In Defence of Civil Liberties in Spain and Europe
Freedom without Charge for the Puppeteers

Europe is moving towards a self-inflicted decline. The same continent that emerged from the Great War as the guarantor of freedoms and civil rights is now sinking into the naturalisation of barbarism and the adoption of increasingly authoritarian forms of government. In the face of the most severe crisis in its recent history, Europe has chosen the worst possible path, embarking on policies that we had thought to be eradicated.

In economic terms, Austerity has not led to the promised recovery of growth. Rather, it seems that we will have to go through a long period of stagnation, rise in inequality and the concentration of wealth. On the contrary, and to the growing unrest of citizens, many EU countries have openly opted for repressive policies. This can be seen in the reduction of institutional tolerance for protest, in the recurrent construction of the figure of the “enemy” and the centrality of the “war on terror” as a substitute for the legitimate principle of the right to security. Evidence for this trend is also the cruel indifference, if not the outright criminalization, with which European States treat African and Middle Eastern people who are fleeing conflicts in which the Union appears to have no small responsibility.

Even France, which once upon a time was a formidable space for the conquest of freedoms and fundamental rights, has become the laboratory for a new model aimed at limiting civil liberties. Faced with the advance of the internal extreme right and the attacks orchestrated by radical Islam, the social democratic government has attached itself
to the train leading towards securitarian governance and the State of emergency. The same has happened in Belgium. Examples of even more radical governments (for the worst) are found in Eastern European countries like Poland.

Spain has not been left out of this sinister trend towards the restriction of rights and freedoms. Although civil liberties were perhaps the most recognized and developed part in the second chapter of our Constitution, successive changes of the Penal Code and the political use of the judiciary system have produced an increasingly restrictive interpretation of fundamental freedoms. We have seen this over the last days with the need to testify before the High Court and the preventive detention measures applied to two puppeteers simply for interpreting a work of fiction on the street (these have been accused of making an apology for terrorism for a satirical work in which a policeman fashions a placard that says “long live Alka-ETA” in order to criminalise a social activist). Also, recently, we have witnessed the trial of “the Airbus 8”, a political case against the democratic right to strike in which almost 300 people have been indicted for making use of this right.

These are just two cases illustrative of a repressive move, in addition to other changes in the legislation, such as the recent Public Safety Act, also called “Gag Law,” which allows “preventive searches,” the shielding of the police’s authority against the word of the accused and the administration of fines without clear charges, allowing arbitrariness and discretion. This is the latest in a long series of restrictive amendments to the penal code and increasing subordination of the judiciary to a political system, which makes it so that it increasingly neglects its role as guarantor of the social and human rights.

Aware of the fact that without civil rights there is not even the slightest foundation for democracy, and concerned about the rapid regression toward authoritarianism in many countries of the Union, we the undersigned demand our political representatives in Europe that they work for the recognition and expansion of a European right to asylum and the establishment of a charter at the continental level in order to safeguard fundamental freedoms and civil rights.
In the same vein, with regard to the Spanish legislation and institutional architecture more specifically, we also demand:

- The effective inviolability of the rights of freedom of speech, expression, association and assembly. This implies the repeal of the “Gag Law” as well as all forms of bureaucratic repression for facts that do not constitute clear punishable behaviours.

- The full guarantee of the right to strike, which would necessitate the repeal of section 315.3 of the Penal Code recognised as “crime of coercion to strike” that has been used to undermine labour actions.

- The effective independence of the judiciary from all political and economic interests and the full guarantee of the right to justice. To support this independence, we may want to reform, or altogether eliminate, the High Court which is acting as an Exceptional court. Similarly, we demand full equality in the access to justice and the eradication of any system of payments or fees as precondition for access.