

Statement on the dire situation of the Rule of Law in Catalonia **The fundamental rights of citizens are not negotiable**

Barcelona, November 4, 2022

The feeling of abandonment and impotence experienced by more and more non-nationalist citizens in Catalonia forces us to reflect deeply on the current situation of the rule of law in this regional Community and to examine the causes that have brought us here.

In any full democracy, the public powers are the first ones obliged to comply with the laws and the resolutions of the courts without the need for the judiciary to resort to coercion to enforce what has been judged. It is not only a legal imperative, but also, and mainly, an exemplary imperative. There cannot be even a hint of the Rule of Law if it is the public powers themselves who encourage the breaking of the law and disobedience of judicial decisions.

The current territorial structure of Spain, one of the most decentralized countries in the world, necessarily requires the loyalty of the different public powers within the framework of the constitutional order for its operation. The Catalan regional government has been acting with absolute disloyalty for decades, which, in recent years, has led to open rebellion. Therefore, it is absolutely necessary to recover perspective and remember that constitutional coercion mechanisms are common instruments in any legal system and absolutely necessary to safeguard the rule of law itself.

The fundamental rights of citizens are not negotiable and must act as a limit to the concept of popular sovereignty. In no case can it claim to protect the violation of fundamental rights in eventual parliamentary majorities; and much less in dangerously populist concepts such as the "will of the people."

At the moment, Catalonia is in an extreme situation, since to the contempt and rebellion of the nationalist regional regime must be added the clear abandonment of functions by the Government of Spain, which allows autonomous regulations to be put into effect which are openly contrary to the framework in the existing legal system and the constitutional order -such as those issued with no other purpose than to hinder compliance with a final court ruling, without the Government of Spain activating the mechanisms available to prevent such abuses.

In this way, the Government of the Nation itself not only calls into question the actions of the Courts of Justice and contributes to the bankruptcy of the constitutional order but, what

is even more serious, leaves the citizens of Catalonia who intend to seek effective judicial protection of our fundamental rights without recourse.

If we add to this the fact that since the Transition the successive national governments have been making hardly justifiable concessions to the nationalist regional parties, with no other objective than to gain power or perpetuate themselves in it, we share the exhaustion of more and more Catalan citizens, who see how their rights become a bargaining chip in the engineering of parliamentary majorities.

From Societat Civil Catalana we have spent years demanding the necessary neutrality of Catalan institutions, as well as of the public media and the educational system, which cannot in any case become tools of indoctrination at the service of those in power.

We feel obliged to make an appeal to citizens and political parties, in Catalonia and in Spain as a whole, so that they are aware that what is at stake in Catalonia right now, beyond the specific and legitimate ideologies of each one, is the very subsistence of the Rule of Law.