

23 September 2019

**WORKING SESSION 10 RULE OF LAW: SPANISH NATIONAL STATEMENT**

Mr Moderator,

Spain fully shares UE declaration and recommendations. At the same time, we would like to add some comments in my national capacity.

OSCE participating States have agreed through their human dimension commitments that Pluralistic Democracy based on the rule of law is the only system of government suitable to guarantee human Rights effectively. Let me stress "Pluralistic Democracy based on the rule of law".

We all agree that human dimension deals not only with human Rights but also with democracy and the rule of law. There is no hierarchy among them. They complement and reinvigorate each other.

In this framework, Copenhagen Document stipulates para 24 that Human rights could not subject to any restrictions except those provided for by the law and consistent with other obligations under international law.

Mr Moderator,

El 12 de febrero comenzo la vista oral de la causa 20907/2017 en el que son juzgados 12 dirigentes del llamado proceso independentista catalan. Otros seis están huidos de la justicia y no son juzgados porque la legislación procesal española no esta prevista el enjuiciamiento en ausencia. Los tipos penales que se les imputa son delitos recogidos en elCodigo Penal.

In connection with this question, let me recall that Copenhagen 1990 in its para 5.3 reads "the duty of the government and public authorities to comply with the constitution and to act in a manner consistent with law" ; para 5.5 stipulates that the activity of the government and the administration as well as that of the judiciary will be exercised in accordance with the system established by law. Respect for that system must be ensured.

Mr Moderator,

In Helsinki 2008 on Further Strengthening the rule of law Participating States are encouraged to enhance efforts inter alia effective right to a fair trial, access to court, accountability of state institutions and officials, respect for the rule of law in public administration, the right to legal assistance.

Moreover, according to para 12 of Copenhagen 1990, participating States wishing to ensure greater transparency in the implementation of the commitments undertaken in the Vienna concluding Document decide to accept as a confidence building measure the presence of observers at the proceedings before courts. On this Spain has gone beyond as the trial above mentioned is in streaming, just like this HDIM.

Mr Moderator,

Let conclude by reiterating Spain s unwavering commitment to comply with our human dimension acquis and its promotion in the coming years.

Thank you very much.