



Declaration by Spain on Democracy and the Rule of Law in Spain
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Mr Chair,

Last week I asked to take the floor, to inform you about the situation of democracy and the rule of law in Spain. I do so once again to call your attention to the latest events in my country provoked by the separatist challenge of the Government of Catalonia—a challenge to the Spanish Constitution, to the Catalan Statute of Autonomy, and to Spanish democracy. The continuing breaking off of legality has led to a very severe and growing fracture and social tension.

The laws on convening the referendum and on the legal transition to and foundation of the so-called “republic” adopted by the Catalan Parliament on 6 and 7 September violated the most basic parliamentary and democratic norms. They were adopted against the advice of the legal services of the said Parliament, and were declared unconstitutional by Spain's Constitutional Court. With total contempt for any judicial decisions, the Government of Catalonia has continued violating and failing to comply with the Constitution, the laws, and court rulings; moreover, it has moved forward with a plan in which the so-called “referendum” of 1st of October represents a break with the democratic rule of law.

Throughout the day of the 1st of October, we have seen actions of disobedience and contempt of court rulings induced by the very institutions representing the State in Catalonia. The legitimacy of the Catalan regional institutions emanates from the Spanish Constitution of 1978, a covenant for peaceful coexistence among all Spaniards, which received the vote of more than 90% of Catalans that same year in an irreproachable referendum.

In recent months, the Catalan authorities have violated the principles that have sustained our democracy and the peaceful way of living together of the Spanish people for the past 40 years, and they have inflamed feelings tending towards exclusionary nationalist attitudes and a level of radicalisation bordering on xenophobia. On the other side are the many hundreds of thousands of Catalans who do not want to see a fracturing of Catalan society, nor a breaking off of Catalonia's centuries-old ties with the rest of Spain as a differentiated part of a single political community. We Spaniards who believe in democracy find ourselves facing the challenge of defending our democratic system, our

Constitution, and our laws, and of repairing the social and political divisions caused in Catalonia.

Mr Chair,

In these times, we are seeing a deceitful game that plays “appearances” against “reality” in an attempt to induce confusion. Under the guise of invoking democracy, we are witnessing a mockery of democratic principles. The Venice Commission warned on two occasions that the “referendum” planned for 1 October did not meet the Commission's criteria because it was contrary to the Constitution and to the laws. The Catalan Government ignored this decision, and continued with its plans. This irresponsible attitude is in the source of all of the episodes we experienced on October 1st.

Allow me to call your attention to some facts that should not go unnoticed, concerning events that occurred on the day of that vote. I am referring here to the nonexistence of an electoral roll, to the absence of observers, and to the printing of ballots by the voters themselves. There are documented cases of multiple voting, that ballot boxes were placed on the street and in private homes, and that some votes were counted in such atypical sites as places of worship. Opaque ballot boxes were used, and there were ballot boxes stuffed in advance with ballots. On the night of 1 October, the announcement of the preliminary results by those responsible for the elections gave as a result of participation a percentage totalling 100.88%. The so-called “referendum” has been characterised by an absolute lack of guarantees as a consequence of its flagrantly illegal nature. We looked on in embarrassment at this simulacrum designed to obtain only one possible result: a crude excuse for the unilateral proclamation of secession.

Mr Chair,

Now, I am going to refer to another “appearance” upon which we should reflect: that of a “repressive State”. The repetition of scenes of violence during the day of the 1st of October, have made headlines, and have hidden the basic underlying realities: flagrant violation of the rule of law, a serious attack on the general interests, and the violation of the fundamental rights and freedoms of millions of citizens.

Firstly, I would like to highlight that the State security forces have acted in defence of our constitutional legal system. They have done so carrying out a court order to prevent the referendum from being held, and they have done their duty in a situation that was extremely hostile to them.

Spaniards, having learned our lesson from history, reject violent actions. The necessary precondition for social harmony is respect for democratic laws. To the extent that there may have been abuses or overreach in the use of force,

the rule of law will act through the courts in response to any complaints presented. We trust fully in the rule of law. Allow me to remind you that Spain is the country with the least number of convictions per capita in the European Court of Human Rights.

Secondly, I would like to highlight that the actions of the State security forces have not been indiscriminate, nor in any way premeditated, as some are trying to make you believe. The actions of these security forces were for the purpose of confiscating material aimed at perpetrating an act that had already been declared illegal by the courts. To carry out this court decision, it was inevitable to dislodge people from spaces that had been occupied with the aim of impeding compliance with courts rulings.

Thirdly, and given that some have termed “brutal repression” what occurred on October, 1ST proclaiming figures of more than 800 wounded, I feel it is necessary to insist that the facts—the documented facts—are that the number of people hospitalised was four: two with mild injuries, who were released the next day on October 2nd; and at present a 70-year-old person who had suffered a heart attack and another person with a more serious injury remain in hospital.

On the contrary, there has not been as much talk, nor have as many images been circulated, regarding the many aggressions suffered by the security forces, nor regarding the wounded Civil Guards and Police—more than 30 of them. It is important to underscore the harassment of police officers, journalists, politicians, and private citizens who did not support the illegal referendum. These acts of violence and persecution persist, and include actions that could be considered hate crimes and which constitute severe abuses of fundamental rights.

Mr Chair,

I would also like to refer to the concerns expressed in different circles regarding a supposed restriction of rights, in particular the rights to freedom of expression and freedom of assembly.

No measures of a general or indiscriminate nature have been adopted. The measures adopted by court order, also in the area of fundamental rights and freedoms, have been exceptional and directly linked to preventing illegal actions related to holding the referendum. No journalists have been arrested; no media outlets have been intervened; no information has been censored—as clearly shown by the wide media coverage of these events.

Nor has there been any restriction whatsoever on the rights to assembly and demonstration. The actions of groups of people in a clear violation of court decisions or who were resisting authority to impede the implementation of those

orders cannot be confused with exercising the right to assembly. Moreover, Spain has already responded positively to the request for a visit sent to us on 27 September by United Nations Special Rapporteur on the rights to freedom of peaceful assembly and of association. Since 1991, Spain has had a permanent invitation open to all of the United Nations rapporteurs and independent experts, to visit our country in order to carry out their mandates. To date, we have no pending acceptance of any request sent to us through the United Nations system.

Furthermore, I would like to stress that one of the actions that is causing concern is the use, processing, and dissemination of the personal information of millions of Catalans (addresses, telephones, and I.D. numbers), which could constitute a massive violation of the fundamental right to the protection of personal information.

I referred in my remarks last week to the disinformation and manipulation that have surrounded the recent events in Catalonia. These actions have continued and increased. Many fabricated fake photos have been circulated, and images from past events have been used to supposedly illustrate the incidents on the 1st of October. I urge you all to use caution and common sense when making judgements based on such images—judgements about an open and welcoming country that has received visits from more than 70 million people annually in recent years; a country which some are now trying to present as being subjected to a repressive and hostile regime.

Mr Chair,

The announcement of the President of Catalonia that there will soon be a unilateral declaration of independence is very serious, and cause for grave concern. The Government of Catalonia intends to perpetrate a coup against democracy, thus culminating an insurrection. Our democratic institutions have the duty and the responsibility to respond calmly and firmly to this attempt. The Government of Spain is today, as it has been in the past, open to dialogue, but for this dialogue to take place there must be a return to democratic legality and constitutional loyalty, and a re-establishment of public order. The harassment and persecution of the forces of order must cease, and the threats against and stigmatisation of citizens who are not pro-independence must also cease.

On Tuesday, 3rd of October, His Majesty King Felipe VI addressed the Spanish people in his role as Head of State, in these difficult and complex times. His Majesty reminded us that our democratic principles are strong and solid. And this is because they are based on the desire of millions and millions of Spaniards to live together in peace and freedom. The Head of State expressed his desire and his conviction that on this path to that better Spain to which we all aspire, Catalonia will also be with us.

Mr Chair,

In this Organization, which promotes a rules-based security order, we know that if we weaken the rule of law, we put security at risk. Therefore, I am grateful for the statements that we have heard in these past days defending democracy and the rule of law in Spain. Your support is crucial. Please be sure that Spain's democratic institutions have as their guiding principle the ideal of social harmony—in peace, in freedom, and in democracy—among all Spaniards, whose rights and freedoms are safeguarded by the Constitution of 1978.

Mr Chair,

I would be very grateful if you would include the text of this declaration in the Journal of today's Plenary Meeting

Thank you very much.