

# Submission to the Office of the High Commissioner for Human Rights

## Universal Periodic Review, 49th session: Kingdom of Spain

Since Spain undertook the last UPR exam (2017-2021), there has been no progress in the situation of Catalans. The criminalisation of the pro-independence has not ceased; false accusations of terrorism have been used to persecute activists; the Amnesty Law has been applied unevenly and benefited mostly Spanish police officers accused of violence; and judicial interference and attacks continue threatening the use of Catalan language.

In 2022, it was uncovered that more than 65 Catalans had been spied on with highly intrusive spyware, but there has been no thorough investigation, accountability nor reparations.

### Human rights abuses (2019-2024)

#### 1 | Right to a Fair Trial and Judicial Equality (ICCPR Article 14)



Spanish judiciary is heavily politicised, undermining fair trials for Catalan pro-independence activists.



The 2024 Amnesty Law, intended to annul sentences for hundreds of activists, has been obstructed by judges, with only a fraction of cases benefiting from it. Internal judicial communication is reportedly oriented toward opposition to the law, perpetuating systemic discrimination.

#### 2 | Right to Privacy (ICCPR Article 17)



Illegal surveillance using Pegasus and Candiru spyware targeted over 65 Catalan leaders, activists, and journalists from 2015 to 2021.



Victims included former Assemblée President Elisenda Paluzie, with judicial investigations hindered by claims of “national security.” This surveillance violated fundamental privacy rights and created a chilling effect on free expression and activism.

#### 3 | Freedom of Opinion and Expression (ICCPR Article 19)



The 2015 “Gag Law” broadens the scope of what constitutes “glorification of terrorism,” leading to arbitrary prosecutions.



Artists have been prosecuted for song lyrics critical of the monarchy. Valtoryc had to flee into exile, and Pablo Hasel was imprisoned.



Journalists exposing police misconduct face terrorism charges, such as Jesús Rodríguez, who fled to Switzerland due to politically motivated accusations.

#### 4 | Right to Peaceful Assembly (ICCPR Article 21) and Freedom of Association (ICCPR Article 22)



Peaceful protests by Catalan groups are frequently disrupted, with activists falsely accused of terrorism or violence.



During the 2024 inauguration of Catalan President Salvador Illa, police dispersed peaceful protesters with pepper spray, causing severe health effects. Police reports falsely labeled peaceful activists as violent.



## 5 | Right to Public Participation (ICCPR Article 25)



Spanish authorities have targeted Catalan elected officials, undermining democratic processes. For instance, Catalan President Quim Torra was removed from office for displaying a pro-rights banner.



In 2022, the UN found Spain violated political rights by suspending Catalan MPs while in pre-trial detention, obstructing public participation and representation.

## 6 | Right to Equality and Freedom from Discrimination (ICCPR Article 26) and Right to Language and Culture (ICCPR Article 27)



Education policies mandating 25% of lessons in Spanish threaten Catalan language immersion programmes, vital for cultural preservation.



Discrimination against Catalan speakers is on the rise, with reports of public service barriers and hate speech against the Catalan language, culture and identity.



Catalans face increasing online hate speech, often ignored or unaddressed by Spanish authorities.



Activists like Albert Donaire are prosecuted under hate crime laws for promoting Catalan independence, showcasing misuse of legislation to suppress dissent.

## Key Recommendations

In the light of all the aforementioned abuses, ANC and UNPO recommend to the Spanish authorities:



**Refrain** from using antiterrorist legislation to repress political dissent.



**Respect** freedom of expression, of assembly and association, ending persecution and prosecutions against Catalans.



**Speed up** an exhaustive investigation on the use of spyware, hold the responsible accountable and ensure reparations for victims.



**End** linguistic restrictions and discrimination against Catalans and tackle hate speech.

## What is the Assemblea Nacional Catalana (ANC)?

The Catalan National Assembly (ANC) is a grassroots organization encompassing different ideologies, religions and nationalities. We work on a voluntary basis for a common cause: to achieve Catalan independence in a completely peaceful and democratic manner.

Without any economic or political dependency or conditioning. We do not receive public subsidies.

## What is the Unrepresented Nations and Peoples Organization (UNPO)?

The Unrepresented Nations and Peoples Organization is an international membership-based organisation established to empower the voices of unrepresented and marginalized peoples worldwide and to protect their fundamental human rights.

The peoples represented within the UNPO membership are all united by one shared condition: they are denied equal representation in the institutions of national or international governance.

Read the whole report here



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