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The debate over ideas:  
a Constitutional proposal  
for the Catalan Republic

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CONSTITUÏM



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# Prologue

Constituïm: who we are, and how we accomplished what we did.

On the 31st of January 2015 at the Ateneu in Barcelona, a forum was held in which two draft constitutions for an independent Catalonia were presented. Not previously knowing each other, Constituïm members met at this event, and eventually became a group composed of 17 experts in different subjects, with different ideologies, professions, and ages, from all over Catalonia. Our one common objective: to draft an advanced Constitution for an independent Catalan Republic.

We have spent more than 2,600 hours in group and plenary meetings. For 15 months, we have worked individually and collectively, without requesting - or receiving- any subsidy or financial aid, neither from the public nor private sector. We have worked as volunteers, in other words, gratis et amore. This has assured complete freedom of thought, and precluded any kind of undue pressure or influence.

We have taken more than 3,400 contributions into account that citizens submitted through the Internet, and others through various forums held throughout the country.

We have drafted a cogent constitutional text, facilitating debate among citizens. The draft sets out ideas, fosters thought and reflection, weighs pros and cons, and raises important constitutional questions. Debate and forming opinions is invariably facilitated when there is a tangible, cogent and developed text, rather than a blank slate.

However, this is not the Constitution. It is a draft Constitution that serves as ground for debate. It is intended to facilitate the constitutional process, in which all are invited to participate. Therefore, it is a text that must be critiqued and deconstructed if necessary. It is an additional contribution to consider, to ultimately achieve a Constitution for all Catalans.

Barcelona, May 11th 2016

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# Preamble

Catalonia is a nation that borders the Mediterranean Sea, with a cultural legacy and humanist tradition spanning millennia. With its own identity, language, and culture, we helped pioneer parliamentary procedure as a source of law, and encouraged respectful relations between peoples and nations through historically accepted institutions and norms, including 'Pau i Treva'. Embodying principles of a social and democratic Europe, we are forever open, welcoming, entrepreneurial, and fully conscious of the necessity to preserve nature and living beings as world heritage, according to the ethical principles embodied in the Earth Charter. We, as Catalans, have decided in full liberty, civility, and with democratic will, to chart a new independent course for our nation.

This new course is inextricably bound to our own history. We seek a future in which the defence of rights and liberties embodied in the Universal Declaration of Human Rights, the full expression of the democratic will of our citizens, and fraternity and harmony with other nations will be fundamental bases of progress, as well as personal, cultural, scientific, economic, and social progress.

In consequence, acknowledging that all people require coexistence as equals, peace and love among their citizens and territories, and that no evolution is possible without full expression of the popular will, we, the citizens of Catalonia, declare ourselves a nation of peace and incorruptible defenders of human rights, of the diversity that so enriches us, of direct, adversarial, and participatory democracy, of science, culture, and economy, to the service of people, in which no one dominates anyone, and in which the economy and political action preserve, at all times, the ecological and natural balance for future generations.

It is for these reasons that we promulgate this Constitution.

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## PRELIMINARY TITLE FOUNDATIONAL PROVISIONS

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### Article 1. Catalonia

1. Catalonia is constituted as a free, sovereign, democratic, social, and environmentally conscious state based on the rule of law. This Constitution asserts the fundamental values of the dignity of human beings, liberty, democracy, equality, pluralism, peace, justice, solidarity, social cohesion, gender equality, protection of minorities, and sustainability.
2. Sovereignty resides in the people of Catalonia. All the functions of the State are exercised in the name of the people and for the people.
3. The Catalan people and its territories constitute the current Catalan State.

### Article 2. Political nature of the State

Catalonia is a civic participatory republic, politically and legally.

### Article 3. Language

1. Catalan is the national and official language of Catalonia, which all Catalans must know, and have the right to use. Public institutions are obliged to preserve the vitality and promote, protect, and develop it in all areas and sectors.
2. The Castilian language shall have a special legal status, as cultural patrimony, and as a source of cohesion that must be respected, guaranteed, and protected.
3. The Occitan language, Aranès in Aran, is the territorial language and is official in Catalonia under conditions established by law.  
[Concordance art. 50 and DT 1a]

### Article 4. National symbols

1. The flag of Catalonia is the traditional senyera, with four red stripes on a yellow background, which must be present at public buildings and during official acts.
2. The national holiday of Catalonia is la Diada on the eleventh of September.
3. The national anthem is Els Segadors.
4. The diverse expressions of national allegiance and protocol shall be regulated by law.

### Article 5. Capital

1. The capital of Catalonia is the city of Barcelona.
2. All the institutions of the Catalan Republic shall exercise their functions according to the principles of proximity and decentralisation.

### Article 6. L'Aran

1. Catalonia recognises Aran as an Occitan reality endowed with cultural, historical, geographical, and linguistic identity, defended by the Aranese people throughout the centuries.
2. The Catalan Republic protects and respects the uniqueness of Aran as a singular national entity within Catalonia, object of specific protection under a special legal regime.
3. The right of self-determination is recognized for the Aranese people.

### Article 7. Territories with historic, linguistic, and cultural ties

1. The Republic shall promote communication, cultural exchange, and cooperation with territories with which Catalonia has historic, linguistic, and cultural ties.
2. Agreements, treaties, and other instruments of international cooperation may be formalized with territories mentioned, including the creation of shared organisations.

### **Article 8. Catalan communities abroad**

1. The Republic shall establish social, economic, and cultural links with public and private institutions of Catalan communities abroad, and shall provide them with assistance as necessary.
2. To this end, cooperation agreements may be formalised with public and private institutions of Catalan communities abroad and international treaties and conventions may be signed with them.

### **Article 9. The law; respect and guarantees**

1. All citizens and institutions of the Republic shall respect and comply with the Constitution and the legal order, as a foundation of coexistence and social peace.
2. The Constitution guarantees the principles of the rule of law, normative hierarchy, the promulgation of norms, that punishments restrictive of individual rights cannot be imposed retroactively, legal security, and responsibility in the exercise of public service.

### **Article 10. Protection against arbitrariness and defence of good faith.**

All persons have the right to be treated by the institutions of the Republic in good faith, in a non-arbitrary manner.

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## **FIRST TITLE RIGHTS AND LIBERTIES**

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### **CHAPTER 1. Fundamental Rights and Liberties**

#### ***SECTION 1. Individual rights and liberties***

#### **Article 11. Human dignity and integrity**

1. Human dignity is inviolable and all public institutions must respect and protect it. All persons have the right to live and die with dignity.
2. All persons have the right to life and no one can be condemned to death.
3. All human beings have the right to physical and mental integrity.
4. No one shall be subjected to torture, or inhuman or degrading treatment or punishment.
5. No one shall be subjected to slavery, servitude, or forced labour.
6. Public institutions shall ensure that all persons in need, or at risk of social exclusion, enjoy the conditions necessary for a decent life.

#### **Article 12. Equality and non-discrimination**

1. All people are equal before the law.
2. No one can be discriminated against on the basis of sex, ethnicity, origin, language, beliefs, physical, mental or ideological diversity, age, genetic characteristics, membership of a national minority, sexual orientation or gender identity, or any other personal or social characteristic.
3. The Republic shall create the conditions necessary so that personal liberty and equality be real and effective for all. This includes removing any and all obstacles that limit the enjoyment of these rights, enacting policies that remedy structural discrimination, and facilitating the participation of all citizens in political, economic, cultural, and social life.

### **Article 13. Nationality**

1. Catalan nationality is acquired, retained, and revoked according to law. It can be acquired through birth, affiliation, adoption, matrimony, residency, or by choice.
2. Catalan citizens shall not be deprived of their nationality under any circumstances.
3. The Republic may reach treaties or agreements over dual nationality with states that recognize reciprocity. While living in these states, Catalans can be naturalized without losing their nationality of origin.
4. Citizens of other states who have common cultural and linguistic links with Catalonia are eligible for Catalan nationality without renouncing their nationality of origin, even if reciprocity is not recognized by their state.  
[Concordance DT 2a]

### **Article 14. Age of majority**

Catalans reach the age of majority at eighteen years.

### **Article 15. Liberty of residence and free circulation**

1. Catalans have the right to choose where to live and to freely circulate in Catalonia. This right can only be restricted in situations of serious collective risk or peril, disasters, and public calamities, according to the law.
2. Catalans have the right to freely enter and leave the country under the terms established by law, without being subject to any type of discrimination.

### **Article 16. Protection against expulsion and extradition**

1. Catalans cannot be expelled from the country and cannot be transferred, deported, or extradited without their permission.
2. Extradition is granted only under international treaty or law, and no Catalan can be expelled or extradited to a country where they risk being subjected to torture or any other inhuman or degrading treatment or punishment.

### **Article 17. Rights and obligations of foreigners**

1. Foreigners have the right to enter Catalonia, circulate within, and establish residence under terms established by laws and international treaties.
2. Foreigners in Catalonia have the obligation to respect the Constitution and the laws of the Republic.
3. The law shall determine the civil liberties enjoyed by foreigners, and the rights of participation they enjoy. In accordance with reciprocity, they can participate in local elections of public officials.
4. Foreigners can only be extradited in accordance with a treaty or law that recognizes reciprocity. Under no circumstances can they be expelled or extradited to a country where they risk being subject to torture or any other type of inhuman or degrading treatment.

### **Article 18. Right of asylum**

1. The right of asylum is recognized for persons who are politically persecuted.
2. This right cannot be invoked by persons entering the country from a third state where the application of the International Convention on the Status of Refugees and the Convention for the Protection of Human Rights and Fundamental Liberties is guaranteed.
3. Law shall determine on a continuous basis which states do not engage in political persecutions or inhuman or degrading treatment or punishment. This means that a foreigner coming from such a state cannot be considered persecuted, unless facts demonstrate that this is the case.
4. The revocation of resident status in Catalonia due to asylum requirements not being fulfilled can only be suspended by a court if there are questions over the respect for legal procedural guarantees. The law shall determine the procedure and guarantees of such measures.

5. The Republic shall comply with the International Convention relating to the Status of Refugees and the Convention for the Protection of Human Rights and Fundamental Freedoms when examining the validity of asylum applications and possible mutual recognition.
6. Refugees cannot be deported or extradited to a country where they are persecuted and/or turned over to the authorities of said country.

#### **Article 19. Religious liberty**

1. Liberty of thought, liberty of religion, and liberty of worship are guaranteed. The only limit on their expression is respect for the law.
2. No religion has official status. Consequently, any cooperation or aid between the Republic and different religious denominations shall be based on the practices they engage in, under equal conditions, according to the law.

#### **Article 20. Personal liberty and security**

1. Liberty and security. All citizens have the right to liberty and security. No one can be deprived of liberty or have it limited, except in cases and procedures established by law, always according to appropriateness, necessity, and proportionality.
2. Identification and retention. All persons from whom identification is requested from a qualified public agent must be immediately and comprehensibly informed of the reasons. If determining the identity is not possible by this means, or the person refuses to identify themselves, the agent may require them to go to the nearest police station for the purpose of determining their identity, for a period not exceeding three hours. During retentions, investigations are conducted according to time, place, and circumstances, either by the authority of the Attorney General or the Ombudsman, as established by law. Such investigations must take into account the time and reason for the detention, as well as the identity of the agents and any other relevant circumstance. If the person is detained as a prisoner, this must be immediately reported.
3. Detention. The only purpose of preventative detention is prevention of serious crimes or omissions, and cannot last longer than 24 hours, including the time for retention. This maximum can be extended to 72 hours in cases of terrorism or membership of armed gangs. After this period, the person shall be released or transferred to judicial authorities.
4. Rights of the detained. All detained persons are granted rights established by the law and, in all cases the following:
  - a) To be informed in writing of the reasons for their detention and all rights conferred, in a language that is understandable and accessible according to the age, degree of maturity, disability or any other personal circumstance that can affect their capacity to understand.
  - b) To remain silent and not testify, if not desired, and not respond to any or all questions posed.
  - c) To not self-incriminate and not plead guilty. In no case can a confession be induced through coercion, compulsion, or intimidation. Evidence obtained that directly or indirectly violates fundamental rights is null and void, without effect.
  - d) To receive legal counsel from a lawyer during police and judicial proceedings, and to consult with them before pleading or taking legal decisions, except in cases established by law.
  - e) To immediately inform by phone a family member or person of their choice that they were arrested, and where they are being held. Foreign nationals have the right to inform the consular office of their country.
  - f) To communicate by phone, whenever necessary, with the person of their choice under terms determined by law.
  - g) To be treated by a doctor under the supervision of public administration.
  - h) To be assisted by an interpreter if they do not speak or understand Catalan.
5. Provisional prison. Provisional prison is intended to ensure the presence of the person under investigation in court, and to prevent commission of offences or altercations, or the concealment or destruction of evidence. To be sentenced, the personal circumstances must be weighed when considering the type of procedure and the nature of the crime,

together with the purpose of the sentence. The sentence can only be passed by a judicial authority with due reason, in such cases where less restrictive measures are not possible for the same result. The maximum duration of the prison sentence must be based in law, in accordance with the penalties stipulated and with the nature of the offense. The duration of the provisional prison sentence shall be credited as time served against the custodial sentence.

6. Detention and preventative prison. Detention and preventative prison should be employed in a manner that causes the least detriment to the person, and to the reputation and property of the person, protecting their privacy, image, and honour, with respect for the freedom of information.
7. Imprisonment. The sentence that deprives the person of liberty can only be imposed in virtue of a firm sentence, based on reason and grounded in criminal law. The person deprived of liberty has the right to the complete development of their own person, to paid employment and benefits corresponding to the system of social protection, as well as access to media. The person retains all the fundamental rights that are not expressly limited by the conviction, the nature of the sentence or the law.
8. Involuntary detention. Involuntary detention in a medical centre is only allowed in cases established by law and in accordance with legal safeguards and procedures. Involuntary detention requires prior judicial authorisation, whatever the age of the person detained. In the case of serious risk to the health of the person or to public health, detention should be imposed immediately. The management of the medical centre must report quarterly to the judicial authorities on the situation of the person detained, in order to review the necessity of the sentence.

#### **Article 21. Habeas corpus**

1. All persons who have been illegally deprived of their freedom or whose freedom has been illegally restricted have the right to immediate access to the judiciary.
2. In addition to those directly affected, Habeas Corpus can be initiated by any physical or legal person with legitimate interests in and knowledge of the case. The judiciary shall initiate the procedure when there is evidence of illegal restriction of liberty, regardless of when it took place or the reasons for it.

#### **Article 22. Protection of privacy**

1. All persons are guaranteed the right to their own privacy, image and honour, which shall be respected and protected in all spheres.
2. The Republic shall guarantee and protect the use of personal data to respect privacy, one's own image, honour, and all other rights of the person.

#### **Article 23. Inviolability of the home and personal communications**

1. The home is inviolable. A home can only be entered and searched in compliance with a warrant with cause or when there is consent of the owner, unless a flagrant crime is being committed.
2. The law shall protect the secrecy of all types of personal and confidential communications. Interception of such communications must be authorised by a reasoned judicial warrant.
3. Communications obtained by the judiciary shall always remain secret, especially in matters unrelated to the relevant case. The law shall establish penalties for those who reveal these secret communications.
4. The law shall protect the inviolability of the home and secrecy of communications. These protections can only be individually suspended in cases of terrorism and/or membership of armed gangs. The law shall guarantee parliamentary and judicial oversight in all such suspensions of rights and ensure the responsibility of any person who unjustifiably uses or misuses law enforcement.

#### **Article 24. Freedom of expression and information**

1. All persons have the right to freely express and defend their opinions through any medium.
2. All have the right to receive free, contrasted, and true information through public and private media. Diversity shall be ensured for all publicly-held communication media.
3. The liberty of the press is guaranteed for all means of dissemination, and it is the obligation of public institutions to enact policies that reinforce this right.
4. The right of journalists to express their conscience and maintain confidentiality is recognized, limited only by civil and criminal liability.
5. The law shall regulate the democratic organisation and citizen oversight of publicly-owned media, and shall guarantee access to it by all persons without discrimination.
6. These liberties and rights can be limited for the legitimate protection of minors and fundamental human rights; especially the right to privacy, to one's own image, honour, and the protection of personal data.
7. The exercise of these rights cannot be restricted by any form of censorship.
8. The prohibition or immediate removal of the diffusion of any information or publication may only take place in virtue of a reasoned judicial resolution.

#### **Article 25. Rights of judicial protection**

1. All persons have the right to effective judicial protection in the exercise of their legitimate rights and interests, and no person shall be left without a means of defence.
2. All persons have the right:
  - a) To be judged before an independent and impartial judicial institution whose jurisdiction shall be predetermined by law.
  - b) To defence counsel, either freely chosen or through aid provided by the Republic.
  - c) To be heard before the judges and courts, and to receive equitable and just treatment.
  - d) To a public trial with all guarantees, and to be judged within a reasonable time without undue delays.
  - e) To use all forms of appropriate and necessary evidence for one's defence.
  - f) In addition to the provisions regarding detention in article 20.4, in criminal matters all persons have the right to be informed in a detailed and simple manner of the accusations against them, and of relevant and material developments that occur in the course of the investigation.
  - g) To be able to examine the charges with sufficient time and before making statements, pleas, or other judicial motions.
  - h) To communicate with one's defence counsel throughout the proceedings. This communication will be confidential, according to the limits established by law.
  - i) To the presumption of innocence until proven guilty in a final conviction.
3. The law shall regulate cases in which one cannot be legally compelled to make statements over alleged criminal offenses due to marriage or similar relationship of affection, kinship, or due to the duty to observe professional secrecy.
4. No person shall be convicted or sentenced for actions or omissions that did not constitute a crime or administrative offence at the time of the infraction or offence, according to the law in effect at the time.
5. No person shall be convicted or punished more than once for the same act or omission.
6. No punishment or security measure can be permanent, and forced labour is banned.
7. The ultimate objective of custodial sentences and security measures shall be complete social reintegration.

#### **Article 26. Right to constitute as a couple**

1. All persons have the right to marry or otherwise constitute a couple under full legal equality, regardless of sexual orientation or gender identity.
2. The law shall regulate the forms and conditions of marriage, and the jurisdiction of the Republic respecting marital nullification, divorce, or separation.
3. Public institutions shall facilitate and protect the stable relationships of couples, regardless of sexual orientation or gender identity.

### **Article 27. The family**

The Republic shall:

1. Protect families, in all forms, as a means for the free personal development of their members, according to the law.
2. Give special protection to the income level for persons who are caring for dependent family members.
3. Promote the balance of family and work life, in order to optimise the quality of life of all members of the family, fulfilling the basic necessities of health and critical autonomy.
4. Guarantee the equality of opportunity and promote the equitable distribution of domestic tasks between family members, to avoid any type of discrimination.
5. Act comprehensively and effectively against all forms of domestic and gender violence.

### **Article 28. Rights of minors**

1. It is the responsibility of mothers, fathers, and guardians to take care of the personal and complete growth and development of minors until they reach adulthood, with all rights. The objective is that this child, when the time comes, is capable of assuring their own quality of life and contribute to the community in which they live.
2. Public institutions shall play an important role in the growth and development of minors, to help provide the standard of living necessary to ensure a living income, and protect the interests of minors.
3. Once reaching the age of twelve, minors have the right to be informed and consulted before making choices that directly affect their personal situation or their inheritance, according to their age and natural capacity.
4. All minors, especially young children, enjoy the protection of international treaties that safeguard their rights.

## ***SECTION 2. Collective rights and liberties***

### **Article 29. Citizens' right to participate**

1. The rights of citizens to public and political participation are guaranteed, to protect the free formation of their opinions and the authentic expression of their will.
2. All citizens have the right:
  - a) To participate in public affairs under equal conditions, either directly or through their freely-elected representatives via periodic elections, maintaining the secrecy of the ballot and universal suffrage.
  - b) To run for office as a candidate for any political office under equal conditions and requirements established by law.
  - c) To participate in the elaboration of the laws of the Parliament either directly or through associations, via an agile and effective procedure.
  - d) To campaign for recall elections of elected officials, citizen legislative initiatives, and citizen initiative referendums, as stipulated in article 133 and Title 7, chapter 1 of the Constitution.
3. The Law of Citizen Participation shall regulate the exercise of these rights and establish the cases in which legal foreign residents can participate.
4. Political parties shall contribute to the creation of popular opinion and will.

### **Article 30. Right of petition**

1. All persons have the right to address individual or collective petitions to the institutions of the Republic, without prejudice to the petitioners, according to law.
2. The authorities are obliged to review the petitions submitted and give a reasoned response within the time established by law.

### **Article 31. Right of assembly**

1. The right and the liberty to assemble is recognized and guaranteed.
2. All persons have the right to organize and take part in peaceful meetings under terms established by law.
3. Meetings in public spaces require prior notification to the responsible authority, which shall ensure that they may occur. They can only be prohibited if there is reasonable evidence of an endangerment to public peace that threatens persons or property.

### **Article 32. Right of association**

1. The right and the liberty of association are recognized and guaranteed.
2. All persons have the right to create, join, be members of, and participate in associations, entities, trades or professional guilds, under the terms established by law. Their charters shall uphold democratic, legitimate objectives.
3. No one can be required to be a member of any association, entity, trade or professional guild.
4. Associations that pursue criminal objectives or use criminal means, or disrespect the values and principles of the Republic, are illegal.
5. Associations can only be dissolved, or their activities suspended, by a reasoned judicial decision.

### **Article 33. Right to establish foundations**

1. The right to establish foundations is recognized and guaranteed in the general interest, and for social, scientific, cultural or artistic purposes, under terms established by law.
2. The provisions in Article 32 will apply, as appropriate, to foundations.

## **SECTION 3. Social rights**

### **Article 34. Right to private property**

1. The rights to private property and to inheritance are recognized and guaranteed.
2. These rights must be exercised for the benefit of the common good, and in fulfilment of the obligations inherent in their social function.
3. Institutions of the Republic can expropriate or restrict the right to own property for public utility or necessity, provided the owner is fully compensated, according to law.

### **Article 35. Right to dignified housing**

1. Catalans have the right to decent housing, according to their own means.
2. Public institutions shall provide access to housing through the development and use of land, prevention of speculation, and subsidizing of public housing, with priority given to those in need.
3. The public shall benefit from the profits incurred by public urban policy.

### **Article 36. Right to public health**

1. All persons have the right to access public health services under equal and free conditions, under terms established by law.
2. The Republic shall guarantee the quality of the public health service. To this end it will be necessary to:
  - a) Respect patients' choices within the public health service concerning their choice of doctors and healthcare facilities, under terms established by law.
  - b) Provide an integral and coordinated medical treatment from diverse professionals within the public health service.
  - c) Properly organize medical personnel in order to dedicate sufficient time to each visit or consultation.

### **Article 37. Rights to the protection of health**

1. The following rights are recognized for all persons within the public and private health services:
  - a) To receive education on how to care for one's own health and that of dependents.
  - b) To be informed and heard concerning possible treatments, the requirements for their use, medical procedures and the risks thereof, before they are undergone.
  - c) To decide and consent to any treatment.
  - d) To consult one's own medical records from any health centre.
  - e) To confidentiality of medical data.
  - f) To other rights established by law.
2. To assure the health of citizens, preventive medicine and healthy living habits, including proper nutrition, physical exercise and sport, must be encouraged.
3. Physical, mental, and social wellbeing in family planning, pregnancy and childbirth must be guaranteed through reproductive health services.
4. The donation of organs, tissues, and cells shall be regulated by a law of transplants. Trading in human organs is prohibited.
5. All persons have the right to live with dignity during the process of death, and receive adequate treatment for pain, and comprehensive palliative care.
6. Everyone has the right, pursuant to law, to manifest their will through advanced directives concerning available medical interventions and treatment. These advanced directives must be respected, especially by medical staff, in cases where a person is in a condition that renders them unable to express these instructions personally.
7. The law shall regulate the conditions, requirements, and guarantees for euthanasia, according to the freely expressed will of the patient.

### **Article 38. Rights concerning genetics and scientific experimentation**

1. All women have the right to assisted reproduction techniques under terms established by law, regardless of their marital status or sexual orientation, and to receive the information necessary to give informed consent.
2. The law shall regulate other forms of reproduction, according to the best interests of the future child and respect for the dignity of the individual.
3. The law shall protect humans against scientific advances that could negatively affect them in the fields of assisted reproduction and genetic engineering.
4. The law shall regulate the use of genetic and embryonic heritage of human beings, according to the precautionary principle, in order to guarantee the protection of human dignity, of the physical and psychological integrity of everyone and their progeny.
5. The law shall regulate the use of the genetic and embryonic patrimony of animals, plants and other living organisms, according to the precautionary principle, in order to guarantee the protection of human beings and their environment.
6. The law shall regulate research on animals, plants, and other living organisms for medical purposes.

### **Article 39. Protection of social security**

1. The Social Security system of the Republic shall guarantee sufficient assistance and benefits to all citizens, especially for those in need, to be periodically updated based on the domestic wealth produced annually.
2. The annual budget of the Republic will guarantee the attainment of these goals for the common good. Revenue raised from physical or legal persons shall be the sole source of revenue for the Social Security system.
3. These forms of assistance and benefits can be combined, complemented, and improved by citizens, under terms established by law.
4. Social assistance benefits provided by the Republic, whether they take the form of economic aid or personal help, are not subject to taxation.

#### **Article 40. Pensions and other rights of the elderly**

1. The Republic shall guarantee economic sufficiency for the elderly through adequate pensions, to be periodically updated based on the domestic wealth produced annually.
2. The elderly have the right to live in dignity, free from exploitation and abuse, and cannot be discriminated against due to age.
3. The Republic shall promote the personal and familial well-being of the elderly, and assure that their health, housing, culture, and leisure needs are met.

#### **Article 41. Rights to social services**

1. All persons have the right to benefits under equal conditions from the network of public social services. The quality and gratuity of social services is guaranteed, under terms established by law.
2. All persons have the right to be informed about such benefits, and give consent for any action that affects them.
3. People with special needs have the right to receive appropriate care for their condition, in order to maintain personal independence in daily life.
4. Persons or families in poverty have the right to receive a guaranteed income that ensures a dignified life.
5. Third sector social organizations have the right to intervene in social participation and collaboration.

#### **Article 42. Rights to social cohesion and well-being**

1. The Republic shall ensure full social, economic, and employment well-being of people and groups most in need, especially those in poverty or at risk of social exclusion.
2. The Republic shall promote social cohesion and well-being, and is legally bound to:
  - a) Ensure social, cultural, and religious cohesion among all persons who inhabit the country.
  - b) Ensure respect for the diversity of beliefs, ethics, and philosophical convictions.
  - c) Foster positive intercultural relations through forums that encourage mutual awareness, dialogue, and mediation.
  - d) Recognize the culture of the Roma people, as a safeguard for the historical reality of this people.
  - e) Establish an immigration system that guarantees the recognition and applicability of the rights and duties of immigrant persons.

#### **Article 43. Rights of disabled persons**

1. The Republic shall protect all disabled people, by ensuring that all enjoy fundamental human rights and liberties under equal conditions, and promote their social, economic, and employment integration.
2. Disabled people are those who have long-term physical, mental, intellectual or sensorial deficiencies, who when confronted by a range of barriers, may find their full and effective participation in society limited, under conditions of equality with other persons.
3. The following rights are recognized for people with disabilities:
  - a) Respect for their inherent dignity, individual autonomy, and decisions to lead an independent life.
  - b) Non-discrimination.
  - c) Full and effective participation and inclusion in society.
  - d) Respect for differences and acceptance of disabled people as part of human diversity.
  - e) Equality of opportunity.
  - f) Accessibility.
  - g) Gender equality.
  - h) Respect for the development of faculties of disabled children and their identity.

## **SECTION 4. Labour and socioeconomic rights**

### **Article 44. Labour rights**

1. All persons have the right to sufficient income to meet their basic needs through employment, a profession, or activity of their choice under terms established by the law.
2. The Republic shall develop and promote policies to ensure full employment for all citizens under decent conditions, and fair compensation based on their skills, training, and ability.
3. All workers have the right to perform their labour and professional tasks under conditions that guarantee their health, safety, and dignity.
4. The Republic shall guarantee labour rights and access to stable work, training, professional promotion, involvement of workers in management systems, and labour protection to promote job stability.
5. The Republic shall ensure gender equality in employment, training, professional promotion, working conditions, equal pay for equal work, and all other opportunities. Women shall not be discriminated against based on pregnancy or maternity.
6. The economic value of domestic and familial care work will be recognised and considered in the elaboration of economic and social policy.

### **Article 45. Rights of trade unions and employers**

1. Workers and employers have the right to form unions or associations to defend their legitimate interests. The internal structure and their functioning shall be democratic and financed by their members.
2. All persons are free to belong to trades unions or business associations and participate in their activities.
3. Unions and business organizations shall perform their functions through consensus, participation, and cooperation.
4. Workers and/or their representatives shall be informed and consulted, and shall contribute to the management of businesses.

### **Article 46. Right to collective action and to strike**

1. The Republic shall create a framework for labour relations based on dialogue, cooperation, collective bargaining, binding agreements, mediation, arbitration, and extrajudicial resolution of labour conflicts.
2. Workers and employers have the right to engage in collective action.
3. Workers have the right to strike to defend their rights, and the freedom to choose not to do so.
4. The law shall regulate the peaceful exercise and limitations of these rights to guarantee the normal functioning of services essential to citizens.

### **Article 47. Rights of consumers and users**

1. The Republic shall protect and defend consumers' health, security, rights, and interests through effective measures determined by law.
2. All persons, in their capacity as consumers and users of goods and services, have the following rights:
  - a) To accurate, comprehensible, and complete information regarding the characteristics and prices of products, services, and contracts.
  - b) To guarantees and warranties for all for products, services, and contracts.
  - c) To the protection of their economic interests against abusive, negligent, or fraudulent conduct.
3. The Republic shall establish and maintain the efficacy of legal mechanisms for consumer mediation and arbitration, and information about these mechanisms shall be broadly disseminated.
4. Directly or through media organizations, consumers and users shall be informed and be heard regarding matters affecting them, under terms established by law.

## ***SECTION 5. Rights, duties, and liberties of knowledge and culture***

### **Article 48. Right to a quality, complete education**

1. All persons have the right to a complete quality education under equal conditions.
2. The education system shall be structured to ensure that students master critical thinking and accumulate extensive knowledge. All persons have the right to a humanistic, scientific, and technological education based on the values of the Republic.
3. To prevent and diminish discrimination, schools shall be coeducational, and students shall be taught to express themselves on equal terms.
4. Teaching shall be secular in public schools. The convictions and beliefs of students and their families shall be respected, based on fundamental rights.
5. Education shall be free of charge for every stage deemed compulsory.
6. All persons have the right to public assistance to meet educational requirements as well as equal access to higher education, according to their economic resources, aptitudes, and preferences.
7. All persons with special educational needs shall receive the necessary support to have access to the entire educational system, under terms established by law.
8. Members of the educational community have the right to participate in school and university affairs, under terms established by law.

### **Article 49. Liberty of teaching and academic freedom**

1. The Republic recognizes academic freedom, the freedom to create institutions of learning, and to develop teaching systems and methods, provided fundamental rights are respected.
2. To guarantee a full quality education under equal conditions, the Republic can only partially finance institutions of learning and private educational systems, under terms established by law.
3. The Republic shall promote the integration of all public and private educational institutions in their environment, and shall promote and facilitate education during leisure time.
4. Universities are granted complete academic autonomy, under the terms established by law.
5. The full right to academic freedom is recognized and protected.

### **Article 50. Use of languages**

1. The Republic shall encourage the use, the diffusion, and the knowledge of Catalan among immigrants, as a means of social and cultural integration. These principles shall also apply to the Aranese language.
2. Policies to promote the Catalan language shall be promoted worldwide.
3. Catalan sign language shall be employed in public institutions, creating equal conditions for the deaf and blind who choose this language. Catalan sign language shall be taught, protected and respected.
4. Public institutions shall protect linguistic diversity as an expression of cultural wealth, under terms established by law.

### **Article 51. Information and communication technology**

1. The Republic shall guarantee to all persons the teaching of and access to information technology in all aspects of life, under equal conditions, and according to the principles of universality, continuity, and modernity.
2. The Republic shall promote technological training, research, and innovation, in order to contribute to the improvement of welfare and social cohesion.

### **Article 52. Technical and scientific freedom**

1. The Republic shall recognise and protect the right and the freedom to conduct scientific and technical research.
2. The Republic shall support quality scientific and technical research, and may manage, create, or assume control of research centres.

### **Article 53. Artistic and literary freedom. Cultural rights and duties**

1. The freedom of artistic and literary creativity is guaranteed and protected.
2. All persons have the right to culture and to the development of their individual and collective creativity, under equal conditions.
3. The Republic shall encourage this creativity, conserving and defending Catalan cultural patrimony.
4. The Republic shall facilitate citizens' access to culture, to cultural goods and services, and to the cultural, archaeological, historical, industrial, and artistic patrimony of Catalonia.
5. All persons have the duty to respect and preserve this patrimony as an asset of the Republic.

## **SECTION 6. Ecological rights and duties**

### **Article 54. Right to common natural resources**

1. Under terms expressed in this article, individuals and groups have the right to the common natural resources of Catalonia. These include systems created naturally by the interaction of solar energy, air, water, soil, and subsoil. Maintaining the purity of these natural resources is vital for all living beings to live full and healthy lives.
2. All persons have the duty to make responsible use of common natural resources, from an ecological, economic, and social point of view. The productive sectors, including industry and agriculture, have the obligation and the responsibility to use common natural resources in a way that does not degrade the biosphere nor hinder the regeneration thereof.
3. All persons have the right to capture, transform, and use the energy contained in biospheric and lithospheric flows, with the aim of enjoying full and healthy lives.
4. All persons have the right to use the material in the subsoil, including minerals and fossils. Such material is the product of geological evolution of the planet Earth and is the patrimony of all humanity.
5. The Republic has the duty to guarantee and maintain the high ecological quality of common natural resources, and the obligation to produce and disseminate proven and reliable information about environmental quality.

### **Article 55. Right to a natural environment**

1. All persons have the right to live in a natural, healthy environment.
2. All persons have the responsibility to act without harming the natural environment.
3. All activities of economic production that may affect the environment must be submitted to the precautionary principle, and must be subjected to permanent environmental impact assessment.
4. If there is environmental damage, those held legally responsible through due process shall repair the damage and restore the natural balance of the affected environment.
5. The Republic has the obligation to protect and improve the quality of the environment, fight against climate change and guarantee the conservation of biodiversity as well as the high quality of landscapes.

[Concordance art. 110]

## CHAPTER 2. Constitutional guarantees

### Article 56. Guarantees of rights and liberties

1. Rights and liberties enumerated in the Preliminary and First Titles bind all public institutions, and their direct application is compulsory. The enumerated and recognized rights and liberties are refined and upheld exclusively by law. In cases where rights are violated, they are protected through judicial review, including the constitutional appeal process.
2. Rights and liberties enumerated in the Preliminary and First Titles shall be the subject of judicial review before the court with proper jurisdiction, by means of a preferential and summary procedure, and indirectly through appeals to the Sala de Garanties Constitucionals i Drets Humans of the Tribunal Suprem.

### Article 57. International guarantees of rights and liberties

1. Universal norms of international law, the European Convention for the Protection of Human Rights and Fundamental Freedoms, the Charter of Fundamental Rights of the Union and jurisprudence from their respective legal institutions shall be integral to the Constitution of the Republic.
2. Other international human rights treaties shall become integral to the Constitution of the Republic, once they have been duly ratified and published.
3. In all cases, the adoption of an international standard cannot limit or impair the rights and freedoms recognized by the Constitution or any other duly ratified treaty.
4. If treaties include provisions for a court, its decisions are binding on all institutions of the Republic and must be complied with.

### Article 58. States of alarm, emergency, and siege

1. Only the law may regulate the states of alarm, emergency, and siege. These states can only be declared to deal with violations of democratic constitutional principles, public disasters, current or impending attacks, or the threat to carry them out by foreign forces, terrorist groups, or armed gangs.
2. Under no circumstances shall the declaration of such states suspend the right to life, the right to physical and mental integrity, the rights of the accused, the right to nationality, non-retroactivity of penal law, nor the freedom of thought or religion.
3. The states of alarm, emergency, and siege can only be declared when no other feasible measures less restrictive of rights are necessary to regain normalcy. The measures adopted and their duration must be appropriate to the circumstances and strictly necessary to regain normalcy.
4. All declarations of states of alarm, emergency, or siege must precisely specify which rights, liberties, and guarantees are suspended, in addition to their justification, purposes, territorial scope, and duration.
5. A state of alarm is declared by the President of the Republic, and cannot last more than 15 days. The Parliament shall be immediately informed, and the duration cannot be extended without parliamentary authorization.
6. A state of emergency is declared by the President of the Republic with the prior authorization by the Parliament. The duration cannot exceed thirty days, extendable to another 30 days if the same requirements are met.
7. A state of siege is declared by Parliament by an absolute majority vote, exclusively at the behest of the President of the Republic. Parliament shall determine the reasons, the territorial scope, duration, and conditions.
8. The functioning of the institutions recognized in the Constitution shall not cease during the states of alarm, emergency, and siege. If the Parliament is not in session, it is automatically and immediately convened.
9. The declaration of states of alarm, emergency, and siege shall not abrogate the accountability of the President nor any other public official.

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## SECOND TITLE

# DEFENCE, SECURITY AND PROTECTION

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### Article 59. General principles

1. The Republic of Catalonia, nation of peace, shall guarantee the defence and security of its citizens and territory. It shall act in ways that encourage world peace, and is committed to fulfilling its duly assumed international obligations.
2. All persons have the obligation to cooperate with civil protection organizations to protect persons, property, and the environment in situations of grave collective risk, catastrophes, and public calamities.
3. The Republic shall promote, and enact international cooperation policies for global social progress, including emergency humanitarian aid programs.

### Article 60. *Agència Nacional de Seguretat i Defensa* (National Agency for Security and Defence)

L'Agència Nacional de Seguretat i Defensa shall guarantee the security and defence of the citizens and territory of Catalonia, as well as fulfil relevant international obligations duly assumed by the Republic, under terms established by law.

### Article 61. *Institut Internacional de Pau i Treva de Catalunya* (International Institute of Peace and Truce)

1. The purpose of the Institut Internacional de Pau i Treva de Catalunya is to research, teach, develop, and apply non-violent methods of intervention and conflict resolution for armed conflicts or violence, based on practical and scientific knowledge.
2. L'Institut Internacional de Pau i Treva de Catalunya shall have a specialized professional staff, equipped with the human, material, and logistical infrastructure to detect sources of conflict, seek peaceful solutions through mediation, assist in humanitarian missions, and act in cases of migrations due to conflict, war, or natural disasters, under terms established by law.  
[Concordance DA 2a]

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## THIRD TITLE

# ECONOMIC PRINCIPLES

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### Article 62. The economic system

1. The economic system of the Republic is based on the free-market, regulated under social and environmental criteria that protect and guarantee citizens' economic freedom.
2. The Republic shall guarantee free initiative, the development of businesses and the entrepreneurial spirit, the protection of the competitive productive economy, the promotion of self-employment and companies demonstrating social and environmental responsibility, the favouring of small and medium-sized enterprises, the social economy and community, and the creation and diffusion of knowledge.
3. Economic stability policies shall be planned and promoted to guarantee the social and economic progress of the Republic and its citizens, based on the principles of solidarity, cohesion, sustainability, and equal opportunity.
4. Public institutions have the duty to assure the equitable and fair distribution of personal and national income, under terms established by law.
5. The totality of the wealth of the country is subordinate to the general interest, whoever be the owner.

6. The talent of citizens is a principal factor in the creation of wealth. The Republic shall promote and protect the intellectual development of citizens, the creation and diffusion of knowledge, and the activities of creation, research, development, and innovation.
7. The equal and balanced development of all economic sectors shall be protected and maintained, with special attention devoted to agriculture, livestock, fisheries, food and artisan production, to ensure a comparable standard of living for all citizens.
8. Public initiative in the economic activity of the country is recognized, in those essential sectors or services of the society that the Republic must preserve, on the basis of general interest and the common good.
9. The law shall regulate the legal regime of goods in the public and communitarian domain that are inalienable, imprescriptible, and unalienable. The maritime zone, beaches, territorial waters, and the natural resources of the economic zone and continental shelf are considered goods in the public domain.
10. The patrimony of the Republic is a common good for all. The administration, defence and conservation of this good shall be regulated by law.

#### **Article 63. The duty to contribute to public expenditure**

1. All physical and legal persons have the duty to contribute to the sustainability of public expenditure in relation to their economic capacity, through a fair and efficient tax system based on the principles of equality, progressivity, and sufficiency. In no case can the tax system engage in confiscation.
2. The tax system shall guarantee horizontal and vertical equity in taxation.

#### **Article 64. Economic stability**

1. All public institutions shall conduct their activities in an economically stable fashion, and cannot incur a structural deficit above that established in treaties or agreements to which Catalonia is signatory, except in cases of public calamities, economic recession or emergency, which shall be approved by an absolute majority of the Parliament.
2. The law shall regulate the conditions for the emission of public debt and the acquisition of credit.

#### **Article 65. El banc central de Catalunya (The Central Bank of Catalonia)**

The law shall regulate the creation and operation of the Central Bank of Catalonia, its legal status as the public regulator of the financial system, and its management agencies in Catalonia.

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## **FOURTH TITLE FUNCTIONS OF THE REPUBLIC**

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### **CHAPTER 1. Executive function**

#### **SECTION 1. The Presidency**

#### **Article 66. The President of the Republic and of the Generalitat (Government)**

1. The executive function belongs to the President of the Republic, who is head of state.
2. For historical reasons, the administrative structure of the executive shall be named the Generalitat de Catalunya.
3. As head of state, the President of the Republic:
  - a) As the highest authority of the Republic, is the preeminent representative of Catalonia.
  - b) Can initiate legislation; promulgate and order laws published.

- c) Calls elections, referendums, consultations, and other forms of participation.
  - d) Can propose and advocate modifications to the Constitution.
  - e) Publishes the nominations to institutional offices of the Republic.
  - f) Shall direct the foreign policy of Catalonia.
  - g) Shall sign international treaties and order their inclusion in the corpus of treaties, with the necessary authorization of Parliament.
  - h) Requests opinions from the Sala de Garanties Constitucionals i Drets Humans del Tribunal Suprem regarding the conformity of the Constitution, or reforms thereof, with international treaties.
  - h) Accredits ambassadors and other diplomatic representatives of Catalonia and receives the credentials of foreign ambassadors.
  - i) Nominates and dismisses the heads of the Agència Nacional de Seguretat i Defensa.
  - j) Declares states of alarm and emergency, and recommends states of siege to Parliament.
  - k) Activates the defence of the Republic in case of conflict, with previous authorization of Parliament, according to international law, and makes peace.
  - l) Exercises the other functions determined by the Constitution and the law.
- The above functions cannot be delegated
4. As head of the Generalitat, the President:
    - a) Is the highest representative of the Generalitat.
    - b) Directs the political and administrative action of the Generalitat.
    - c) Exercises the executive function, approves legal and legislative decrees, and exercises regulatory powers, in accordance with the Constitution and the law.
    - d) Prepares budgets for the Generalitat and is accountable for them.
    - e) Complies with the international treaty obligations duly ratified and published.
    - f) Deems appropriate and then requests reports by the Consell de Garanties Constitucionals (Council of Constitutional Guarantees) in cases enumerated under the law.
    - g) Exercises the other functions determined by the Constitution and the law.
  5. Protocol stipulates that the President be called "Molt Honorable Senyor".

#### **Article 67. The ministers of the *Generalitat***

1. The Generalitat is headed by the President and is organized into Ministries.
2. All activities of any organ of the Generalitat shall be carried out in the name of and by delegation of the President.
3. Each ministry is headed by a Minister. The President freely appoints and removes from office Ministers and determines their functions, competencies, and areas of responsibility.
4. The President may appoint a Prime Minister with the delegated function to coordinate the actions of other Ministers.
5. The President can temporarily or permanently delegate representative or executive functions to other Ministers. The law can limit the duration and/or material scope of such delegations.

#### **Article 68. The election and the replacement of the President**

1. The President shall be elected every five years, renewable once, through a unique circumscription of all Catalonia by means of free, equal, direct, and secret universal suffrage, under terms established by the Constitution and electoral legislation.
2. In the case of a vacancy, absence from the territory or temporary incapacity, the order for the substitution of the President is:
  - a) The Prime Minister, if appointed.
  - b) The other ministers, in descending order of age, if the President has not specified a preference.
  - c) The President of the Parliament.
3. If the causes provided in the prior point are final, and the elected President cannot return to office, the substitute President shall be in office until the following election date under article 136. When this date coincides with ordinary elections for the Presidency, the President elect shall occupy the office for an entire constitutional term. Otherwise, the President who is elected will be in office for the rest of the vacated Presidential term.

### **Article 69. Personal status of the President and *Consellers* (Ministers)**

1. The President and Ministers, during their term of office, cannot be arrested or detained for presumed criminal offenses, except in cases of in flagrante delicto.
2. The Tribunal Suprem shall conduct the investigation, indictment, and prosecution of the President.
3. For lawsuits against Ministers, the judge predetermined by law shall have the jurisdiction. However, no Minister can be investigated, indicted, or tried without prior authorization from the Sala Penal del Tribunal Suprem. Meanwhile, the competent judge can carry out urgent and immediate investigations for the success of the case, about which said judge will report to the Sala Penal del Tribunal Suprem.
4. Protocol treatment of Ministers shall be determined by the Llei de Protocols (Law of Protocol).

### **Article 70. Rights and obligations in relation to Parliament**

1. The President and Ministers have the right to attend parliamentary sessions and commission hearings and to be heard.
2. The Parliament can require the President or the Ministers to provide information considered necessary for the exercise of its functions. The President and Ministers can also be summoned to the full Parliament or Parliamentary commissions, under terms established by the Reglament del Parlament (Parliamentary Rules).

### **Article 71. Political accountability of the President**

1. The President is politically answerable to Parliament for his or her actions.
2. The delegation of presidential functions does not exempt him or her from political accountability before the Parliament.
3. In order to give effect to the aforementioned political accountability of the President, the Parliament can call for recall elections, with a 3/5 majority, according to Article 133.

## **SECTION 2. Administration and public sector**

### **Article 72. Principles for the functioning of the public sector**

1. The objective of the public sector is to provide the citizens with quality public services through transparency, efficacy, efficiency, and continuous improvement of the common good. Based on the principle of subsidiarity, public services shall provide an administration close to the citizens. For such provisions, the administration shall receive sufficient resources to assure their proper functioning, observing the principle of adequate allocation of resources.
2. These principles bind all the institutions of the Republic, public or private organizations be they associated or dependent; private companies providing public services, and any person with a contractual relationship with the administration of the Republic or with the public or private organizations mentioned.

### **Article 73. Administration of the *Generalitat***

1. The Generalitat de Catalunya is the administrative structure that exercises executive functions. It serves as a general administration, without hindering the powers and responsibilities held by local administrations.
2. The administration of the Generalitat shall serve the general interest with objectivity, and shall act in full compliance with the corpus of law and enumerated rights.
3. The administration operates on the principles of efficacy, hierarchy, coordination, transversality and decentralisation, in order to guarantee the integrity of public policy. The principle of transparency will guarantee citizen access to information, allowing the citizen to evaluate the management of public administration.

4. The law shall regulate the legal status of Generalitat employees. In all cases, this regulation will specify the rules on access to said employment, the regulation of incompatibility, the right to join a union, and will guarantee continuing education in the knowledge and techniques required to properly perform public functions.

#### **Article 74. Consultative organs of the Presidency**

1. La Comissió Jurídica Assessora (Legal Advisory Commission) is the consultative agency of the Presidency in legal matters.
2. El Consell de Treball, Econòmic i Social (The Employment, Economic and Social Council) is the consultative and advisory agency of the President for socioeconomic, work, and occupations issues.
3. The law shall regulate the composition and the operation of these agencies, and the Republic can create others in areas that are of vital social importance to the common good.

#### **Article 75. Administrative guarantees**

1. The law shall regulate administrative procedure guaranteeing the rights to participate, to defend citizens, and hear interested parties, if applicable.
2. All citizens shall have access to administrative files and records, except in cases affecting the security and defence of the Republic, the investigation of crimes, and the privacy of individuals.
3. All persons have the right to compensation for any injury affecting their rights suffered as a result of actions of public services, under terms established by law, except in cases of force majeure.

## **CHAPTER 2. Legislative function**

### **SECTION 1. Parliament of the Republic**

#### **Article 76. The Parliament**

1. Parliament represents the people of Catalonia and is inviolable.
2. The Parliament consists of one representative chamber, the members of which are elected according to Article 78 and Title Six of the Constitution.

#### **Article 77. Functions**

Parliament shall:

- a) Exercise the legislative function: draft, adopt, and repeal laws.
- b) Approve the general budgets of the Republic.
- c) Oversee and encourage political and government action.
- d) Propose and enact constitutional reform.
- e) Authorise the President to honour the international obligations of the Republic, through the signature of treaties.
- f) Request opinions from the Sala de Garanties Constitucionals i Drets Humans del Tribunal Suprem regarding the conformity of the Constitution, or reforms thereof, with international treaties.
- g) Authorize a state of siege, on advice of the President.
- h) Enable the President, in situations of conflict, to activate the defence of the Republic, and to make peace.
- i) Exercise all other functions that are authorized by the Constitution and the law.

On the basis of 75,000 inhabitants, and with the current electoral roll, there would be generated a Parliament with 130 Deputies.

### **Article 78. Composition and electoral system**

1. Parliamentarians are called Deputies and are elected for a term of 5 years, renewable once, through free, equal, direct and secret universal suffrage, under terms established by the Constitution and electoral legislation.
2. The electoral circumscription is the Comarca, except the case of the city of Barcelona, where the circumscription is the Districte. Each circumscription chooses a parliamentarian for every 75,000 inhabitants, or fraction thereof, in a single round of voting. Electoral law shall regulate the manner in which Catalans residing abroad are adequately represented in Parliament.
3. The composition of the Parliament and the number of Deputies always depends on the results of these variables.
4. The electoral system of the Parliament is based on direct representation, from open lists in one single vote. The ballot paper shall list the candidates in alphabetical order, starting with a randomly determined place once the candidates are proclaimed. Each elector chooses a number of candidates not exceeding the number of seats elected in their circumscription, and the candidates are elected by gaining the highest number of votes in the constituency.
5. The seats of Deputies that are vacated for any reason before finishing their term are covered through elections of the specific district, either extraordinary, or ordinary when appropriate.
6. Electoral law shall determine the causes for incompatibility of parliamentarians.

### **Article 79. Rights and duties of Deputies**

1. Members of Parliament enjoy full sovereignty concerning their votes and the opinions expressed in the exercise of their duties. During their term they enjoy immunity, in that they cannot be arrested unless caught in flagrante delicto.
2. The Deputies shall not be subject to an imperative mandate and, politically, they are only responsible to the citizens from the electoral circumscription from which they are elected.
3. Parliamentarians shall be transparent and responsible in the exercise of their public functions.
4. In legal processes against Deputies, the judge predetermined by law shall have jurisdiction.
5. During the exercise of their office, Deputies have the right to decent pay, determined annually in the budget of the Republic, which must take into consideration the brevity of the time in office and their reincorporation into active life or retirement once their terms of elected office have come to an end.
6. Deputies must publish a declaration of assets before taking their seats in Parliament, and must declare any links they may have with lobbies or interest groups, as determined by electoral law. The declaration of assets must be updated at the end of the legislature or when the Deputy relinquishes their seat before the end of the legislature. It shall then also be updated five years after the end of the Deputy's parliamentary mandate.

### **Article 80. Autonomy and organization of Parliament**

1. The Parliament retains organizational, financial, administrative, and disciplinary autonomy. It shall draft and approve its regulation and finances as part of the general budget of the Republic, and determine the legal status of the staff. Its seat is in Barcelona, but parliamentary sessions can be held in other parts of Catalonia.
2. The approval and reform of Parliamentary regulation requires an absolute majority vote by Deputies and a final vote over the full text.
3. The Parliament shall have a President and a mesa (presiding commission) elected by the full Parliament, whose functions and election procedure shall be determined by parliamentary regulation.
4. The regulation of Parliament shall also establish Deputies' individual and collective rights and duties, the exercise of their parliamentary functions, the requirements for forming parliamentary groups, the responsibilities of group spokespersons, the disciplinary sanctions that Deputies could incur, and the functioning of commissions.

## **Article 81. Functioning of Parliament**

1. Parliament shall operate in plenary sessions and in commissions.
2. The full Parliament shall meet in ordinary periodic sessions throughout the year, according to parliamentary regulations, at least once a month, during which all Deputies are obliged to attend, except for demonstrable cause. The Parliament can also meet in extraordinary sessions, according to parliamentary regulations. The plenary sessions shall be public, except in cases established by parliamentary regulations or the law.
3. The Parliament shall include a Diputació Permanent (Standing Committee), presided over by the President of the Parliament, and comprised of a number of Deputies that shall be determined by Parliamentary regulation. The Diputació Permanent shall assume the functions of Parliament when it is not convened or in between parliamentary sessions, under terms established by law.
4. In order to validly adopt agreements, the full Parliament must meet, with an absolute majority of Deputies in attendance. Accords can be reached if they have been approved by a simple majority of deputies present, notwithstanding special majorities established by the Constitution, by law, or by regulation.
5. The Parliament can create investigative commissions over any matter of public relevance to the Republic, which shall have the power to compel testimony through summons. The law shall establish sanctions and responsibilities for those who refuse to testify.
6. Parliamentary regulation shall regulate the procedure for considering individual and collective petitions addressed to it, especially regarding popular legislative initiatives referred to it by the Sindicatura Electoral (Electoral Audit Office). It shall also establish mechanisms of citizen participation in parliamentary functions.
7. Public officials and public sector workers have the obligation to appear before Parliament when requested. The law shall establish sanctions and responsibilities for those who refuse to testify.

## **SECTION 2. Legislative powers of the Parliament**

### **Article 82. Legislative initiative: the drafting and adoption of laws**

1. Legislation can be initiated by Deputies, Parliamentary groups, the President of the Republic, and citizens, under terms established by the Constitution and law.
2. The full Parliament can delegate the drafting and approval of legislative initiatives to permanent legislative commissions, except in cases of constitutional law reforms, laws over fundamental rights and liberties, the general budget, or legislative delegation laws for the President of the Generalitat.

### **Article 83. Delegated and emergency legislation**

1. Legislative decrees. Only the full parliament can delegate the power to issue rules with the force of law to the President of the Generalitat. Presidential provisions contained in delegating legislation are called decrets legislatius (legislative decrees). The areas that cannot be delegated include constitutional reform, essential regulation, and the development of the preliminary, first, seventh, or eighth Titles of the Constitution, and the general budgets of the Republic. The delegation of legislative activity shall be regulated by law, specifying its matter, scope, and duration.
2. Legal decrees. If urgently necessary, the President of the Generalitat may issue a provisional legislative disposition through a legal decree, which involve matters that cannot be dealt with through legislative decrees. The Parliament shall explicitly validate a legal decree within a non-extendable period of thirty days from its publication. Otherwise, it shall be immediately and automatically repealed.

#### **Article 84. Promulgation and incorporation in the corpus of laws**

The laws shall be promulgated by the President of the Republic, through the order of publication in the Diari Oficial de la República.

#### **Article 85. Authorization and effects of international treaties**

1. The Parliament can authorize the negotiation, adoption and ratification of international treaties, or the adhesion to an existing treaty, and authorize international denunciation through a specific law, following procedures established by law.
2. The institutions of the Republic shall assure compliance with their obligations under international treaties and international law, in accordance with their respective competencies.
3. At the request of the President or the Parliament, La Sala de Garanties Constitucionals i Drets Humans del Tribunal Suprem shall determine if there is any contradiction between international treaties and the Constitution.
4. In order to ratify a treaty with content contrary to constitutional principles, the Constitution shall be modified beforehand, following the procedure indicated in Title Eight. An international treaty that has already been incorporated to domestic law, and that is thereafter declared incompatible with the Constitution, shall cease to be applied, using the corresponding mechanism of international denunciation.
5. Once ratified and published in the Diari Oficial de la República, international treaties shall become part of domestic law.
6. In the case of contradiction between a validly incorporated international provision and another from domestic law, the international provision shall prevail, except in cases where the domestic law is more favourable to fundamental rights and public freedoms.
7. Fundamental rights and public freedoms shall be interpreted in accordance with international treaties that contain more favourable clauses.
8. Clauses in international treaties that form part of domestic law can only be derogated, modified, or suspended through provisions in the treaties. If there is no specific clause, said derogation, modification or suspension shall be enacted in accordance with international law.

[Concordance DA 1a]

### **CHAPTER 3. Judiciary**

#### **SECTION 1. General provisions**

##### **Article 86. Justice**

1. The people are the source of justice, and justice shall be administered on behalf of the people by judges and magistrates.
2. The judiciary shall be completely independent, and shall not be subjected or conditioned by any outside influence.
3. The function of the judiciary, rendering and applying decisions through due process, is exclusively the domain of judges and tribunals as prescribed by law.
4. Judges and tribunals can only exercise additional functions expressly attributed to them by law to guarantee rights.
5. The organization and the functioning of the courts shall be based on proximity and jurisdictional unity, in conjunction with alternative systems of conflict resolution, under terms established by law.
6. Ad hoc courts are prohibited.
7. The penitentiary system and its institutions shall form part of the judicial system.

### **Article 87. The judiciary**

1. Members of the judiciary are independent, accountable, and are subject only to the law and its legitimate application.
2. The law shall regulate qualifications for judicial posts, which are gained through competitive public examinations to choose candidates with legal expertise, independence, responsibility, impartiality, wisdom, and a minimum of ten years of accumulated professional experience.  
Posts in the local justice system are gained through a public examination of merit and qualification, with the same qualities mentioned above and a minimum of five years of accumulated professional experience.
3. Members of the judiciary shall be protected in exercising judiciary functions, except in cases of disciplinary or criminal liability.
4. Members of the judiciary cannot be suspended, transferred, isolated, or dismissed from the exercise of these functions, except with due cause and with the guarantees provided by law.

### **Article 88. Rules of incompatibility and the right of judicial association**

1. The law shall establish the rules on incompatibilities for members of the judiciary, which must assure their complete independence.
2. While active, members of the judiciary cannot be members of political parties, trade unions, trade organizations, nor hold any other public office, nor engage in any other professional or business activity, except teaching.
3. Members of the judiciary can form and be part of professional judicial associations, under terms established by law.
4. Under no circumstances can their liberty of expression, opinion, or intellectual creation be limited or prohibited.

### **Article 89. Judicial procedure and cooperation**

1. Judicial proceedings are public, except in exceptional situations listed in procedural law.
2. Judicial procedure shall essentially be oral, with due legal record maintained, under terms established by law.
3. All judgements, court orders, and final judicial decisions shall be issued in a reasoned manner; must be complied with, and pronounced publicly to guarantee the rights of those who receive justice.
4. During legal proceedings, all persons are obliged to cooperate with the judiciary when requested.

### **Article 90. Gratuity of justice and of legal assistance**

1. Justice is universal and free to all. The law shall establish measures to assure proper usage.
2. All persons with insufficient resources or those specifically protected by the law can litigate free of charge with all legal guarantees, according to parameters established by law.

### **Article 91. Juries and collective action**

1. Citizens shall participate in the administration of justice through juries, and the law shall establish their method of selection and modes of functioning.
2. Citizens can engage in collective action in defence of common rights and interests over issues of vital social importance, as established by law.

## **SECTION 2. Organisation and functioning**

### **Article 92. The Consell Superior de Justícia (High Council of Justice)**

The Consell Superior de Justícia is the highest institution of the judiciary, and its purpose is to guarantee democratic, independent, and efficient functioning. The Consell is composed of two chambers: governance and assessment.

### **Article 93. Sala de Govern (Chamber of Governance)**

1. The Sala de Govern is presided by the president of the Tribunal Suprem, by virtue of said office. It is composed of fourteen members: the President; six additional members in representation of the judiciary; four representatives of the lawyers of the Administració de Justícia; two public employees of the judiciary; and one representative of the penal institutions. All will have full-time dedication to this role while they hold office.  
The members are democratically elected by each group, with a maximum term of six years, without possibility of re-election, and can be recalled in cases established .
2. The Sala de Govern shall perform the following functions:
  - a) Assure the necessary and proper functioning, improvement, and adaptation of the judiciary to serve the public interest.
  - b) Ensure sufficient staff and the necessary material and logistical support.
  - c) Implement and regulate and systems for access, transfer, and promotion.
  - d) Promote and appoint members of the judiciary, lawyers in the administration of justice, and other public employees within the judiciary.
  - e) Appoint members of the Tribunal Suprem.
  - f) Protect members of the judiciary when their independence is threatened.
  - g) Formulate and implement disciplinary rules.
  - h) Design and implement judicial procedure, organize judicial offices and services, and support institutions of judiciary organizations.
  - i) Design and operate penitentiaries.
  - j) Regulate and conduct inspections of judicial and penitentiary institutions.
  - k) Prepare reports as requested by the executive, legislature, and Sindicatures.
  - l) Regulate, set, and pay indemnities to victims of crime, according to law.
  - m) Settle claims and pay liability indemnities under Article 107.
  - n) Evaluate, in reasonable time, the possible adoption of measures proposed by the Sala de Control to improve the quality of the justice system, and enact them as appropriate. The rejection of any proposal emitted by the Sala de Control must be justified and published.
  - o) Report activities to the Sala de Control with the frequency and content established by law.
  - p) Any other functions established by law.
3. La Sala de Govern is responsible for preparing, proposing, and controlling the budget of the judiciary, which is approved annually by Parliament, and to which due accounting will be submitted. The budget shall be considered according to the criteria of sufficiency, transparency, and proportionality. To guarantee the independence of the judiciary, overall funding can never be lower than % of gross domestic product.\*  
(\* ) The value shall be determined in public debate  
[Concordance DT 4a]

### **Article 94. Sala de Control (Assessment Division)**

1. The President of the Sala de Control shall be appointed among members of the Sindicatura de Greuges (Ombudsmen Syndicate), exercising said function as a necessary part of the role as a member of the Sindicatura. It shall have twenty-one members: a president; ten members in representation of lawyers currently exercising, and ten more in representation of other workers in the judiciary, according to law. Each collective shall democratically elect its representatives, with a mandate of no more than eight years, renewing the half of each body of representatives every four years.

2. These terms in office are subject to recall in cases established by law, and are honorary offices. The president shall exercise the casting vote.
3. La Sala de Control shall advise and monitor the Sala de Govern to assure its fulfilment of the functions assigned to it.
4. In cases of discord between the Sala de Govern and the Sala de Control that could impede any given function of the Consell Superior de Justícia, the law shall set out terms for mediation through the sindicatura electoral, and if necessary resolve the issue through a conflict resolution referendum specified in the Constitution.  
[Concordance art. 141.3 and DT 4a]

#### **Article 95. Elected offices: organizational statute**

1. The elected members of the Consell must accredit, in order to be elected and nominated, a minimum of 15 years accumulated effective experience in the relevant profession.
2. Law shall determine the organisational statute of the Consell, as well as its regime of incompatibilities and disciplinary measures for members.

#### **Article 96. Legislative participation and regulatory powers**

1. The Sala de Govern has the authority to initiate bills over procedural law, upon advice from the Sala de Control.
2. The Sala de Govern shall inform parliamentary debate over regulation that affects the judiciary in a discreet, pre-determined, and participatory manner.
3. The Sala de Govern has the power to propose referendums over matters in which it has intervened.

#### **Article 97. Economic protection of victims**

1. The law shall specify the terms under which the Republic shall provide annual funding to the Consell Superior de Justícia, specifically to indemnify victims for attacks on their physical, psychological, or sexual integrity, as well as cases where the condemned party is legally insolvent, and victims are thereby in economic hardship.
2. In compensation, the State shall be reimbursed when the condemned party becomes financially solvent.

#### **Article 98. The *Tribunal Suprem* (Supreme Court)**

1. The Tribunal Suprem has jurisdiction over the entirety of Catalonia, and is the highest court in all areas of law. It is composed of the full court and specialized chambers, which shall include a Sala de Garanties Constitucionals i Drets Humans.
2. The essential function of the Tribunal Suprem consists in establishing jurisprudence and harmonizing legal doctrine.
3. Each chamber is composed of at least five members, including the president (Chief Justice), chosen by the Sala de Govern del Consell Superior de Justícia. The majority shall be specialists in the judicial profession, and the rest shall be jurists with recognised prestige, capacity and expertise, with more than fifteen years of accumulated professional activity in the corresponding specialism. The law will determine the procedure for the election of the president.
4. The Sala de Garanties Constitucionals i Drets Humans shall have special regulations concerning its composition, appointments, and functions.

#### **Article 99. *Sala de Garanties Constitucionals i Drets Humans***

1. The Sala shall be composed of the president, who is also the president of the Tribunal Suprem, and nine other members. Five shall come from the judicial profession, and four others shall be professionals of prestige, capacity, and expertise in the relevant field. Member of this Sala shall have accumulated twenty years of professional experience, preferably in the area of constitutional law and human rights.
2. The method of selection shall be regulated by law, according to the following criteria:
  - a) The President of la Sala de Garanties Constitucionals i Drets Humans shall be elected by universal, free, equal, direct, and secret universal suffrage, with a single circumscrip-

tion of all Catalonia, under terms enumerated in Title Six of the Constitution and in electoral law. The candidates cannot be members of political parties. Law shall determine other candidacy requirements.

- b) The other members are chosen through elections, conducted by professionals within the judiciary and University Law Departments, under terms established by law.

#### **Article 100. Renewal of constitutional offices**

1. The President of the Sala de Garanties Constitucionals i Drets Humans is elected for a five-year term, renewable once.
2. The other members of the Sala are elected for a five-year term renewed in the following manner: in the second year of the President term, two members of the judicial profession and two jurists are renewed, and the fourth year, the others.
3. The law shall regulate the requirements and procedure of this process.  
[Concordance DT 4a]

#### **Article 101. Constitutional competencies**

1. La Sala de Garanties Constitucionals i Drets Humans shall conduct the appeals process and render opinions over constitutionality, according to law:
  - a) Writs of empara appeals can be filed by any physical or legal person affected by the verdict of a lawsuit, and must invoke the fundamental human right purportedly infringed upon. Auditors, Ombudsmen, and the attorney general of the Republic, can also file writs in the name of affected parties.
  - b) Writs of unconstitutionality can be filed against any law or equivalent legal standard. The President of the Republic, the Parliament, and the Audit offices and Ombudsmen are authorized to do so.
  - c) Questions of unconstitutionality can be filed by the judiciary with the aim of resolving the issue and determining a sentence, according to the law. The Sala de Garanties Constitucionals i Drets Humans shall file questions of unconstitutionality when the verdict of a writ of empara finds that the violation of fundamental rights is due to the content of the law. The question of unconstitutionality resolves the writ of empara and may then declare unconstitutional the law in question.
  - d) The Sala shall rule over the compatibility of international treaties with the Constitution, as demanded by the President of the Republic or the Parliament.
  - e) The Sala de Garanties Constitucionals i Drets Humans del Tribunal Suprem is the organism considered competent to provide authentic interpretation of the Constitution.
2. The sentences or judgments emitted by the Sala de Garanties Constitucionals i Drets Humans del Tribunal Suprem are final and cannot be appealed, except under provisions of international law.
3. The sentences or judgments emitted by the Sala, including dissenting votes if these exist, shall be published in the Diari Oficial de la República and enter into full force the day after publication.
4. Judgements that declare a law or equivalent legal standard unconstitutional, and those that are not limited to the subjective estimation of citizen rights, affect all people and generate binding jurisprudence for all institutions of the Republic.
5. The parts or sections of the law that are not affected by a ruling over constitutionality shall remain in effect.

#### **Article 102. *Lletrats de l'Administració de justícia* (Lawyers in the Administration of the justice system)**

1. The lawyers in the Administration of the justice system are responsible for judicial offices.
2. Their functions, responsibilities, and rules on incompatibilities are regulated by law.
3. Hiring for the positions is conducted through public competitive exams, to choose independent, responsible, impartial, and wise jurists, with relevant legal expertise and a minimum of five years accumulated professional experience.
4. They can form and belong to professional legal associations to defend their interests, under terms established by law.

### **SECTION 3. Public Prosecutor's Office**

#### **Article 103. Organization and functions**

1. The Prosecutor's Office shall defend the legal system, citizens' rights, and the general interest, and maintain the independence of judges and tribunals.
2. It may file suits using its own autonomy to do so, or as requested by legitimate parties.
3. The Prosecutor's Office shall exhibit unity, autonomy, impartiality, and transparency.
4. The members of the Prosecutor's Office exercise functional control of the Judicial Police during the phases of investigation and judicial instruction of crimes subject to public prosecution, and of those procedures derived from the anti-fraud office, and must have sufficient resources to protect whistle-blowers.
5. Hiring within prosecution offices is conducted through public competitive exams, to choose independent, responsible, impartial, and wise jurists, with relevant legal expertise and a minimum of five years accumulated professional experience in the penal system.

#### **Article 104. *Fiscalia Superior de la República* (Attorney General of the Republic)**

1. The Fiscal Superior shall be elected through universal, free, equal, direct, and secret suffrage with a unique circumscription for all Catalonia, under the terms enumerated in Title Six of the Constitution and electoral law.
2. Candidates for the office of Fiscal Superior must have a minimum of twenty years of effective service in the Prosecutor's office. The law shall determine other candidacy requirements.
3. The term of office for the Fiscal Superior is 5 years, renewable once.
4. The law shall provide for an organizational statute for the *Fiscalia Superior*, which specifies its responsibilities and functions.
5. The *Fiscalia Superior de la República* shall prepare an annual budget, then send it to the Parliament to be studied, amended, approved, and will be held accountable for it.

#### **Article 105. District attorney**

1. There shall be a district attorney for each electoral circumscription, who shall have their own office and the authority to direct and coordinate the activities of members of the prosecution office in the assigned territory.
2. The District Attorney is elected by universal, free, equal, and direct suffrage by the constituents concerned, under terms enumerated in Title Six of the Constitution and electoral law. The term of office is five years, renewable once.
3. Candidates for the office shall have accumulated a minimum of five years of effective career experience in the prosecution office, or ten years in the case of jurists of recognized prestige, capacity, and expertise, preferably with extensive knowledge of criminal law. The law can establish other candidacy requirements.

#### **Article 106. Incompatibility rules and right of association**

1. The members of the Prosecution Office are subject to the same incompatibility rules as members of the judiciary and retain their office as long as they exercise their duties in a dignified fashion.
2. While active, members of the prosecution office can not belong to a political party, nor a trade union nor business association, nor hold any other public office, or professional or commercial activity, except teaching.
3. They can form and be members of professional associations for prosecutors, in order to defend their interests, under terms established by law.

## **SECTION 4. Liability of the Republic**

### **Article 107: Liability**

1. The malfunctioning of the Administration of Justice and court rulings entitle the injured party to repair the moral and economic damage caused, according to procedure established by law.
2. Liability shall be objective.
3. Damage is always presumed when there is dysfunction in the administration of justice or a judicial error.
4. Suits are filed with the Sala de Govern del Consell Superior de Justícia, who shall process the suit within 6 months, with a mandatory report from the Sala de Control, and the payment of any indemnity.
5. The Republic shall annually provide the Consell Superior de Justícia with budget funds specifically allocated for such claims.

## **CHAPTER 4. Other institutions of the Republic**

### **SECTION 1. Sindicatures (Auditors and Ombudsmen)**

#### **Article 108. Sindicatura de Greuges (Ombudsman)**

1. The function of the Sindicatura de Greuges is to protect and defend the rights and liberties recognized by the Constitution, and shall, with exclusive competence in the matter, oversee:
  - a) The management of the civil service of the Republic, and the activity of the public or private organizations associated with or dependent on the public function.
  - b) The activity of private companies that manage public services, or perform activities in the general or universal interest, or privately-managed activities that receive public funding, and other indirect activities.
  - c) The activity of persons who have a contractual bond with the Administració de la República and with the dependent public agencies.
  - d) All other activities and functions determined by law.
2. The Sindicatura de Greuges shall supervise the activity of local administrations, and public or private organizations associated with or dependent on them, in a subsidiary manner in relation to local ombudsmen.
3. When fundamental rights recognized by the Constitution are subject to regulation, the Sindicatura de Greuges can request reports from the Consell de Garanties Constitucionals on the proposed regulations or changes.

#### **Article 109. Sindicatura de Comptes (Account Auditor)**

1. The Sindicatura de Comptes externally audits the accounts, financial management and administrative efficiency control of:
  - a) The local and national governing bodies of the Republic, and the activity of the public or private organizations associated with or dependent on the public function.
  - b) Public finances paid to private companies that manage public services, or perform activities in the general or universal interest, or privately-managed activities that receive public funding, and other indirect activities.
  - c) Public finances paid to persons under contract with the Administració de la República and to dependent public agencies.
  - d) All other finances and agencies determined by law.

2. The effective control of transparency and the fight against fraud and corruption depend especially on the Sindicatura de Comptes.
3. All persons and agencies listed in Paragraph 1 of this article shall submit their accounts to the Sindicatura de Comptes under terms established by law.

#### **Article 110. *Sindicatura d'Ecologia* (Environmental auditor)**

1. The Sindicatura d'Ecologia serves to protect common property and the environment for present and future citizens, and to this end:
  - a) Controls the correct procedures in all types of public and private activities.
  - b) Guarantees the citizens' right to receive permanent, continuous, correct, and proven information about the condition of the totality of the environment, and the impact of both planned and implemented actions.
  - c) Supervises that, in every project where it is contemplated by law, the corresponding Environmental Impact Assessment is carried out.
  - d) Performs all other functions as determined by law.
2. When required by the Generalitat or the Parliament, the Sindicatura d'Ecologia shall report on the environmental impact of projects, as well as on the content of pieces of legislation submitted in Parliament, at all stages of debate and approval.

#### **Article 111. *Sindicatura Electoral* (Electoral Auditor)**

1. The Sindicatura Electoral shall oversee the totality of the electoral process, and shall have the following objectives:
  - a) Elaborate, monitor, update, and publish the electoral register.
  - b) Call, organize, and supervise all elections, referendums, consultations, as specified by law.
  - c) Determine the composition and functions of electoral commissions.
  - d) Oversee the vote count and proclaim the result.
  - e) Maintain the strict neutrality and transparency of the process.
  - f) Facilitate broad political participation through current available technology.
  - g) Advocate and oversee the process of constitutional reform.
  - h) All other functions determined by the Constitution and the law.
2. The Sindicatura Electoral adjudicates electoral issues and appeals, under terms determined by law.

#### **Article 112. Composition and functions of the auditors**

1. Each audit office consists of five síndics, elected for five year once-renewable terms, through universal, free, equal, direct and secret suffrage. The uninominal system shall be used to assure adequate representation throughout Catalonia.
2. Electoral law shall structure candidacy requirements to elect independent, responsible, impartial, wise professional auditors with relevant expertise. The Sindicatura Electoral shall certify the candidates under Title Six of the Constitution.
3. The auditors shall operate with impartiality and independence, having full autonomy to express opinions in the exercise of their functions, and can only be removed from office through recall elections for causes established by law.
4. Law shall regulate auditors' legal status, conditions of incompatibility, cause for termination, and the powers of the síndics. Síndics cannot be members of political parties. Auditors cannot engage in any other public or private professional activity, except those expressly determined by law.
5. The auditors shall enjoy regulatory, organizational, and functional autonomy, with a budget sufficient to effectively carry out their functions, according to the law.
6. Each audit office shall prepare its own budget, which shall be submitted for the approval by the Parliament, and each office shall be held financially accountable.
7. Public administrations and the agencies and persons referred to in Paragraph 1 of Article 108 shall fully cooperate with auditors. The sanctions and the mechanisms to enforce compliance shall be established by law.

8. Each auditor shall provide Parliament with an annual report of its activities, and be accountable.
9. Auditors have the authority to impose sanctions to assure compliance with their objectives, under terms established by law.

#### **Article 113. Junta de Síndics (Board of Síndics)**

1. The Junta de Síndics coordinates the auditors, consisting of a representative from each auditor and a representative from local auditors.
2. The Junta de Síndics shall:
  - a) Coordinate the proper functioning of the auditors and their employees.
  - b) Elect and appoint members of regulatory agencies, on advice of the auditor or auditors competent in the pertinent area.
  - c) Organize the shared services of the auditors.
  - d) Assemble local auditors to discuss issues relating to their powers and authority.
  - e) Perform any function similar to those enumerated above, as determined by law.
3. The Junta de Síndics meets on the advice of any of its members, and is presided over by a member elected for each session. The decisions of the Junta de Síndics are taken by a majority vote of its members. In case of a tie, the presiding auditor shall cast the deciding vote.
4. All public servants shall appear before the Junta de Síndics when justifiably requested, to testify over auditors' issues, never for political reasons.

### **SECCIÓ 2. Consell de Garanties Constitucionals (Council of Constitutional Guarantees)**

#### **Article 114. Functions**

1. The Consell de Garanties Constitucionals oversees that the regulations or actions that emanate from the functions of the Republic conform to the requirements of the Constitution.
2. Under terms established by law, The Consell de Garanties Constitucionals shall issue opinions in the following cases:
  - a) Compliance with the Constitution of bills and legal decrees submitted to Parliament for consideration.
  - b) Compliance with the Constitution of legislative decrees approved by the President of the Generalitat.
  - c) Compliance with the Constitution of bills and legislative decrees affecting local autonomy, approved by the President of the Generalitat.
  - d) Other areas determined by the Constitution and law.
3. Filing a constitutional appeal shall require a preliminary opinion from the Consell de Garanties Constitucionals.

#### **Article 115. Composition and functioning**

1. The Consell de Garanties Constitucionals is composed of nine members nominated by the President of the Republic, who shall be jurists of recognized prestige, capacity, and expertise, having a minimum 20 years of accumulated relevant experience. Five of the members are elected by Parliament by three-fifths majority, and four chosen by the President.
2. The term in office cannot exceed ten years, and cannot be renewed.
3. The members of the Consell de Garanties Constitucionals shall elect a president among themselves.
4. Law shall regulate the functioning of the Consell de Garanties Constitucionals, the status of its members, operational procedures, and this law may increase the competencies exercised by this organism.
5. The Consell de Garanties Constitucionals shall have organizational, functional, and budgetary autonomy, according to law.

### **SECCIÓ 3. Regulatory agencies**

#### **Article 116. Creation and functioning**

1. Regulatory agencies are responsible for supervising, regulating, and overseeing those aspects of economic, social, and environmental life that may require said regulation.
2. Regulatory agencies are created and dissolved through law, which shall regulate the object, competences, normative capacity and capacity to sanction. Reports and proposals from regulatory agencies shall always be binding when they protect the rights of consumers.
3. The members of regulatory agencies are chosen by the Junta de Síndics, on the advice of auditors competent in the area, organizationally dependent on the Sindicatura de Greuges and functionally dependent on the Parliament.

## **CHAPTER 5. Budgets of the Republic**

#### **Article 117. General Budgets of the Republic**

1. The annual general budgets of the Republic shall project the totality of expenditure and revenue for the public sector.
2. The general budget shall be drafted by the following agencies and offices:
  - a) The President of the Generalitat shall draft the budget of the executive branch.
  - b) Parliament shall draft the budget of the legislative branch.
  - c) The Sala de Govern del Consell Superior de Justícia shall draft the budget of the judicial branch.
  - d) Each auditor/Síndic shall draft its own budget.
  - e) The Attorney General shall draft the budget of the Public Prosecutor's Office.
3. With prior approval of the President, budgets are sent to Parliament for consideration, amendment, and approval. The law shall establish mechanisms whereby budget proposals presented to Parliament assure economic stability and the proper functioning of the public sector.
4. All agencies that prepare their budget are accountable to Parliament for their implementation.

#### **Article 118. Limitation on compensation and allowances**

1. The law of General Budgets of the Republic shall annually set a maximum limit on the level of compensation and allowances that may be paid to elected representatives, or unelected workers and appointed staff across all the institutions of the Republic, including local bodies. Nobody shall receive compensations or allowances that exceed 50% of the corresponding wage or salary.
2. Only one public wage or salary corresponding to a full-time position may be received, even when the individual exercises more than one public function.
3. Each year, general budgets of the Republic shall fix an inter-professional minimum salary, to be periodically updated according to the wealth produced annually by Catalonia.
4. New taxes and/or increased tax burdens cannot be imposed on citizens, either through budget law or any law that fails to respect processes, procedures, or requirements established by the Llei General Tributària (General Tax Law).

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## **FIFTH TITLE**

# **TERRITORIAL ORGANIZATION**

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### **CHAPTER 1. Territorial organization of the Republic**

#### **Article 119. Territorial structure**

1. Catalonia shall structure its own basic territorial organization in municipalities and comarques.
2. All supra-municipal territories shall be composed of mancomunitats.

#### **Article 120. Municipalities**

1. The municipality is the basic unit of territorial organization in Catalonia, and the main conduit for local community participation in public affairs.
2. The municipal government and administration are called Ajuntament (Municipal Council), composed of the Alcaldia (Mayor) and Regidors (Councillors).
3. The Constitution guarantees the autonomy of the municipalities to exercise powers and defend interests on behalf of the community it represents.
4. The actions and decisions of the municipality shall not be subject to review by any other administration.
5. Those concentrations of population that, within any given municipality, constitute territorially separate nuclei or have historical reasons to do so, may form decentralised municipal entities, according to the law.
6. Municipalities are created, modified, or dissolved through law, which must be approved by the affected voters in a referendum.

#### **Article 121. Local competencies and organization**

1. Local governments shall have powers in specific areas, under terms determined by law. These powers shall be consistent with subsidiarity and sufficiency, taking into account the different demographic, geographic, functional, organizational, and managerial factors.
2. Municipalities shall enjoy broad functional and self-organizing capacity within the framework established by law.
3. Municipalities shall have regulatory powers consistent with democracy and local autonomy, within the scope of their responsibilities.

#### **Article 122. Local autonomy**

1. The Ajuntaments (Local Councils) are the local governments of Catalonia, which enjoy full judicial powers to fulfil their objectives and responsibilities.
2. Local governments may issue rules designed to maintain order in the public life within their territory, according to law and municipal statutes.

#### **Article 123. *Alcaldia* (Mayor) i *Ple* (Full municipal council)**

1. The Mayor is the highest executive authority of the Council, and represents all institutions of the Republic within municipal territory.
2. The Ple is the organ that controls the Council, and is composed of Councillors. The Mayor has the right to attend meetings and be heard.
3. The Ple and the Mayor hold the powers assigned to them by the law.
4. The Mayor is elected every five years, renewable once, through free, equal, direct, and secret suffrage and in a unique municipal circumscription, under terms established by the Constitution and electoral legislation. The election for the Mayor is separate from that of the Councillors.

5. The Councillors are elected separately from the Mayor every five years, renewable once, through universal, free, equal, direct and secret suffrage in circumscriptions established by the Sindicatura Electoral. There shall be relevant mandatory reports issued from the Council and local auditors, under terms established by electoral law, according to the following principles:
  - a) Each decentralised municipal entity shall contain at least one electoral circumscription. The boundaries of these circumscriptions shall be based on separate nuclei of population, administrative or traditional boundaries, significant geographical features, and public roads.
  - b) No individual circumscription may contain more than 40% of the electoral census of the municipality.
  - c) The number of Councillors for each circumscription is one for every electoral unit, or fraction thereof, the electoral unit being the number of electors fixed by the Sindicatura Electoral for each municipality in each ordinary election, according to electoral law.
  - d) The electoral system for choosing Councillors is through direct representation, using open lists in a single round. The ballot paper shall list the candidates in alphabetical order, starting with a randomly determined candidate, once the candidates have been officially nominated. Each elector shall mark a number of candidates not exceeding the number of Councillors to be elected, and the candidates with the highest number of votes in each circumscription are then elected.
6. When, for any cause, a position of Mayor or Councillor is left vacant before the end of the mandate, by-elections or normal elections will be held, according to the circumstances. In the case of by-elections, the Mayor or Councillor thus elected will occupy the position until the end of the corresponding mandate.

#### **Article 124. Special regime for the city of Barcelona**

1. The city of Barcelona shall enjoy a special regime, established by law.
2. The municipal government is divided into Districtes and Barris (neighbourhoods).
3. The City Council of Barcelona can propose changes to this regime on its own initiative, in accordance with the law and the Reglament del Parlament. It shall participate in the drafting of parliamentary bills that have an effect on this special regime, and must be consulted during parliamentary consideration of other legislation affecting this regime.

#### **Article 125. Local administration budgets**

1. Local administrations shall elaborate, study, amend, and approve their budgets. These budgets shall include the totality of income and expenses, and must include the compensations and maximum allowances referred to in Part 1 of Article 118.
2. The mentioned expenses can only be changed through the same procedures and requirements used for their original adoption.
3. Points 1 and 2 of Article 118 will be applied in the budgets of local administrations.

#### **Article 126. Local *Síndics***

1. Municipal councils can grant local *Síndics* the functions and responsibilities of the Sindicatures of Greuges and of the Environment, exclusively in reference to the territorial and competency limits of the municipality, according to law.
2. Each local *Síndic* shall correspond to a municipality, although various neighbouring municipalities, or municipalities of one comarque, may agree to share a single *Síndic*.
3. Local *Síndics* are elected for a period of 5 years, renewable once, by universal, free, equal, direct and secret suffrage within a uninominal district covering the pertinent territory, under terms established by the Constitution and electoral law.
4. The local *Síndic* shall cooperate with the national *Síndics* to:
  - a) Record and report complaints by citizens of the corresponding territory to the relevant local authorities. Citizens may also address their complaints to any other *Síndics*.
  - b) Transmit to the corresponding *Síndic* those affairs that need to be referred and that do not come within the remit of the local *Síndic*.
  - c) Any other functions determined by law.

5. Each local Síndic shall prepare its own budget, which shall be submitted to the municipal Council, who in turn shall then approve it, observing the principle of financial sufficiency. The local Síndic will present and justify their budgetary accounting to the full Council meeting.
6. The local Síndic shall have the power to sanction, according to terms established by law.

## CAPÍTOL 2. Territorial distribution

### Article 127. The *comarque*

1. The *comarque* is an electoral unit formed by a contiguous area of municipalities. All municipalities shall belong to one only.
2. The *comarques* are created, modified, or dissolved according to the law, ratified in a referendum by the people within the districts concerned.

### Article 128. The *Vegueria*

The *vegueria* is the geographical unit used by the Generalitat for the territorial organization of its services.

### Article 129. Mancomunitats (federations of municipalities) and other supra-municipal entities

1. Local governments can freely constitute Mancomunitats under terms established by law.
2. Mancomunitats are considered local entities.
3. Mancomunitats are managed according to their own autonomously developed protocol, agreed upon by each of the organisms participating in the Mancomunitat.
4. Local governments can also constitute other supra-municipal organizations, under terms determined by law.

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## SIXTH TITLE ELECTORAL PROCESSES

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### Article 130. General electoral principle

1. The electoral process shall be defined as any convocation of the totality or a segment of the Catalan population to manifest their political will.
2. The electoral processes can be ordinary, extraordinary, or recall elections.
3. Different electoral processes may be carried out simultaneously.
4. As the highest authority over electoral processes, the Sindicatura Electoral shall permanently ensure that all citizens, including those living abroad, shall have the maximum opportunity to vote in complete liberty, reliably, enjoying all relevant democratic guarantees.
5. The electoral regime is regulated by law passed by a two-thirds majority in Parliament.

### Article 131. Ordinary elections.

Ordinary elections are held in unalterable cycles of five years, according to the following calendar:

- a) The first election of the cycle shall choose the President of the Republic, the President of the Sala de Garanties Constitucionals i Drets Humans del Tribunal Suprem, the Attorney General of the Republic, and the electoral Síndics.
- b) The second election of the cycle shall choose Mayors, Councillors, local Síndics and District Attorneys.

- c) The third election of the cycle shall choose the parliamentary Deputies and the Ombudsmen of the Síndics de Greuges, Accounts, and Environment.
- All the mentioned elections shall be held in different years.

### **Article 132. Extraordinary elections**

Extraordinary elections fill elected offices vacated for any cause, except for a recall election. Their term of office shall finish when the next ordinary elections are held for that office.

### **Article 133. Recall elections**

1. All elected officials are subject to recall elections, called directly by electors and held before the end of the term of the person subject to recall. The person who is subject to recall can be a candidate in the recall elections together with the other candidates.
2. The Sindicatura Electoral shall call recall elections:
  - a) When requested to do so by a specific number of electors from the relevant circumscription equivalent to more than half of the votes obtained by the person subject to recall and, with a minimum of ten per cent of the electors from the circumscription.
  - b) When the Parliament calls for a vote of non-confidence in the President by a three-fifths majority, according to Article 71.3.
  - c) When the President fails to hold an obligatory referendum, according to Article 137.3.
  - d) When any elected official impedes or prevents a referendum from being held properly and on time, under terms enumerated in 142.5.
3. Once recall elections are held, another recall election cannot be called against the person who won during the period stipulated in electoral law.

### **Article 134. General conditions to be a candidate**

All who wish to be a candidate must fulfil the following conditions:

- a) Be registered on the electoral census in the electoral circumscription for that they are candidates.
- b) Not have been convicted for economic crimes, or for any type of corruption or breach of the security of the Republic, under terms established by electoral law.
- c) On the date of the election, not to have already occupied the position to be filled during the previous eight years. This limitation shall not affect the person subject to the recall election, if the person is a candidate.
- d) Conditions imposed by electoral law and rules specific to each office.

### **Article 135. Electoral campaign**

1. Electoral law shall regulate the general conditions, deadlines, and spending limits for each electoral campaign.
2. The law shall always guarantee equality between all candidates in the electoral process.
3. All the candidates have the right to receive public subsidies for electoral expenses under equal conditions, which must be disclosed once the campaign has finished.
4. The Sindicatura Electoral, by unanimity of its members and by legally established procedures, is empowered to remove a candidate if the spending limits established for the election are seriously violated.

### **Article 136. Election dates and inauguration**

1. Electoral law shall regulate the terms and conditions determining the dates of each electoral process.
2. Ordinary elections shall always take place on the second Sunday of November and the elected representatives shall take office on the following 1st of January.
3. Recall and extraordinary elections are held within a maximum of three months counting either from the moment the recall is granted, or from the moment that the post becomes vacant. The candidates-elect hold the offices from the moment the official results are announced.

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## SEVENTH TITLE

# CITIZEN PARTICIPACION

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### CHAPTER 1. Referendums

#### Article 137. Definitions

1. A referendum is a binding consultation through popular vote over issues or measures of vital political importance, or legal provisions with a national or international scope.
  2. The referendum shall be national in scope if the consultation question concerns all registered voters, or the entire territory of Catalonia. If it concerns a section of the electorate or territory, it shall be a territorial referendum.
  3. The President of the Republic can call a referendum on his/her own initiative, and is obliged to call a referendum in the following cases:
    - a) When requested to do so by Parliament.
    - b) When requested by the Sindicatura Electoral to file a citizen initiative or a popular legislative initiative.
    - c) When the Sala de Govern del Consell Superior de Justícia requests to do so in accordance with Article 96.3.
    - d) When the Síndics vote unanimously to do so.
    - e) When a minimum of 25% of municipal councils request one if they represent 25% or more of the population to be consulted.
    - f) When the Constitution and the law require it.
- If the President does not call a referendum within the deadline specified in the law, the Sindicatura Electoral shall officially call one while simultaneously initiating recall elections against the President.
4. The following must always be subjected to referendum:
    - a) The total or partial reform of the Constitution.
    - b) The amendment or repeal, on popular initiative, of laws approved by Parliament.
    - c) Membership in collective security and defence agencies or international denunciation of these.
    - d) Membership in supranational organizations or international denunciation of these.
  5. The law of Citizen Participation shall regulate the referendum process.

#### Article 138. Quorum and convocations

1. The Law of Citizen Participation shall regulate the quorums of participation necessary for the results to be valid. Attaining quorum with the corresponding participation, a favourable vote of a majority of the electorate is sufficient to adopt the proposal submitted for referendum. If there are two proposals, the winner will be that which secures the highest number of favourable votes.
2. The Law of Citizen Participation shall regulate procedure and deadlines for holding referendums, which cannot be held more than 90 days after the request is submitted to the Sindicatura Electoral, or alternately from the moment there is a legally binding call.

#### Article 139. Proposal of referendum via Citizen Initiative

1. Citizens have the right to advocate, through this mechanism, referenda over the total or partial revision of the Constitution. They can also promote membership of, or denounce, treaties and the laws that derive from them, be they international or supranational, and may also propose the adoption or the derogation of laws.
2. Initiatives that reduce the rights and guarantees that constitute the minimum international standards shall not be subject to referendum.
3. Title Eight establishes the procedure to be followed for constitutional reform, and the Law of Citizen Participation shall regulate the proposition of referendums.

#### **Article 140. Citizen initiative recall referendum**

1. Citizens can call for a recall referendum for any public employee or non-elected office-holder in cases of serious neglect of their duties, or degrading the public services they are responsible for.
2. Popular recall initiatives are carried out regardless of the actions of the person subject to recall, with full provision of the legal rights and indemnities available to them.
3. The Law of Citizen Participation shall establish the requirements and conditions for holding popular recall initiatives.

#### **Article 141. Conflict resolution referendum**

1. In matters of great importance to citizens, the President of the Republic or of the Parliament may call upon the Sindicatura Electoral to hold a referendum to resolve institutional conflict.
2. In matters of local importance, the Mayor and the municipal Council may call upon the Sindicatura Electoral to hold a local referendum in the same manner to resolve situations of conflict.
3. In accordance with Article 94.4, discord between the Sala de Govern and the Sala de Control of the Consell Superior de Justícia that could hinder proper functioning of these organisms, is resolved through the mediation of the Sindicatura Electoral. If the parties cannot reach consensus, a referendum is held over the issue, when requested by either of the Sales.
4. The referendum offers two different proposals, formulated by each institution, authority, or Sala involved, and the citizens shall choose one. The result shall be binding.
5. The Law of Citizen Participation shall determine the conditions, requirements, and procedures for this mechanism.

#### **Article 142. Common requirements**

1. All persons who advocate citizen initiative referendums shall enjoy the right to vote and must be registered on the corresponding electoral roll.
2. Verifiable agreement is needed among a minimum percentage of the electorate to advocate citizen initiative referendums. This percentage shall be established by the Law of Citizen Participation, and cannot exceed 5% of the relevant electorate.
3. This law shall regulate the procedure and the calendar for processing citizen legislative initiatives and conflict resolution referendums. The law shall establish the maximum duration for processing. The maximum duration shall not exceed 12 months, between the filing of a request for referendum with all requirements fulfilled, and its final resolution or vote.
4. The Sindicatura Electoral shall process citizen initiative referendums and conflict resolution referendums, verifying compliance with requirements, processing according to law, complying with and enforcing deadlines, initiating the process, and if necessary convoking the President.
5. The Sindicatura Electoral shall advocate a recall election against any elected official who seriously impedes or hinders the processing and holding of referendums on time and in proper conditions.
6. The Sindicatura Electoral shall have the legal power, with subsidiary consequences, to carry out the recall, approved in a recall referendum via citizen initiative, of the public employee or non-elected office-holder in question, if in a period of no more than 30 days the recall has not been put into practice by the corresponding elected office-holder or organism. This mechanism will not have bearing on the responsibilities or consequences that may be borne by said elected office-holder or organism.

## CHAPTER 2. Popular legislative initiative

### Article 143. Popular legislative initiative

1. A minimum 5% of registered voters can call for a popular legislative initiative concerning the approval, adoption, amendment, or derogation of legislative provisions, or executive decisions with the force of law. These initiatives, which must be formulated as generic concepts, shall be submitted to the Sindicatura Electoral for approval, then transmitted to the Parliament or the President of the Generalitat as appropriate.
2. If the Parliament or the President approves the popular initiative, they shall elaborate the corresponding legal text, which must then be approved within 12 months, counting from the date of receipt by the Parliament or the Executive.
3. If the Parliament or the President rejects the popular initiative, or if three months have elapsed since the presentation of the initiative to the Parliament or the executive with no reasoned response, the promoters of the initiative can demand, via the Sindicatura Electoral, a referendum so citizens decide between its adoption or rejection. If the result of the referendum is affirmative, the Parliament or the Generalitat shall immediately give parliamentary or Executive reading to the relevant norm.
4. Once the norm is approved, if the promoters consider that the manner in which it was enacted violates the spirit and/or the objectives sought, they can hold a new referendum so citizens can decide between approval of the norm or to reinstate the process.
5. The Law of Citizen Participation shall establish the procedure and the deadlines followed for popular legislative initiatives.

## CHAPTER 3. Other provisions

### Article 144. Popular consultations

The Law of Citizen Participation shall regulate the legal regime, modalities, procedure, performance, and convocation by the President of the Republic or local authorities, within the scope of their competencies, of surveys, public audiences, public participatory forums, and any other means of popular consultation.

### Article 145. Dates for holding consultations

Referendums, consultations, and other forms of participation are held simultaneously on the earliest date possible under electoral law, according to Article 136 of the Constitution. If this makes it impossible to meet referendum deadlines, the Sindicatura Electoral shall set a feasible date, on the advice of the Consell de Garanties.

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## EIGHTH TITLE

# CONSTITUTIONAL REFORM

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### Article 146. Initiative

1. The following can initiate the process of totally or partially amending the Constitution:
  - a) The President of the Republic.
  - b) The Parliament, with the support of 1/3 of the Deputies.
  - c) The Sindicatures, by unanimous vote.
  - d) Citizens who gather a number of signatures equivalent to 10% of the electoral census, by a citizen proposition initiative referendum.
  - e) Citizens through a popular legislative initiative.
2. The ratification of international treaties that have been declared unconstitutional by the Sala de Garanties Constitucionals i Drets Humans del Tribunal Suprem shall require appropriate constitutional reform before said ratification.
3. The enactment of constitutional reform that presupposes the violation of international law previously ratified by the Republic requires the prior international condemnation of this norm, in accordance with international law.
4. All proposals for constitutional reform shall be presented to the Sindicatura Electoral, which is responsible for promoting them and supervising their passage through the corresponding procedures.
5. No process of constitutional reforms shall be engaged during wartime or in any state of alarm, emergency, or siege.

### Article 147. Processing and approval

1. Constitutional reform can be enacted by citizen initiative referendum, through Article 139 of the Constitution, or a legislative initiative under Article 143.
2. When constitutional reform affects the Preliminary, First, Seventh, or Eighth Titles, it must be conducted through Article 148, regardless of how it was initiated.
3. When constitutional reform affects other Titles, an absolute majority of Parliament is needed for approval, and it is then submitted for popular referendum under Title Seven. If the proposal is not approved by Parliament or is rejected in a referendum, there cannot be any other reform over the same or similar question for one year. In the first instance, the Sindicatura Electoral, and in the second instance, the Consell de Garanties Constitucionals, are responsible for determining whether or not a proposal is subject to this interdiction.

### Article 148. Process of National Convention

1. Under Article 147.2, the President of the Republic, on the advice of the Sindicatura Electoral, shall initiate a process of informing and raising awareness among citizens, including through public forums open to all citizens to debate the constitutional reform. The Sindicatura Electoral shall organize, promote, and oversee the process, which shall last between three and twelve months. At the end of the process, the Sindicatura Electoral shall issue a report detailing the most significant areas of agreement and disagreement over the content or the principles that should guide constitutional reform. Each of the Sindicatures, the Consell de Garanties Constitucionals, and the Sala de Govern del Consell Superior de Justícia can issue their opinions over the proposed reform as annexes. This report shall be taken into account by the Assemblea Constituent Mixta.
2. The Assemblea Constituent Mixta is the body through which the people of Catalonia exercise their constitutional role. It is independent from the other agencies of the Republic, and is automatically dissolved once the referendum is held over constitutional reform stipulated in the following Point 7.
3. The Assemblea Constituent Mixta is constituted by a minimum of 50 members, half of whom are elected by the Parliament in proportion to their political representation, and the other half

- represented by citizens. The latter are chosen by lot through a special census in which citizens who wish to participate are eligible to enrol at the beginning of each legislative term.
4. The budget and the organization of the Assemblea shall be established by law.
  5. While the Assemblea Constituent Mixta is in session, none of its members can be an electoral candidate; be they ordinary, extraordinary, or recall elections.
  6. The resulting must be approved by three-fifths of the members of the Assemblea.
  7. In accordance with the previous provisions, once drafted and approved, proposals for total or partial reform of the Constitution shall be published in the Diari Oficial de la República to raise citizens' awareness and foster debate, and then shall be subject to a national referendum. If more than half of the voters vote in favour, the Constitution is definitively approved, without a quorum of participation being necessary.

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## DISPOSITIONS

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### Additional dispositions

#### First

The Republic shall succeed the Spanish State in all validly adopted international treaties and instruments from the day that the Declaració d'Independència (Declaration of Independence) is proclaimed, unless they are specifically repealed by a three-fifths majority of Parliament.

#### Second

The Republic shall promote the transformation of arms industries into industries of security and conflict prevention.

### Transitional provisions

#### First

The legal regime of the Castilian Language shall respect, guarantee, and protect the linguistic rights of Catalans who constitute the new state. Those born before 1977 are able to use oral and written Castilian in their dealings with public institutions, without any linguistic discrimination.

#### Second

Those citizens who hold Spanish Nationality and have Catalan administrative residence on the date of the Declaració d'Independència or those who can demonstrate legal residency in Catalonia for 5 years or longer, are recognized as Catalans of origin for all purposes, without hindering their right to renounce this condition if they wish to conserve the Spanish Nationality and Spanish legislation does not permit dual nationality.

#### Third

1. From the ratification of the Constitution and until the first ordinary elections under Article 131, the President of the Generalitat elect shall continue in the Presidency. Elections shall be held on the second Sunday of November immediately after the Constitution takes effect.

2. On the same date will be elected the President of the Sala de Garanties Constitucionals i Drets Humans del Tribunal Suprem, the Fiscal Superior de la República (Attorney General), and the first Sindicatura Electoral, which shall be responsible, as of this moment, for all electoral processes, as established in Article 130.
3. Exceptionally, the first ordinary elections will elect the Sindicatura d'Ecologia. The Síndics elected under this arrangement shall hold office until the third ordinary election of the same cycle.
4. The term of office for the Mayors and Councillors nominated on this date shall be exceptionally extended until the second ordinary election of the same cycle.
5. The term of office for Deputies, the Síndic de Greuges, and members of the Sindicatura de Comptes shall be exceptionally extended until the third ordinary election of the same cycle.

#### **Fourth**

1. Once the first ordinary elections are held in the first cycle, the Sala de Govern and Sala de Control del Consell Superior de la Justícia shall be constituted within 90 days. The members of these organs are chosen according to Articles 93 and 94 of the Constitution.  
In order to renew half of the members of the Sala de Control, the constituent meeting must conduct two rounds of drawing lots; one among members chosen by practicing lawyers, and another among members chosen by the judiciary, to plan objectives for their term in office pending the next election.  
The members of the Sala de Control whose terms finish at the first re-election are exceptionally eligible for a second full term.
2. Once the first ordinary elections of the first cycle are held, the Sala de Garanties Constitucionals i Drets Humans del Tribunal Suprem shall be constituted within 90 days, under Article 100 of the Constitution.  
In order to determine the order of elections, there shall be two rounds of drawing lots in the constituent meeting. One between members chosen for judicial offices and another among members chosen among jurists of recognized prestige, abilities, and expertise, to plan objectives for their term pending the next election.  
The members of the Sala de Garanties Constitucionals i Drets Humans del Tribunal Suprem whose terms finish in the first re-election, are exceptionally eligible for a second full term.
3. The President of the Republic, upon advice of the Consell de Garanties Constitucionals, has the power to issue legal decrees in order to facilitate this transitory provision.

#### **Fifth**

The agencies stipulated in the Llei de Transitorietat (Transition Act) shall continue functioning in every aspect not provided for in any transitory disposition, and while the provisions envisaged in the Constitution are not yet in place.

## Derogatory dispositions

### First

The Decret de Nova Planta of January 16, 1716 is declared null, void and completely repealed.

### Second

1. The Spanish Constitution of December 27, 1978 is repealed, along with other Spanish laws that may be potentially applicable, throughout the territory of the Republic of Catalonia, except for laws that will temporarily remain in effect according to the Llei de Transitorietat (Transition Act).
2. All laws contrary to this Constitution are repealed.

## Final dispositions

### First. Entry into force

The Constitution shall be in force from the moment it is published in the Diari Oficial de la República.

If there is any conflict or inconsistency between the Catalan version and the English version, the Catalan shall be the governing and prevailing version.

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And more than 3,400 citizens' contributions.