Curbing the space for civic engagement
EuroMed Rights is a network of more than 80 human rights organisations, institutions and individuals based in 30 countries in the Euro-Mediterranean. Created in 1997 in response to the Barcelona Declaration and the establishment of the Euro-Mediterranean Partnership, we stand by universal human rights principles and strongly believe in the value of cooperation and dialogue across and within borders.

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Executive summary

In recent years, many governments across the Euro-Mediterranean region have tended to adopt ever more repressive measures and policies to curtail civil society activism and muzzle critical voices. This phenomenon has been labelled by international human rights institutions as "shrinking (or closing) space for civil society", indicating a downward movement where human rights defenders (HRD), journalists, trade unionists, lawyers, intellectuals and any dissenting voice face arbitrary restrictions, physical threats, judicial harassment, arrest and sometimes death.

These multi-faceted attacks reduce the capacity of civil society organisation (CSO) to play its fundamental democratic role, as watchdog and as leader of alternatives, and constitute a violation of the States' obligation to promote and protect an enabling environment for civil society, in particular freedom of expression, assembly and association, free access and dissemination of information and the participation in public affairs.

The civil space for action refers to the conditions and context in which the aforementioned organisations are executing their mandates. Notably, the main elements for enabling spaces for action are: a) Freedom of expression; b) Freedom of peaceful assembly; c) Freedom of association (right to i): establish, ii): run and iii): close down an association); d) Access to funding; e) Access to decision makers; f) Access to information; g) Freedom of movement.

An infringement on one or more of these rights would indicate a shrinking space for civil society action. In the neighbourhood south, these infringements are practiced by local governments and encompass legal restrictions, trials against CSOs and HRDs, prosecutions, judicial harassments, travel bans, freezing assets, rise of Governmental NGOs, ad hoc articles published to undermine their credibility, pressure on independent journalism, public defamation campaigns, infiltrations, restrictions on militancy.

Since its creation in 1997, EuroMed Rights, formerly the Euro-Mediterranean Human Rights Network,

1  https://ec.europa.eu/commission/presscorner/detail/fr/MEMO_97_23
2  Supra note 1
has paid particularly close attention to freedom of association, assembly and expression in the region³. These freedoms represent the core value of civil society. EuroMed Rights has been following the situation in various countries, denouncing violations, supporting the work of its member organisations, and formulating recommendations for governments in order to guarantee the exercise of these rights.

One of the principal tasks of EuroMed Rights is to demand that fundamental rights, including these freedoms, are taken into consideration by EuroMed region governments and European institutions in the development of their policies. Civil society is inseparable from these liberties: the right to gather and demonstrate, the rights to associate, the right to freely express are a significant aspect of human rights values, as affirmed by the Universal Declaration of Human Rights (Articles 19 and 20), international conventions and the United Nations Human Rights Council resolution of September 2012 on the rights to freedom of peaceful assembly and of association. Further, as recognised by the resolution A/HRC/RES/32/31 adopted in 2016, civil society plays a key role in facilitating the achievement of the purposes and principles of the United Nations (UN), and that the undue restriction of civil society space therefore has a negative impact upon their achievement.

This paper evidences that, in most countries of both shores of the Mediterranean, laws restrict the space for civil society and do not abide to International Human Rights norms and standards and the recommendations of the International Human Rights bodies. Closing civil society space is a growing trend, impacting civic actors in countries throughout the world. A healthy civil society has been at the centre of many achievements in the developing world over recent years; access to education, healthcare, environmental improvements or debt relief, to name just a few.

A free and open civil society is critical to hold governments to account and to deliver on development’s aim of better equality and poverty reduction. Yet recent years have witnessed an alarming rise in restrictions placed on civil society’s ability to operate, including in developing countries, to the extent that some have described the phenomenon as a “global emergency”. The trend has encompassed a range of repressive measures by governments, from constraints on freedom of assembly to imposing excessive red tape and limitations on NGOs receiving funding from foreign donors. The restrictions and laws placed on civil society are contagious: similar laws designed to control their activities are multiplying across the world.

³ For the geographic mandate of EuroMed Rights: https://euromedrights.org/about-us/who-we-are/
States are increasingly adopting laws which interfere with the rights to freedom of association, assembly and expression and are hampering the work of civil society organisations and individuals. These restrictions are weakening the role of civil society in the world and are a stark example of policies adopted by governments, on both shores of the Mediterranean, to silence voices and close the space for debate for all the civil actors engaged in the advancement of human rights.

In Europe, as in countries both South and East of the Mediterranean, civil society organizations and human rights defenders who speak out against unjust laws and government practices, challenge public opinion or those in power, demanding justice, equality, dignity and freedom, are being increasingly targeted. Groups working to promote or defend human rights are smeared, stigmatized, put under surveillance, harassed, threatened, prosecuted on spurious charges, arbitrarily detained and physically attacked.

In most of these countries, public meetings and demonstrations, especially when they are critical of public officials or policies are considered by States as a political and security threat that has to be curtailed, instead of a phenomenon inherent to political life and a right that States must facilitate. Numerous legal provisions sanction this approach and expose peaceful demonstrators to judicial proceedings, administrative and police arbitrariness.

In European countries, security laws adopted over the past years in the context of the fight against terrorism, the development of surveillance methods and files, and an increasingly private use of public spaces have increased legal obstacles and risks for citizens in the exercise of their rights to assemble...
and to protest. Those who criticize the authorities in these countries, or who express views which are at odds with dominant political, social or cultural opinions, are at special risk. Too often, they are forced to “tone down”, self-censor, or scale back their activities, dedicate their limited resources to excessive and unnecessary bureaucratic requirements, and may be excluded from funding opportunities.

In the worst cases, civil society organizations are shut down and individuals criminalized and jailed simply for organizing to defend human rights. Restrictive legislation reflects the broader political and cultural trends in which toxic narratives demonize “the other” and breed blame, hatred and fear, creating a fertile ground for the enactment of such laws; and justifying them in the interests of national security, identity and traditional values. In practice, they often silence critical and diverse views and opinions and inhibit the ability of organizations and individuals to scrutinize governments.

The phenomenon is evident in all regions. In some countries leading politicians and government officials are increasingly adopting a nationalist, anti-immigration and "anti-foreign" discourse to delegitimize opponents or scapegoat minorities. States are adopting similar legislation in their drive to silence independent and critical voices in civil society. Politicians are fuelling negative narratives to discredit civil society organizations or human rights defenders, for example those who defend refugees’ and migrants’ rights or who promote diversity, as well as the feminist movement. The narratives are creeping into the public discourse and creating a hostile environment for those defending and promoting human rights.

The justifications for draconian restrictions are as diverse as the countries in which they are implemented. Such justifications include national security, concern about foreign interference in national affairs, the need to protect national identity, traditional values and morals, religious beliefs, economic development and other imperatives.

The practical obstacles posed by restrictive and arbitrary laws, and the climate of fear and suspicion surrounding civil society organizations and human rights defenders, discourage others from demanding human rights and make it increasingly difficult to maintain an open and healthy space for civil society. Change and progress often arise from the efforts of groups of individuals who come together to demand human rights. Their work is a vital check on those in power and silencing them has consequences for everyone’s human rights.

Without trade unions, there would be no workers’ rights; without environmental organizations, we would not be concerned about climate change and environmental degradation; without organized and sustained campaigning, torture and the death penalty would remain prevalent; and without feminist, LGBTI, migrant, and indigenous rights groups, countless people would continue not to be heard and systematically oppressed.

According to the UN Declaration on the Right and Responsibility of Individuals, Groups and Organs

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4 UN special rapporteur on extrajudicial, summary or arbitrary executions, report “Saving life is not a crime”: “the criminalization and targeting of humanitarian services and actors arising from activities to fight terrorism and deter migration and from the outlawing or stigmatization of sexual and reproductive rights », 2018: https://undocs.org/A/73/314
of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (Declaration on Human Rights Defenders, HRDs), "each State has the responsibility and duty to protect, promote and implement all human rights and fundamental freedoms" and "to ensure that all persons under its jurisdiction, individually and in association with others, are able to enjoy all those rights and freedoms in practice".

The Declaration also recognizes that everyone, individually or collectively, has a role to play in making human rights a reality, by campaigning and advocating for human rights, sharing information, holding those in power to account, and demanding justice, equality, dignity and freedom. Human rights cannot be realized without a thriving, safe and open civil society space which is free from excessive state controls, interference, and from discrimination. It is time for governments and the international community to address this downward spiral.

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Civil Society Organizations and the realization of Human Rights

Civil society refers to the sum of individuals, groups, organizations and institutions that express and work on behalf of a variety of interests and initiate various activities and debates in society in support of these interests. It includes journalists, academics, human rights organizations, community-based groups, trade unions, charities, think-tanks, religious groups, academic institutions and political parties.

Commonly known as the "third sector", it is separate from the state and businesses. Not all of this sector defends human rights: some may simply provide services; some protect the interests of specific groups; and some may even be involved in activities and discourse that deny human rights and promote a hateful agenda.

Groups and individuals who promote or defend human rights play an essential role in the advancement of human rights. The ability to exercise the right to freedom of association is crucial in creating an environment where people can organize to protect and promote human rights.

The Declaration on human rights defenders gives special recognition to the importance of people working individually or collectively towards the realization of human rights and the right of all to form, join and participate in civil society organizations, associations or groups to promote or defend human rights.

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rights as a fundamental pillar of the international human rights system.

When the Declaration was adopted in 1998, it shifted "the understanding of the human rights project: from a task accomplished mainly through the international community and States to one that belongs to every person and group within society. The Declaration recognizes that the equal justice, equal opportunity and equal dignity without discrimination long sought and deserved by every person can be realized only by empowering individuals and groups to advocate, agitate and take action for human rights. State action, while necessary and required, is insufficient to fully realize the human rights enshrined in the Universal Declaration of Human Rights".

International standards on Civil Society and the right to association

Civil society organizations play an essential role in the promotion and protection of human rights; they are a tool enabling individuals to work towards the elimination of human rights violations and hold those responsible to account. Enshrined in all leading human rights instruments, the right to freedom of association allows for individuals to form or join formal or informal groups to take collective action to pursue a common goal.

The Declaration on HRDs outlines particularly the rights of individuals to form, join and participate in civil society organizations, associations or groups to promote or defend human rights, a key component of the right to association.

It also articulates the importance that civil society organizations are able to freely exercise the rights to association and expression, including through activities such as seeking, obtaining and disseminating ideas and information; advocating for human rights; engaging in governance and the conduct of public affairs; accessing and communicating with international human rights bodies; and submitting proposals for policy and legislative reform at the local, national and international levels.

To enable individuals to do this, states must provide an adequate legal framework for the establishment of groups and organizations and ensure an environment that enables them to carry out their work without undue interference by the state or third parties. While the right to association is not absolute,

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international human rights law requires states to ensure that any restriction imposed on individuals' right to gather and organize must be adequately prescribed by law, in accordance with the principle of legality, and be necessary and proportionate to a legitimate aim. This means that such measures must be established in terms that are sufficiently precise and clear to allow their consequences to be reasonably foreseeable by those affected by them.

To comply with these provisions, states must ensure that any interference by authorities genuinely pursue one of the limited reasons allowed for such restriction, which are listed in the International Covenant on Civil and Political Rights (ICCPR), namely national security, public safety or public order, public health or morals and the protection of the rights and freedoms of others (Article 22).

Even when it is demonstrated that a measure regulating or interfering with the right to association pursues a legitimate aim, the measure must respond to a pressing social need and be proportionate in pursuit of its aim.

**Measures restricting the work of civil society organizations, including by imposing administrative burdens, must be as unobtrusive as possible, with due regard to the significance of the interests at stake.**

An adequate legal framework to facilitate the right to association requires states to establish a procedure to recognize organizations as legal entities in a way which is understandable, non-discriminatory and which is either affordable or free of charge.

The UN Special Rapporteur on the rights to freedom of peaceful assembly and of association has recommended states to implement a notification regime through which the legal personality of an association does not depend upon state approval. Rather, they should automatically acquire legal personality by notifying authorities of their creation.

Associations that are not registered are equally protected under international human rights law and such organizations should not be subjected to criminal sanctions for carrying out peaceful activities. The right of groups to seek, receive and utilize resources from national, foreign and international sources is an essential component of the right to association.

The UN Human Rights Council has stressed the importance of safeguarding the capacity of civil society organizations to engage in fundraising activities, calling upon states not to criminalize or delegitimize activities in defence of human rights on account of the origin of funding. Similarly, the UN Human Rights Committee and the Special Rapporteur on the rights to freedom of peaceful assembly and of association have stressed the importance of safeguarding NGOs’ capacity to engage in fundraising activities, and have argued that funding restrictions that impede the ability of associations to pursue

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their statutory activities constitute an interference with Article 22 of the ICCPR\textsuperscript{13}.

Furthermore, Article 2 of the International Covenant on Economic, Social and Cultural Rights provides for an obligation on states to engage in "international assistance and co-operation, especially economic and technical" in achieving the full realization of the rights protected under the Covenant. Such assistance and co-operation include the financial support of civil society organizations engaged in activities to achieve the full realization of those rights\textsuperscript{14}.

States must also ensure that administrative requirements do not have the effect of limiting the exercise of the right to freedom of association, including by over-scrutinizing associations or by imposing onerous and bureaucratic reporting requirements. In particular, the UN Special Rapporteur has recognized that, while independent bodies have a legitimate reason to examine the associations’ records to ensure transparency and accountability, states must ensure that this procedure is not arbitrary and that is respectful of the rights to non-discrimination and privacy, as it would otherwise put the independence of associations and the safety of their members at risk\textsuperscript{15}.

In many countries civil society is under pressure. Collective citizens’ efforts, especially when they have political salience, seem to be regarded with increasing suspicion and even to be actively countered. Anti-NGO laws, arbitrary inspections, harassment, and criminalisation all strike at the roots of civic space.


\textsuperscript{15} Ibid, para. 65.
Obstructing the work of Civil Society

Several countries are introducing or applying measures that are burdensome for those wanting to register and operate an NGO, particularly if they hold views critical of the authorities or if their activities are deemed undesirable. Barriers to registration are particularly widespread but additional requirements include the imposition of excessive bureaucratic requirements such as providing detailed and frequent activities reports. In addition, many states also allow for the authorities to subject organizations to close monitoring and surveillance.

In many countries, legislation and other regulations have introduced barriers to the registration of civil society organizations, such as the need for authorization to operate or to gain legal personality and drawn-out costly registration procedures, and a lack of clarity around these procedures. The right to freely form associations is protected under international human rights law, regardless of whether an entity is formally registered or not. Some associations may choose to register with the authorities to gain legal personality, for example to access certain rights and fulfil needs like obtaining public funds, to

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sign contracts, for recruitment and to open bank accounts, but associations may decide not to register for different reasons.

Obtaining legal personality is crucial to the right to freedom of association. To enable this right, countries generally adopt a notification procedure, through which organizations simply notify the authorities of the creation of an organization, or an authorization regime, thereby requesting permission from the authorities for the organization to operate.

The Special Rapporteur on the rights to freedom of peaceful assembly and of association has recommended a notification procedure as best practice because it ensures greater protection of the right to freedom of association and avoids the possibility of discretionary powers and arbitrary or discriminatory decisions that would contravene the right to association. Authorization regimes that require an association to apply to register and then await authorization have been found to lead to delays, the need to meet additional requirements, and to open the door to arbitrary decision-making by the authorities. In practice, requirements, steps and the timing of the registration process is often complex and unclear, creating confusion in the process and leading to applications being rejected. In some cases, authorities deny registration based on unsound reasons or without any justification. Sometimes there are no effective remedies available to organizations to challenge a rejection before an impartial and independent court.

By imposing bureaucratic hurdles and complicating the registration process, these provisions can also become tools used to gather information for intelligence purposes, to discourage or disband organizations deemed undesirable, muzzle critical voices and exclude those who cannot afford the legal process and the registration fees.

**Egypt**: From 2017 to 2019, a relentless crackdown on Civil Society

Since 2002, due to the NGO law 84/2002, Egypt is on the forefront for the crackdown on civil society organisations: in 2017, President Abdel Fattah al-Sisi ratified a law contravening international human rights standards and Egypt’s own constitution. According to the Law 70 of 2017 for Regulating the Work of Associations and Other Institutions Working in the Field of Civil Work, all NGOs were prohibited from conducting activities that “harm national security, public order, public morality, or public health”. In 2019, Egypt faced intense internal and external pressure to repeal a draconian 2017 law that threatened to crush the independent work of nongovernmental organizations, including provisions to imprison their workers for their

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17 Former UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, Legal personality and registration, FOAA Online: [http://freeassembly.net/foaa-online/legal-personality-registration/](http://freeassembly.net/foaa-online/legal-personality-registration/)


peaceful work.
The Law Governing the Pursuit of Civil Work (commonly known as the NGO Law), or law No. 149 of 2019, went into effect after President Abdel-Fattah El Sisi ratified the law and it was published in the edition of the Official Gazette dated August 19, 2019. The new law prohibits a wide range of activities, such as to “conduct opinion polls and publish or make their results available or conduct field researches or disclose their results” without government approval. The law states that the government must “ensure the integrity and neutrality of the polls and their relevance to the activity of the Association.” The law completely prohibits other activities under vaguely worded terms such as any “political” work or any work that undermines “national security.”

Egypt’s 2019 NGO Law governs the process by which domestic and foreign nongovernmental organizations (NGOs) can achieve legal recognition and sets forth provisions on their activities, oversight and monitoring, funding, and sanctions for violations of the law.

**Relevant restrictions**

The law conceives a narrow purpose for domestic and foreign NGOs. Multiple provisions in the law refer to “societal development” as the purpose of NGO work, marginalizing organizations that do not fit into the traditional development definition.

Although the law states that domestic NGOs are considered recognized under the law upon submission of their paperwork to the Ministry of Social Solidarity, their registration can still be challenged by the Ministry in the following 60 days in cases where NGO activities are deemed to violate the constitution or the law, or there is an issue with paperwork. Additionally, an NGO cannot open a bank account until the Ministry first communicates with the bank. Foreign NGOs must apply for and receive approval for their activities from the Ministry of Foreign Affairs before being able to engage in any activities in Egypt.

Domestic and foreign NGOs are prohibited from pursuing activities that breach a number of vaguely worded terms like “national security”, “public order”, and “public morals”. Other provisions prohibit NGOs from conducting political activities; entering into agreements with foreign entities; conducting opinion polls and surveys; relying on foreign persons as experts, employees, or volunteers; and participating in workshops abroad without prior approval.

Per the law, domestic NGOs may receive funding from Egyptians and foreign persons residing abroad or foreign persons residing inside the country. The Ministry of Social Solidarity must be informed of the transaction and is then given a period of 60 days to challenge the transaction, during which the money cannot be spent.

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The law creates a Central Unit for Associations and Civil Work within the Ministry of Social Solidarity to be responsible for the monitoring and oversight of NGOs. Designated representatives of the Ministry are, upon providing notice to the NGO, allowed to enter its headquarters to provide technical support, monitor activities, and review books and records. It is unclear how often such monitoring may take place. Another provision in the law allows the Ministry to challenge the candidacy of NGO board members. The law requires that the Ministry create an instrument to enable exchange of information between “relevant authorities” in cases where NGOs are suspected to be involved in terrorist financing or to be exploited for this purpose.

The law authorizes the Ministry of Social Solidarity to temporarily halt activities and to order the closure of the headquarters of domestic NGOs for up to one year in a number of circumstances. This order is then subject to court review within seven days. The law also authorizes the Ministry to request the dissolution of a domestic NGO or the removal of its board of trustees or board of directors by court order. It also empowers authorities to halt activities or to cancel the permits of foreign NGOs that are deemed to be in violation of the law or due to national security threats.

Further, the crackdown on civil society is not only targeting CSOs, but also putting the life of Human Rights Defenders and activists at risk: as of 20 September 2019, in a new wave of repression, the government arrested more than 1500 demonstrators. The demonstrations are banned in the country since 2013.21

The Office of the High Commissioner for Human Rights (OHCHR) regional conference on torture, scheduled on 4-5 September in Cairo, was cancelled thanks to the indignation of international NGOs22, stressing how “torture is systematically practised by the security forces, and in collaboration with the Egyptian National Council for Human Rights, which acts under the auspices of the government”.

**The right to freedom of association is core to any society. It is an indispensable right in enabling citizens to monitor the human rights situation in a country and to support the implementation of human rights policies. It is key for the work of human rights defenders.**

This right covers organised and professional organisations such as political parties, trade unions, public associations and non-governmental organisations with employees. It also covers organisations based on volunteers, and groups and entities with or without a legal personality.

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Algeria: obstructions to the exercise of freedom of association

In Algeria, a 2012 law on associations, the Law 12-0623, requires associations, even if they have successfully registered previously, to apply a new for a registration receipt from the Interior Ministry in order to operate legally. Under the new law, the registration of associations is no longer a matter of simply notifying the authorities. Thus the creation of an NGO is no longer subject to a declarative regime based on simple notification but must be pre-authorised by the government, which must either send the association a registration receipt that signifies its approval or notify it that registration has been denied (art. 8). Thus the new legislation entrenches in law a practice that was already widely applied by the administrative authorities, and it gives them broader powers while failing to guarantee that NGOs will be governed by independent and impartial regulations.

On February 27, 2018, Algerian authorities sealed the premises of two women’s rights associations, the Feminist Association for Personal Development and Exercise of Citizenship (Association Féministe pour l’Epanouisement de la Personne et l’Exercice de la Citoyenneté, AFEPEC) and Algerian Women Claiming their Rights (Femmes Algériennes Revendiquant leurs Droits, FARD), on the pretext that they were not registered. Authorities had issued neither a receipt for their re-registration, leaving them in a legal limbo. A week later, authorities provisionally permitted the organizations to resume work. On May 20, an administrative court ordered the governor to issue FARD a registration receipt, which it did in September 29. Other associations such as the Algerian League for Human Rights (Ligue Algérienne de Défense des Droits de l’Homme, LADDH), Youth Action Rally (Rassemblement Action Jeunesse, RAJ), Algeria’s Amnesty International section, are among formerly registered associations whose applications for re-registration received no answer.

Tunisia: The threat on Freedom of Association24

CSOs have been campaigning to preserve Tunisia’s Decree 88 on Associations—one of the most progressive and enabling CSO laws in the region—in the face of proposed government amendments that would impose restrictions on registration and foreign funding. In January 2019, government officials declared that instead of repealing or amending Decree

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88, the state would address Decree 88’s shortcomings by issuing other related laws. In March, for instance, the government released a draft law to establish an electronic platform for CSO registration. While the draft law would overcome the challenge of Decree 88’s highly centralized registration process, it contains a number of problematic aspects, including provisions that would undermine Decree 88’s system of registration by notification and add additional reporting requirements that are linked to penalties for noncompliance. The draft law is currently pending the cabinet’s approval. As part of the government’s efforts to address gaps and challenges in Decree 88, it is also expected to issue proposed laws on the establishment of foreign CSOs, on public benefit organizations, and on foundations.

The government recently enacted amendments to Tunisia’s Counterterrorism and Anti-Money-Laundering Law. The amendments create new challenges for Tunisian CSOs, including by prohibiting not-for-profit organizations from accepting funds exceeding 500 Tunisian Dinars if the funds are paid through multiple associated transactions. The amended law also stipulates that a competent court may issue a decision dissolving a not-for-profit organization if it has been proven that its administrators or members were involved in any crime specified in the law.

The critical importance of CSOs makes Law 30 of 2018, which the Tunisian parliament adopted on July 27, very worrisome. The law establishes a national registration of institutions and requires public and private companies, including CSOs, to register with this new entity. The law came in response to the European Parliament adding Tunisia to its list of countries at “high risk” of money laundering and terror financing in February, a decision that harmed efforts to rebuild the Tunisian economy and that many European parliamentarians criticized as undeserved.

Advocates of including CSOs within Law 30 argue that some CSOs are fronts for terrorist organizations and thus the whole sector must be more tightly controlled. But several prominent CSOs warned against passing it, calling it unconstitutional and pointing out that Decree 88, the current law on nongovernmental organizations (NGOs), already regulates the civil society sector and provides the transparency the new law supposedly seeks.

Including CSOs within Law 30 is not only unnecessary, it appears to be a backdoor way to increase government oversight of civil society and will undoubtedly create a chilling effect on freedom of association in Tunisia. Human rights CSOs —traditionally the most vulnerable subset— will be among the worst affected. Laws to monitor and regulate civil society activity are often effective tools of state repression but are unlikely to have a discernible impact on terror financing and money laundering. In other words, terrorists will likely keep up their work through extralegal or informal means, while CSOs will be burdened with extra paperwork and bureaucracy —and this is the best-case scenario. The worst-case scenario is that fear of submitting themselves to strict government oversight will prevent organizations from performing their fundamental work.
In a context of stricter migration policies, activities carried out by NGOs and volunteers to ensure migrants get access to basic services and rights when the state is not delivering, are increasingly being portrayed by politicians as colluding with human smuggling and trafficking. A trend has emerged to pose obstacle, demonise, stigmatise, and criminalise humanitarian assistance to migrants throughout Europe, creating a chilling effect that results in discouraging solidarity. We refer broadly to this phenomenon as the “criminalisation” of solidarity, as it extends beyond mere judicial actions.

A toxic narrative on migration and those who help migrants has gained impetus in the last few years. While countering irregular migration and increasing border control has become a political priority in Europe, irregular migrants are being criminalised both in discourse and in practice. In this context, the fight against human smuggling and trafficking is used as a migration management tool for stricter migration regimes, the protection of the victims often being only a secondary concern.

The terms smuggling and trafficking are used interchangeably in political and public discourse, even though they refer to different concepts. According to the UN, “smuggling of migrant shall mean the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident”25. It

involves profit making for the smuggler but does not necessarily create a victim, or lead to violence and coercion. Indeed, the migrant resorts to the service of a smuggler in order to cross a border. On the contrary, human trafficking entails a victim; violence and coercion (e.g. forced labour or prostitution). For the UN, “trafficking in persons shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, [...], for the purpose of exploitation”. Both terms are thus clearly distinct even if interlinked, and misusing them in the public discourse leads to confusion and misunderstanding of these phenomena.

While it is impossible to gather statistics on the criminalisation of solidarity in Europe due to the variety of cases and legislation in different countries and due to the absence of monitoring tools, a clear trend of shrinking space\(^\text{26}\) for CSOs and human rights defenders supporting migrants has been emerging, as those few examples attest. NGOs and volunteers are the collateral victims of the fight against human smuggling and trafficking.

**France and the crime of solidarity**

In France, several people who have provided support to migrants have been prosecuted for alleged smuggling. The French law foresees criminal sanctions against the facilitation of entry and transit done on a for-profit basis or in rule of compensation. The exemption for humanitarian assistance, expanded in 2012, did not suppress the “délit de solidarité” (crime of solidarity), as several humanitarian assistance acts can still be interpreted as smuggling under a far-reaching interpretation of the law. Migrants rights’ activists, volunteers and associations are frequently harassed and intimidated in various areas, such as at the border between France and Italy, near the Italian town of Ventimiglia, for example, where migrants survive in deplorable conditions and endure violence, harassment and push backs by the police\(^\text{27}\).

Despite the July 2018 Constitutional Council rule stressing on solidarity as among the highest values of the French republic and that assisting undocumented migrants should not therefore be criminalized "when these acts are carried out for humanitarian purposes", in August 2018, France adopted a flawed asylum and immigration law. The French Ombudsman, the Council of Europe Commissioner for Human Rights, the UN High Commissioner for Refugees and several NGOs criticized the law for undermining access to asylum, including by weakening appeal rights and safeguards for those subject to accelerated asylum procedures. The law failed to ban detention of migrant children, despite six European Court of Human Rights rulings that such detention by France violated their rights.

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\(^\text{26}\) Council of Europe, Recommendation CM/Rec(2018)11 of the Committee of Ministers to Member States on the need to strengthen the protection and promotion of civil society space in Europe, 28 November 2018: [https://search.coe.int/cm/pages/result_details.aspx?objectid=09000016808fd8b9](https://search.coe.int/cm/pages/result_details.aspx?objectid=09000016808fd8b9)

In June 2019, international lawyers filed a 245 page legal proceeding before the International Criminal Court (ICC) against the European Union (EU), Italy, Germany and France; accusing them of crimes against humanity. The lawyers claim that they are criminally liable for the migration policies they have endorsed and carried out since 2014 in the Central Mediterranean Sea and the cooperation with Libya that has led to the deaths and abuses of many migrants.\(^\text{28}\)

This toxic and chilling environment has led to a progressive withdrawal of CSOs' Search and Rescue (SAR) activities in the Mediterranean Sea. This situation has been further compounded because of decisions made by EU countries to withdraw vessels from the EU anti-smuggling civil military mission, known as "Operation Sophia" in March 2019.

This effectively leaves migrants attempting the dangerous journey to Europe at the mercy of ill-trained Libyan coast guards (supported by the European countries), that place those rescued into detention in Libya, a country devastated by civil war. Both the International Organization for Migration (IOM) and the UN refugee agency (UNHCR) have repeatedly raised concerns about the lack of rescue capacity at sea, the criminalisation of CSOs' SAR activities and the abhorrent conditions migrants are facing in Libya. They even indicated that the country cannot be considered a safe point of disembarkation.

### Italy at war against Search and Rescue activities in the Mediterranean

NGOs carrying out search and rescue (SAR) operations in the Mediterranean Sea are also being accused of colluding with smugglers and creating pull factors for migrants to Europe.\(^\text{29}\). In Italy, after the government introduced a code of conduct in 2017 that restricts NGOs' SAR actions, several people and organisations have come under investigation for human smuggling and have seen their possessions/materials seized and/or destroyed.

In addition, since the Italian government prohibited SAR vessels from docking in its ports in the summer of 2018, rescue ships carrying vulnerable migrants and minors on board have been frequently held for days (or even weeks) at sea while EU governments negotiate where to disembark the rescued seafarers. Migrants and minors on board have been frequently held for days (or even weeks) at sea while EU governments negotiate where to disembark the rescued seafarers.

In March 2019, the rescuers of the Spanish NGO, Proactiva Open Arms, declined to follow the

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\(^{29}\) Paolo Cuttica, "Pushing Migrants Back to Libya, Persecuting Rescue NGOs: The End of the Humanitarian Turn", 19 April 2018: https://www.law.ox.ac.uk/research-subject-groups/centre-criminology/centreborder-criminologies/blog/2018/04/pushing-0
Italian Maritime Rescue Coordination Centre’s (MRCC) instructions to return rescued migrants back to the Libyan forces. The reason for doing so was based on documented reports that migrants who are returned to Libya are subject to human rights abuses. In fact, a detailed independent Report issued by the United Nations Office of the High Commissioner for Human Rights (OHCHR) reports that asylum seekers, refugees and other migrants intercepted by the Libyan coast guard "face indefinite detention and frequent torture and other ill-treatment in centres unfit for human habitation". The detainees are subject to serious human rights violations, as "lack of adequate healthcare, and disturbing accounts of violence by guards, including beatings, whippings, and use of electric shocks" have been reported by Human Rights Watch. It should also be mentioned that children are not excluded from these practices.

A "security decree bis", approved by the Italian government in June 2019, further reinforced the crackdown against NGO’s SAR operations in the Mediterranean Sea under the pretence of fighting irregular migration. With this decree, the Italian Ministry of Interior is able to limit the activities of SAR boats at sea, including by prohibiting them from docking in Italian ports and by seizing their vessels. Fines of up to €50,000 per incident are foreseen for the captain, owner, and operator of a vessel entering Italian territorial waters without authorisation. In addition, other provisions and criminal sanctions to fight human smuggling and to restrict the right to demonstrate in general could threaten the activities of CSOs supporting migrants.\textsuperscript{30}

Criminalization of dissent or the exploitation of the law to suffocate people’s voices

Recent heavy handedness from police and the authorities more generally has seen protest gradually edge onto the wrong side of the law, specifically when it comes to criticism of governments’ policies. In many countries around the world, policing and security institutions often resort to the excessive use of force to disperse crowds, states introduce restrictive laws and endorse practices that curtail people’s ability to protest and express dissent, while protesters and social leaders are frequently persecuted and subject to human rights violations.

On both shores of Mediterranean, the right to peaceful assembly and the possibility to demonstrate dissent through mass demonstration is curbed by authoritarian regimes.

On both shores of Mediterranean, the right to peaceful assembly and the possibility to demonstrate dissent through mass demonstration is curbed by authoritarian regimes and laws harming one of the very basic rights belonging the safe existence of civil society.

One of the fundamental aspects of democracy is the peaceful resolution of conflict and the respect of the rights of each individual within the limits of the rights of others. It is therefore essential for a democracy to enable opposition, differing and minority views to be expressed publicly and peacefully through the
exercise of the right of assembly and demonstration. These demands must also be heard and taken into account by elected representatives; otherwise the very essence of democracy is undermined, pushing societies towards violence and open conflict. The key therefore lies in the facilitation by authorities of the right of peaceful assembly, and their non-use of excessive force or arbitrary arrests. On the other hand, demonstrators must not resort to violence if they want to see their right protected.

Only under these conditions can a space for social dialogue be established and can freedom of assembly be an effective agent for participation in public affairs and social change. In practice, participation in democracy does not stop at the election process.

The right to protest

Protests play an important part in the civil, political, economic, social and cultural life of all societies.

Historically, protests have often inspired positive social change and the advancement of human rights, and they continue to help define and protect civic space in all parts of the world. Protests encourage the development of an engaged and informed citizenry. They strengthen representative democracy by enabling direct participation in public affairs. They enable individuals and groups to express dissent and grievances, to share views and opinions, to expose flaws in governance and to publicly demand that the authorities and other powerful entities rectify problems and are accountable for their actions. This is especially important for those whose interests are otherwise poorly represented or marginalised.

The right to protest formally involves the exercise of numerous fundamental human rights, and is essential for securing all human rights. While important in all societies, few protests are completely free of risk or potential harm to others. Hence, international standards allow for restrictions on many of the human rights engaged in protests; however, these are allowed only under limited and narrow circumstances. Despite existing guarantees in international human rights law, it has been widely recognised that States need greater guidance in understanding and implementing their obligations in this field.

The OSCE/ODIHR Principles, therefore, elaborate a set of minimum standards for the respect, protection and fulfilment of the right to protest, while promoting a clear recognition of the limited scope of restrictions.

They represent a progressive interpretation of international human rights standards, including the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights; of regional human rights standards; of accepted and evolving state practice (reflected, inter alia, in national laws and the judgments of national courts); and of the general principles of law recognised by the community of nations (in particular the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, the UN Code of Conduct for Law Enforcement Officials, the standards elaborated by special procedures of the UN Human Rights Council, and the Organization for Security and Co-operation in Europe’s Guidelines on Freedom of Peaceful Assembly).
The Principles are intended to be used by civil society organisations, activists, human rights defenders, lawyers, judges, elected representatives, public officials and other stakeholders in their efforts to strengthen the protection of the right to protest locally, regionally and globally.

The right to protest is the individual and/or collective exercise of existing and universally recognised human rights, including the rights to freedom of expression, freedom of peaceful assembly and of association, the right to take part in the conduct of public affairs, the right to freedom of thought, conscience and religion, the right to participation in cultural life, the rights to life, privacy, liberty and security of a person and the right to nondiscrimination. The right to protest is also essential to securing all human rights, including economic, social and cultural rights.

States have an obligation to: a) **Respect the right to protest**: they should not prevent, hinder or restrict the right to protest except to the extent allowed by international human rights law; b) **Protect the right to protest**: they should undertake reasonable steps to protect those who want to exercise their right to protest. This includes adopting measures necessary to prevent violations by third parties; and c) **Fulfil the right to protest**: they should establish an enabling environment for the full enjoyment of right to protest.

This includes providing effective remedies for violations of all human rights embodied in the right to protest.

In their constitutional provisions (or their equivalents) and in their domestic legislation, states should recognise and give effect to the indivisible, interdependent and interconnected human rights embodied in the right to protest, in accordance with international human rights law.

These should include all the rights essential to the exercise of protests, in particular: i. **The right to freedom of expression**: the freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his or her choice; ii. **The right to freedom of assembly**: the freedom to intentionally gather in a space for a common expressive purpose; iii. **The right to freedom of association**: the freedom to associate with others, including to form and join trade unions for the protection of individual and collective interests; iv. **The right to public participation**: the right of everyone to, inter alia, take part in the conduct of public affairs, directly or through freely chosen representatives.

Rights that are often violated when protests are repressed, in particular: i. **The right to life**: the right of everyone not to be arbitrarily deprived of his/her life; ii. **The right to freedom from torture, inhuman and degrading treatment**: the right not to be subjected to torture or to cruel, inhuman or degrading treatment or punishment; iii. **The right to privacy**: the right of everyone not to be subjected to arbitrary or unlawful interference with their privacy, family, home or correspondence, nor to unlawful attacks upon their honour and reputation; and the right to the protection of the law against such interference or attacks; iv. **The right to liberty and security of the person**: the right not to be subjected to arbitrary arrest or detention and not to be deprived of his/her liberty except on such grounds and in accordance with procedures established by law.
Algeria: restrictions to the organization and participation in demonstrations

Authorities continued to routinely violate the right to freedom of assembly. The penal code punishes organizing or participating in an unauthorized demonstration in a public place with up to one year in prison (article 98). A court in the city of Ghardaia in October 2017 filed various charges against six human rights and political activists for protesting in front of the courthouse the trial of a human rights lawyer in 2016. On June 26, the court acquitted them of all the charges. Throughout August and September 2018, the authorities blocked meetings planned for Algiers, Constantine, and Bejaia organized by the Mouwatana movement, a group that presses for democratic reforms and opposes a fifth term for President Abdelaziz Bouteflika, although having assured he would not run.

Turkey: restricting and criminalizing the right to protest

In Turkey, 2018 marked an increase in arbitrary bans on public assemblies, particularly evident after the end of emergency rule when governors assumed greater powers to restrict assemblies.

Police detained students from leading universities for peaceful protests on campus against Turkey’s offensive on Afrin and for holding up banners critical of the president. At least 18 students were held in pretrial detention for such protests and many more prosecuted for crimes such as “spreading terrorist propaganda” and “insulting the president.”

In August, the Interior Minister banned the long-running peaceful weekly vigil at a central location in Istanbul by the Saturday Mothers, relatives of victims of enforced disappearances seeking accountability. Police violently dispersed and briefly detained 27 of the organizers. The ban on holding the vigil at the traditional location is still effective since August 2018. A Saturday Mothers’ vigil in Diyarbakir was also banned, as were all public assemblies organized by the Diyarbakir branch of the Human Rights Association from September onwards.

On September 15 2019, police detained hundreds of construction workers who protested poor work and living conditions on the building site of the third airport in Istanbul. Courts ordered 37, including trade union officials, into pretrial detention, with six later released. Many more are under criminal investigation accused of offenses such as staging an unauthorized protest and resisting dispersal.
Lastly, during the International Day for the Elimination of Violence Against Women on 25 November and on 8 December, the gatherings of women reunited to denounce the sex-oriented violence were disrupted by law enforcement officers. Some of the participants were detained and are now facing trial for "insulting the President of the Republic".

As stated by the OSCE/ODIHR guidelines on freedom of peaceful assembly, there is a close and symbiotic link between freedom of peaceful assembly and freedom of association. Freedom of assembly is essential for the normal activities of many associations (such as trade unions), and an enabling environment for associations facilitates the exercise of freedom of peaceful assembly.

Furthermore, what may begin as a mobilization or gathering of like-minded individuals might evolve into an association over time. As such, the associational value of an assembly can be just as important as its communicative or expressive purpose.  

France: the normalization of the State of Emergency

In the wake of a series of appalling attacks in Paris on 13 November 2015, which left 130 people dead and hundreds injured, a state of emergency was declared in France.

Between November 2015 and May 2017, prefects used emergency powers to issue 155 decrees prohibiting public assemblies, in addition to banning dozens of protests using ordinary French law. They often sought to justify these bans on the basis of violent actions by some protesters during previous demonstrations. However, under international human rights law and standards, the right to freedom of peaceful assembly is an individual right and the fact that a minority of protesters engage in violent acts on previous occasions does not justify banning future assemblies, preventing those who wish to exercise their right to peaceful assembly from doing so.

Prohibiting a public assembly should be a measure of last resort adopted only if less intrusive measures cannot achieve the legitimate aim. Any prohibition aimed at protecting public order should be based on specific risks identified through a thorough assessment.

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Since November 2015, law enforcement officials, including forces specializing in policing demonstrations, have been deployed to enhance the protection of specific venues and sites that could be the targets of violent attacks; these include places of worship, embassies, government buildings and tourist attractions. The authorities have often justified bans on public assemblies by arguing that they lack sufficient policing resources to maintain public order while carrying out the priority task of preventing further violent attacks on the general population.

The authorities have frequently deployed hundreds of law enforcement officials to contain peaceful protesters who did not represent any concrete threat to public order and who were either holding spontaneous public assemblies or were collectively gathering at the meeting points of planned demonstrations.

Since 14 November 2015, prefects have been able to ban public assemblies using either emergency or ordinary powers. In many cases, they used the two sets of powers jointly or interchangeably. Many of the decrees issued to impose a ban referred indeed to both sets of powers. Thousands of public assemblies were organized in France in 2015 and 2016. For example, 5,178 and 5,393 demonstrations took place in Paris in 2015 and 2016, respectively. According to the figures provided by the Ministry of the Interior, prefects issued 155 decrees prohibiting public assemblies between 14 November 2015 and 5 May 2017 using emergency powers.

Some of these measures prohibited any public assembly within a specific period of time in specific areas. The Ministry of the Interior noted that it did not collect official figures regarding the number of public assemblies prohibited on the basis of ordinary powers.

The authorities have often justified banning public assemblies by referring to the context of the state of emergency, even when the prohibitions were imposed under ordinary powers. They have sought to justify the bans on the basis of the lack of adequate policing resources to maintain public order during public assemblies because of the additional demands on law enforcement resulting from the state of emergency.

A July 2016 amendment to the Law on the State of Emergency explicitly establishes that a lack of adequate policing resources to maintain public order is a permissible ground for banning public assemblies.

In the wake of the “yellow vests movement”, police forces used rubber bullets, sting-ball

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33 Article 8 of Law 55-385 of 3 April 1955 on the State of Emergency.
grenades and tear gas against largely peaceful protesters who did not threaten public order. During protests on 8 December 2018 in Paris, 225 protesters were injured according to official figures. In a deliberate tactic, the police appear to have set up barriers to search everyone heading to the demonstrations in order to confiscate protective equipment from protesters, journalists and even medics.

The police also used anticipatory measures to search people who did not necessarily present an imminent risk of violence. Not only did people have their protective equipment confiscated, but in some cases it was used as a pretext for arrest.

On 8 December, nearly 400 people on their way to the protests were arrested in Paris after being searched at police barriers. These "preventive arrests" resulted from an order from the prosecutor allowing the police to conduct searches in certain areas. Many people who were carrying objects such as helmets, paint or masks were arrested for the offence of "participating in a group that intends to commit damage or violence".

The following day, many were released from custody due to lack of sufficient evidence against them. Figures released by the Ministry of Interior show that, in total, 1,082 people were arrested on 8 December in Paris, including 100 children.

In 2019, The French government passed a new law, the law "anti-casseurs", in response to violence during some of the gilets jaunes protests. Among its measures, the new law sets out stricter laws for protesters, and require vandals and violent protesters to help pay for and fix any damage that they cause. It could also create a list of people who have been banned from protesting due to violence, and forbid protesters from covering their face.

During the G7 meeting in Biarritz last August, Exceptional security measures were put in place in cities such as Bayonne, about 8km from Biarritz, and the whole of Biarritz city itself, to prevent people from gathering to exercise their freedom of assembly. NGO's observers were stopped and searched six times in about two hours in the area.

Authorities had issued an order establishing a security area covering the city centre where everyone could be subjected to stop and searches. A few hundred protesters, as well as journalists, observers and residents alike, were blocked for about five hours. The police only

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allowed them to leave late in the evening. Despite the fact that only very few violent incidents were observed during the three days, about 100 people were arrested between 23 and 25 August, with about 70 of them placed in pre-charge detention with some trials already started against representatives of the French Human Rights League. Among them, three women observers from the French Human Rights League were arrested and placed in pre-charge detention on 24 August, after detection of protection materials.

On 28 September, during a demonstration of the yellow vests movement in Toulouse, NGOs’ observers have been prevented from monitoring the demonstration and have threatened by police forces and being the target of tear gas.

Police forces have been heavily criticised by human rights organisations for using excessive force and heavy-handed crowd control and anti-riot tactics during “Gilets Jaunes” (Yellow Vest). Although some of the police tactics may have been justified for deterring violent demonstrators, at times police has resorted to use of force in a “disproportionate and unnecessary manner” against peaceful protesters, causing physical harm and serious injuries to hundreds of peaceful demonstrators, including high-school students and journalists.

The Ligue des droits de l’homme (LDH), the French League of Human Rights, claimed that as a result of “violent policing” during the Yellow Vest protests, many of the injured women and men were “disabled for life, blinded, hands torn off, with injuries on the stomach or face, with irreparable consequences.” The LDH accused the police of using excessive force, disproportionate devices, indiscriminate gassing and bludgeoning of protesters.

Spain“: The threats from the Ley Mordaza and vaguely defined crimes of the Penal Code

The Law on Citizen Security was proposed in 2013 by the government of then Prime Minister Mariano Rajoy, whose right party enjoyed a majority in both houses of Parliament at the time. Ostensibly, the law was intended to improve people’s safety and protect public order. In reality, it was intended to help Rajoy’s party silence dissent at a time when anti-austerity protests were sweeping the country. Instead of responding to people’s needs and demands at a time of need, the government chose to clamp down on people’s right to hold peaceful public protests. When the law came into force in 2015, backlash was swift. Tens of thousands of citizens held major demonstrations outside the Congress and other buildings in Madrid, often wearing blue gags or tape over their mouths to signify the chilling effect the law has on free speech. Criticism also came from the international human rights community. In February 2015, four United Nations Special Rapporteurs (on the right to peaceful assembly, on the promotion and protection of the right to freedom of expression, on the promotion and protection of human rights and fundamental freedoms while countering terrorism, and on the situation of human rights defenders) issued a joint statement against the gag law, which they said “penalizes a wide range of actions and behaviors that are essential for the exercise of this fundamental right, thus sharply limiting its exercise” and “unnecessarily and disproportionately restricts basic freedoms such as the collective exercise of the right to freedom of opinion and expression in Spain.”

The so-called “Gag Law” (Ley Mordaza) defines public protest in front of Parliament and other government buildings as a “disturbance of public safety” punishable by a fine of 30,000 euros. It also implements grave fines for anyone who joins in spontaneous protests near utilities, transportation hubs, nuclear power plants, or similar facilities. And in a direct attack on the press, the “unauthorized use” of images of law enforcement authorities or police can also draw a 30,000 euro fine –making it nearly impossible to document abuses committed by law enforcement officers.

With the dissolution of the ETA, the spotlight has migrated from the Basque Country to Catalonia, where the pro-independence movement has been growing since 2008, with mass marches and demonstrations every year since. The independence referendum of Catalonia, held in October...
2017, was met by immense\(^{50}\) violence from the Spanish police; causing an international commotion due to images\(^{51}\) of elderly people being beaten\(^{52}\) while trying to vote.

The Commissioner for Human Rights of the Council of Europe expressed several times her concerns in connection with the disproportionate and excessive use of violence by police officers but also in regard of the "Ley Mordaza": "The broad and imprecise wording of the Law as a whole gives a wide margin of discretion to law enforcement forces in interpreting it and thus allows for potentially disproportionate and arbitrary limitations to the exercise of the rights to freedom of expression and freedom of peaceful assembly, as protected under the European Convention on Human Rights."\(^{63}\)

After the Catalan Parliament attempted to declare independence, Spain invoked Article 155 of the Spanish Constitution, suspending regional autonomy. Prominent pro-independence civil society leaders and activists, members of the Catalan Government and Parliament were detained and others left the country. Politicians\(^{54}\) and activists\(^{55}\) continued to be arrested after the restablishment of the regional autonomy

In October 2018, Spain’s Supreme Court ordered a total of 18 Catalan separatist leaders to stand trial. Prosecutors sought jail terms of up to 25 years\(^{56}\) for crimes such as disobedience, rebellion, and embezzlement of public funds. All 18 leaders deny the charges and their lawyers claim\(^{57}\) that the trial is political. Twelve of those leaders have been tried in Madrid by the Spanish Supreme Court and are awaiting their sentences. Six others have yet to face trial in the High Court of Justice of Catalonia.

Moreover, several high-profile Catalan leaders, including former President Carles Puigdemont, are living in exile after the justices of their new countries denied Spain’s repeated requests for extradition. Other Catalan leaders, such as Anna Gabriel, leader of the far-left political party

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Popular Unity Candidacy (CUP) and Marta Rovira, from the Republican Left of Catalonia (ERC), also decided to self-exile—in their cases, in Switzerland—to escape from a justice they considered partial and persecutory.