

# assemblea

## OSCE Supplementary Human Dimension Meeting on Freedom of Expression, Media and Information

22-23 June 2020

### SESSION I: Freedom of expression and its relation to other fundamental freedoms

#### *Intervention of the Catalan National Assembly (Civil Society Organization)*

My name is Jordi Vilanova, and I speak on behalf of the Catalan National Assembly, a grass-roots organization defending the right to self-determination of the Catalan people.

Following the terrorist attacks in Paris in January 2015, the Spanish government introduced amendments to the Criminal Code and the Law on the Protection of Public Security -also known as the gag law- in order to criminalise “public dissemination of messages” that could be interpreted as “glorification of terrorism” or “humiliating victims of terrorism”, as well as introducing limitations and fines for participation in public assemblies.

These laws have been used to grant additional powers to Spanish authorities to undermine international human rights standards and, consequently, freedom of expression in Spain has come under pressure during the past few years.

Social media users, journalists, lawyers, activists and musicians have been prosecuted under Article 578 of the Penal Code, dozens of persons have been detained and the authorities have imposed tens of thousands of fines on protesters, human rights defenders and journalists for conducting activities that are protected by the rights to freedom of expression and peaceful assembly.

In October 2017, following the Catalan independence referendum, the parliament of Catalonia was suspended and dissolved, and the executive was taken over by the Spanish government. While the institutions have been somewhat restored, the actions of the Spanish state since October 2017 have fundamentally undermined the right to public political participation of the Catalan minority.

For instance, in the European Parliament elections in May 2019, 2.3 million voters voted for the Junts per Europa ticket headed by Carles Puigdemont, Toni Comín, who are, in exile and the Ahora Repúblicas ticket headed by Oriol Junqueras who is still in pre-trial detention. Despite Mr. Puigdemont & Mr. Comín having been able to take office through a European Court of Justice ruling, Spain’s Electoral Commission and the Supreme Court insist they cannot take their seats.

By doing this, Spain has disenfranchised more than two million members of the Catalan minority and denied their right to political participation.

In April 2018 UN Special Rapporteur on freedom of opinion and expression urged the Spanish authorities to refrain from pursuing criminal charges of rebellion against political figures and protesters belonging to the Catalan minority involved in the independence referendum, and very recently insisted on the need to free them.

In a statement of June 2019 on the trials of the Catalan independence leaders, the UN Working Group on Arbitrary Detention stated, and I quote, “that the purpose of the criminal charge and the resulting trial is to coerce them on account of the political opinions they have expressed”. Over a year later, Spain has not yet taken any steps to address this situation.

The improper use of antiterrorism laws and other high crimes has a chilling effect on public participation. Many Catalans are increasingly afraid to engage in public life.

On October 21st, 2019, following the massive protests against the sentences for nine Catalan civic and political leaders, the Council of Europe Commissioner for Human Rights expressed her concern at the, and I quote, “disproportionate use of force and inappropriate use of anti-riot weapons by the police on demonstrators” during protests the week before. She also called the Spanish authorities to ensure protection of freedom of expression and peaceful assembly.

On January 2020, during the UN Universal Periodic Review of Spain, over 110 countries brought up questions and recommendations regarding the human rights situation in Spain, of which a total of 22 have taken the opportunity to address the violations of civil and political rights during the last five years. The questions regarding police violence, against the gag law, arbitrary detention and torture were especially poignant.

Other organizations such as Amnesty International, the World Organisation Against Torture, the OSCE Representative on freedom of the media, and several UN rapporteurs, have condemned and raised concerns on Spain’s increased restrictions of freedom of expression and peaceful assembly.

Finally, during the COVID-19 epidemic, the abuse by law enforcement of citizens has increased. We have seen videos of disproportionate police violence for breaking confinement and the imposition of over 1 million fines in three months; all while Spanish nationalist demonstrations, joined by the far-right, were left untouched. The Spanish gag law is mostly used by the state against political dissidence, especially against the Catalan self-determination movement.

For all these reasons, the Catalan National Assembly calls on the Spanish authorities to respect, protect and promote the right to freedom of expression, peaceful assembly and political participation of the Catalan minority, and its legitimate right to self-determination, and for the OSCE Representative on Freedom of the MEdia to carry out a country visit to Spain and report on the situation there.