

Working Session 12, Tolerance and non-discrimination II, including address by the OSCE High Commissioner on National Minorities: - Rights of persons belonging to national minorities

Intervention of the Catalan National Assembly (Civil Society Organization)

Thank you Mr Moderator. I'd like to talk about threats to public participation of Catalan people, and to urge the OSCE high commissioner on national minorities to turn the attention of his office to this critical situation.

In October 2017, following 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 participation of the Catalan minority.

For instance, on European Parliament elections in May 2019, 2.3 million voters voted for the lists Junts per Europa and Ahora Repúblicas, led by Carles Puigdemont, Toni Comín, and Oriol Junqueras, in exile and in pre trial detention respectively. Spain's Electoral Board has not allowed these three elected MEPs to take up their seats in the European Parliament. This follows the suspension of Catalan Members of Spanish Parliament, and also of the Catalan parliament. Most of the people who voted for them are members of the Catalan minority, including many youngsters, who as a result are not being represented by their chosen delegates in the Catalan Parliament, Spanish Congress and European Parliament.

By doing this, Spain has violated the right to vote and right of political and public participation of more than two million members of the Catalan minority.

Spain has also used criminal law to coerce the Catalan minority into not voicing their political opinions.

In April 2018 UN Special Rapporteur on freedom of opinion and expression urged the Spanish authorities to refrain pursuing criminal charge of rebellion against political figures and protesters belonging to the Catalan minority involved in the independence referendum. In early 2019, the UN Special Rapporteur on minority issues stated, that "non-violent political dissent by minorities should not give rise to criminal charges", and joined "the concerns" of the UN Special Rapporteur on freedom of opinion and expression.

Against those warnings, in June this year in its findings related to the trials of the Catalan independence leaders, the UN WGAD stated "that the purpose of the criminal charge and the resulting trial is to coerce them on account of the political opinions they have expressed".

Similarly, just yesterday ten pro independence activists were arrested under anti-terrorist law related to their planned demonstrations for when the judgments are issued in the trial of the Catalan leaders. As with many other cases with this law, there do not appear to be any true indications that violent actions were being planned.

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

For all these reasons, the Catalan National Assembly calls on Spanish authorities to

respect, protect and promote the rights of the Catalan minority, including the right to self determination and on the OSCE High Commissioner on National Minorities to visit Catalonia and report on the situation there.