

**Question for written answer E-000575/2023
to the Commission**

Rule 138

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Subject: Glorification of the fascist División Azul in Spain

On 11 February 2023, Madrid's municipal and regional governments and the Spanish Government's Ministry of the Interior and Madrid delegation allowed a demonstration that glorified the División Azul¹, which was Spain's volunteer pro-Nazi, fascist unit during the Second World War².

This comes some months after the approval of Law 20/2022 on democratic memory³. The demonstration serves as a reminder that, although Spain adopted Framework Decision 2008/913/JHA⁴ in March 2015⁵, it is not actually implementing it.

When implementing the decision, it is the responsibility of national authorities to investigate specific cases, and of national courts to establish whether an individual situation, depending on circumstances and context, represents an incitement to xenophobia or hatred. So far, there has been no such reaction.

Parliament's resolution of 19 September 2019 on the importance of European remembrance for the future of Europe encouraged 'Member States to promote education through mainstream culture on the diversity of our society and on our common history, including education on the atrocities of the Second World War, such as the Holocaust, and the systematic dehumanisation of its victims over a number of years'⁶.

1. Will the Commission include this event and the consequent lack of legal reaction from Spanish national authorities in its annual report on the rule of law?
2. Does it consider that Spain is implementing Framework Decision 2008/913/JHA appropriately?

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¹ <https://theobjective.com/espana/2023-02-11/homenaje-division-azul-madrid/>.

² <https://democ.de/artikel/neonazis-gedenken-wehrmacht-blaue-division-azul-madrid/>.

³ <https://www.boe.es/buscar/act.php?id=BOE-A-2022-17099#:~:text=Esta%20ley%20de%20Memoria%20Democr%C3%A1tica,y%20la%20Constituci%C3%B3n%20de%201812.>

⁴ Council Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law (OJ L 328, 6.12.2008, p. 55.).

⁵ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=NIM:225459.>

⁶ OJ C 171, 6.5.2021, p. 25.