

**Question for written answer E-003870/2017/rev.1
to the Commission**

Rule 130

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Subject: The freedom of expression of elected officials and the separation of powers in Spain

According to a recent report presented by the Catalan Ombudsman, *Síndic de Greuges*, the Spanish Government has passed administrative and criminal legislation that jeopardises fundamental rights and freedoms¹.

The report clearly shows how the separation of powers in Spain is being undermined. In response to the social uprisings that ensued following the curtailment of socioeconomic rights, the Spanish Government introduced significant restrictions on civil rights. The 2015 reforms of the Criminal Code (Organic Law 1/2015 of 30 March) and the Organic Law on Public Safety (Organic Law 4/2015 of 30 March) are evidence of this.

There are also cases that clearly illustrate the disproportionate use of the Spanish Criminal Code in order to coerce the free exercise of the right to freedom of expression, which is especially injurious when deployed against directly elected officials. The charges against the President of the Parliament of Catalonia are a particularly notable case².

A number of international pronouncements³ have petitioned, meanwhile, for reforms in order to guarantee the separation of powers.

Does the Commission consider the facts outlined above to be compatible with the common values stated in Article 2 of TEU? If not, will it take steps to prevent breaches of fundamental rights and freedoms and a regression of democracy in Spain?

¹ http://www.sindic.cat/site/unitFiles/4402/Report%20Human_rights_regression.pdf

² https://www.nytimes.com/2017/01/30/opinion/defending-freedom-in-catalonia.html?_r=0

³ See pronouncements by GRECO (<https://rm.coe.int/16806ca04a>), the Venice Commission (<http://www.coe.int/en/web/portal/-/critical-analysis-of-amendments-to-spain-s-constitutional-court-venice-commission?desktop=true>) and the UN Special Rapporteur on the Promotion of a Democratic and Equitable International Order (<http://www.vilaweb.cat/noticies/de-zayas-spain-cannot-invoke-the-state-of-siege-to-destroy-the-right-to-self-determination>)