

assemblea

OSCE Supplementary Human Dimension Meeting (SHDM) II 2021 Democratic Law-Making: Ensuring Participation April 26th-27th

SESSION II: Recent Challenges and Opportunities of Law-Making

Written statement of the Catalan National Assembly (Civil Society Organization)

During the last years many deficits have emerged in the upholding of democratic principles in Europe, and challenges posed by democratic backsliding have come to forefront. This can undermine the very integrity of the legislative processes. For several years, Spanish authorities have been limiting political participation and the normal functioning of the legislative in Catalonia, and we have witnessed an increasing process of judicialization of political activity as well as an increasing arbitrariness of the Courts' decisions, threatening fundamental human rights.

In order to limit autonomy as well as self-government, since 2015 the Spanish Constitutional Court has suspended numerous laws on social and economic issues approved by a democratic majority in the Catalan Parliament. In several cases, these were laws including the same legal content approved in other regional parliaments. This has had a negative impact in the legislative process and overall affected the democratic quality of the whole system.

The systematic obstruction of Catalan laws is not the only threat undermining the integrity of the legislative process, as lawfare has been deployed as a political tool to maintain the territorial integrity of Spain. Ms. Carme Forcadell, a former speaker of the Catalan Parliament, is one of the nine Catalan civil and political leaders condemned to sentences from 9 to 11 years of prison despite the calls for freedom by international organizations such as the United Nations Working Group on Arbitrary Detention and Amnesty International. Ms Forcadell spent two years in pretrial detention for allowing a parliamentary debate on independence, and in 2019 was sentenced to 11 years and a half. Other members of the Catalan Parliamentary bureau have been prosecuted for proceeding with motions on issues relating to civil and political rights, and several MPs have been suspended by the Spanish judiciary.

For all these reasons, the Catalan National Assembly calls on Spanish authorities to respect, protect and promote the right to political participation of the Catalan representatives and civil society, and for OSCE experts to visit Catalonia and report on the situation there.