

**Question for written answer E-001025/2022  
to the Commission**

Rule 138

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**Subject:** The ongoing repression of the right to freedom of peaceful assembly in Spain

On 12 November 2019, hundreds of peaceful demonstrators blocked the border bridge between Spain and France at La Jonquera. Participants were arrested on both sides of the border. In France, proceedings were opened against 12 people<sup>1</sup> for the crime of obstructing public roads, charges that would have only entailed a fine, but were quickly dismissed<sup>2</sup>.

By contrast, more than 200 people were prosecuted for the crimes of damage and public disorder in Spain. Proceedings are still ongoing, with possible prison sentences of up to six years<sup>3</sup>.

The crime of public disorder was amended by the 2015 Spanish Criminal Code reform and prison sentences for acts committed in the context of demonstrations significantly increased thereafter<sup>4</sup>. UN experts have stressed the chilling effect this is having on the exercise of freedom of peaceful assembly<sup>5</sup>.

1. Will the Commission take into account this illustrative case, where the same protest is being aggressively prosecuted in a Member State while in another it has no consequences, in its assessment of the enabling framework for civil society within its rule of law report?
2. More generally, what measures will the Commission take to ensure that the right to freedom of assembly is duly protected in Member States where it is being threatened, such as in Spain?

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<sup>1</sup> <https://directa.cat/investiguen-mes-de-200-persones-pels-talls-de-lap7-convocats-per-tsunami-democratic/>

<sup>2</sup> <https://www.vilaweb.cat/noticies/teranyina-persegueix-tsunami-forat-negre-dos-anys/>

<sup>3</sup> <https://www.vilaweb.cat/noticies/ordenen-la-detencio-de-catorze-participants-tsunami-jonquera/>

<sup>4</sup> <https://www.boe.es/boe/dias/2015/03/31/pdfs/BOE-A-2015-3439.pdf>

<sup>5</sup> <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15597&LangID=E>