the Protection of Citizen's Security and have rejected all the amendments presented by the various opposition parties. The law was adopted yesterday by the Internal Affairs Committee and will be passed in plenary session in Congress mid-December and its entry into force is planned by the end of the year.

The Organic Law on the Protection of Citizen's Security provides for the introduction of 21 new offences and severe penalties for actions linked to social protest, and increases the discretionary power of the police to implement measures such as the identification of persons, body search, the possibility to enter in private homes and to record data, or the limitation of the freedom of movement. Moreover, the power of security forces would be strengthened as taking photographs of police actions during demonstrations would be sanctioned.

The bill has been launched by the People's Party with the obvious aim to fight mobilisation against policies of economic austerity and their consequences on rights. It undermines the freedom of expression and the freedom of peaceful assembly, and is part of a series of parliamentary measures, such as the reform of the Penal Code, the Criminal Procedure Act or the legislation on Free legal assistance, that tend to hamper public freedoms and to sanction peaceful social protest.

The European Association for the Defence of Human Rights (AEDH) and its Spanish member organisations, the Instituto Catalán de Derechos Humanos (IDHC) and the Asociación Pro Derechos Humanos de Andalucía (APDHA) are strongly opposed to its adoption, because it seriously undermines public freedoms and human rights. This bill is not compatible with European and international Treaties nor with the Charter of Fundamental Rights of the European Union, and it is contrary to the jurisprudence of the European Court of Human Rights (ECHR).

AEDH also denounces the last minute introduction which led to the introduction at the last moment by the government of an amendment which modifies another organic law, the Law on foreigners, to legalise what is now commonly and almost trivially called "hot return", which consists in returning immediately to Morocco the migrants who managed to cross the border fences of Ceuta and Melilla. But this practice is illegal. It violates the right to asylum and the non-refoulement principle. It has

already been denounced on several occasions by human rights associations and has given rise to concerns within the European Union itself.

AEDH affirms that it is not only a Spanish internal affair but that this bill would also have negative consequences at the European level. In both cases, the limitation of public freedoms and the deprivation of the rights of migrants, the governments of the European Union have engaged in a policy of authority and closure, here in the name of counter-terrorism, there against “external invasion”, elsewhere in the name of the preservation of a so-called national identity. That is how emergency laws that limit civil and political rights are increasingly being hardened. That is how violence and human rights violations happen every day on Ceuta and Melilla’s borders. That is how in its overseas departments France ignores the jurisprudence of the ECHR by refusing to admit that appeals to expulsion decisions have a suspensive effect. That is how Great Britain turns its geographic insularity into a shocking violation of human rights. That is how migrants are locked up and stuck in complete illegality in areas where there are neither rights nor law. Finally, that is how emergency provisions regarding the movement of persons, the control and creation of centralised and interconnected files are debated in national parliaments or adopted through regulations pretty much everywhere.

AEDH supports the actions realised by Spanish associations, including APDHA and IDHC, demanding the government to return to a full respect of public freedoms and the withdrawal of the appalling amendment called “hot returns”. AEDH also asks for the opening of an official investigation at the European level on the illegal situations observed in Ceuta and Melilla, as well as on all the other borders of the European Union. Finally, AEDH asks the Members of the European Parliament to be vigilant and active with regards to the legislative and regulatory emergency provisions related to public freedoms.

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Asociación Pro Derechos Humanos de Andalucía (APDHA)
Institut de Drets Humans de Catalunya (IDHC)