

**FORM FOR TABLING A QUESTION FOR
WRITTEN ANSWER (Rule 130)**

Select only one addressee:

PRESIDENT OF THE EUROPEAN COUNCIL **COUNCIL**

VICE-PRESIDENT / HIGH REPRESENTATIVE **COMMISSION**

Priority question

AUTHOR(S):

SUBJECT: Freedom of expression under threat in Spain
(please specify)

TEXT:

This week Mallorcan rapper Valtonyc was sentenced to three and a half years in jail by the Spanish Supreme Court accused of exaltation of terrorism and slander against the Crown due to the lyrics of a song.[1] Earlier this week, a court ordered the seizure of copies, halt of printing and of sales of the book 'Fariña', which reveals the relationship between drug traffickers and some politicians; also an art piece regarding political prisoners in Spain was censored in the art exhibition ARCO.[3] Singer Pablo Hasel, accused of slander against the Crown and the State is also awaiting the resolution of his trial and could be sent to prison.[4]

The European Court of Human Rights has ruled against article 490 of the Spanish Criminal Code which provides protection to certain institutions against public offense. The Court sentenced those provisions were not aligned with article 10 of the European Convention of Human Rights. Those articles remain unchanged and have been the legal base for those recent rulings.

Does the Commission consider that the Spanish Law 4/2015 and the Spanish Criminal Code is fully aligned with articles 11 and 12 as enshrined in the Fundamental Rights Charter of the European Union?

- 1- https://politica.elpais.com/politica/2018/02/20/actualidad/1519138222_303069.html
- 2- <http://www.publico.es/culturas/farina-jueza-ordena-secuestro-cautelar-libro-farina-narcotrafico-gallego-peticion-excalde-grove.html>
- 3- <http://www.lavanguardia.com/cultura/20180221/44950153381/arco-obra-santiago-sierra-presos-politicos-proces.html>
- 4- <http://www.publico.es/sociedad/twitter-son-62-tuits-cancion-fiscalia-pide-3-anos-prision-40500-euros-rapero-pablo-hasel.html>

Signature(s):

Date: 22-2-2018