

Cases and rulings

Country Code	Year	Reference details title	Reference details URL	Hate Bias motivation	Court / Body	Key facts of the case	Results (sanctions, outcome) and key consequences or implications of the case	Main reasoning / argumentation	Key issues (concepts, interpretations) clarified by the case	Key quotation in original language and translated into English with reference details
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Spain	2014	Spain / Higher Court of Madrid (ninth section of the Administrative Litigation Division) / No. 306/2014		Nationality	Higher Court of Madrid	In March 2014 The government prohibited a planned demonstration by extreme right wing parties in Lavapiés, a multicultural neighbourhood in Madrid. The slogan of the call was: "Publicly rejecting mass immigration which is a real invasion of our fatherland, and demanding strong defense of our borders." The groups that called for the protest had been involved in acts of violence in the neighbourhood and used social media to spread messages such as: "everyone with baseball bats that day, like the Bear Jew", "let's cut off empty heads", "stop, sons of bitches like you shall not pass".	The appeal brought by the organisers was rejected and the ruling by the Government Delegate forbidding the protest was confirmed.	Banning a protest can be done when there are substantiated indications that it will create a disturbance of public order, with danger to people or property. The prohibition was based on objective data: during other demonstrations by right-wing groups in the same neighbourhood, serious public disorder occurred as a result of counter-demonstrations mobilised by left-wing groups; the same day an authorisation was requested for the demonstration, members of one of the organising parties lit a flare at the door of the NGO SOS Racism office, located in Lavapiés, and placed a placard against this NGO.	Public order and danger to persons and goods as limit to fundamental right to assembly. The demonstration was planned for 8 March 2014, and shortly before, members of the convening organisations had been involved in serious altercations in the area. The place chosen for the demonstration is a neighbourhood of Madrid where most of the population is foreign and which is known for its multicultural and multi-ethnic character. The violent actions and the xenophobic content of the calls and of the protests carried out by the organising bodies on occasions immediately prior to the request for authorisation, are circumstances which reveal the high likelihood that serious disturbance to public order may occur.	"La protección anticipada de derechos e intereses concurrentes integra el fin perseguible por la decisión de la autoridad gubernativa, con la necesaria utilización de un razonamiento prospectivo, en el que aparezcan como factores primordiales la correcta valoración de las circunstancias existentes que puedan estimarse indiciarias de una situación latente de riesgo para las personas o bienes, con relación a una posible alteración del orden público". "The anticipated protection of competing rights and interests form the aim which requires the action of the law in the decision by the competent authority, with the necessary use of a prospective reasoning, in which the overriding factors are the correct evaluation of the circumstances which can be judged to indicate a latent situation of risk for people or property, with regards to a potential disturbance of public order."

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