

"This Constitution that you hold in your hands will be the first law which the Deputies elected to the Parliament of Catalonia from *Reagrupament* [the Realignment Party] will submit for approval."

– Joan Carretero (*Vic, 13th March 2010*)

“EACH NATION CHOOSES ITS OWN LAW”

Usage: “Unaqueaeque gens”

[“And likewise equally the nation”]

CONSTITUTION OF CATALONIA

We, the people of Catalonia,

Wanting to re-establish our sovereign rights, conscious of our responsibility toward future generations and wanting to build a united, prosperous and open community with solidarity, and with respect for human dignity and fundamental rights, do hereby give ourselves the present Constitution.

Preamble

The Constitution that we give ourselves draws inspiration from the principles set forth in the Declaration of the Rights of Man and the Citizen of 1789, the Universal Declaration of Human Rights proclaimed by the United Nations in 1948, and the European Convention on Human Rights of 1950.

The public authorities have the obligation to guarantee and respect these principles and the fundamental rights which are set forth in this Constitution.

Title I. General Principles. Sovereignty

Article 1. The State

Catalonia is an independent, democratic and social State, under the rule of law.

Article 2. Exercise of Sovereignty

National sovereignty belongs to the people of Catalonia, who exercise it directly or through their representatives.

Article 3. Territory

The territory of Catalonia corresponds to the geographic limits of Catalonia.

Article 4. The Capital

The capital of Catalonia is the city of Barcelona.

Article 5. Language

Catalan is the proper, national and official language of Catalonia.

Linguistic freedom is guaranteed.

Occitanian, called Aranese in the Valley of Aran, is also the official language in that territory.

Article 6. Nationality

A law shall prescribe the conditions for acquiring, maintaining and losing one's status as a Catalan national.

The citizens of the Valencian Country, the Balearic Islands, Northern Catalonia, the Western Strip [along the eastern edge of Aragon] and Alguer are guaranteed their status as Catalan nationals, if they apply for it.

Article 7. Symbols

The symbols of Catalonia are the Catalan national flag, the national holiday and the national anthem.

Title II. Fundamental Rights

Article 8. Human Dignity

Human dignity is inviolable.

Article 9. The Right to Life

Every human being has the right to life.

The death penalty, torture and inhuman or degrading punishment are prohibited.

Article 10. Equality under the Law

Women and men are equal under the law.

No one shall be prejudiced or favoured because of his or her origin, race, birth, beliefs, opinions or social situation, nor any other personal condition.

Article 11. Freedom

Individual freedom is guaranteed.

Especially guaranteed are:

- a) Personal freedom, and physical and moral integrity
- b) Respect for private and family life
- c) The right to one's honour and reputation
- d) The inviolability of one's home, correspondence and telecommunications
- e) The right to have and raise children
- f) Freedom of thought, conscience and religion
- g) Freedom to hold, express and disseminate opinions
- h) Freedom of the press
- i) Freedom of association, assembly and demonstration
- j) The right to strike and the right to collective bargaining
- k) The right to receive an education and freedom of teaching
- l) Freedom of artistic creation and research
- m) Freedom to choose and practice a profession
- n) Freedom of enterprise, commerce and industry
- o) Freedom to establish one's domicile
- p) Freedom of access to public office

Article 12. Judicial Protection

Everyone has the right to obtain effective judicial review.

Everyone has the right to the presumption of innocence.

Every person arrested shall be brought before a judge within twenty-four hours following his or her arrest.

Everyone has the right to a judge properly predetermined pursuant to law, to be defended by an attorney, to know what he or she is accused of, and to have a speedy, just and public trial.

There shall be no *ex post facto* criminal laws or penalties.

Special courts are prohibited.

Every person unjustly arrested has the right to be compensated for the damages he or she suffers.

Article 13. Prohibition of Censorship

Censorship is prohibited.

Article 14. Property

The right to own private and corporate property is guaranteed.

Article 15. Marriage

The right to marriage and to form a family is guaranteed.

The freedom to establish another form of living in common different from marriage is guaranteed.

Article 16. Protection of Territory

Everyone has the right to live in a balanced natural environment.

State agencies are required to ensure just land use and rational zoning. They are required to combat noise, air, soil and water pollution, and to safeguard flora, fauna and the natural beauty of the countryside, as well as natural and architectural heritage.

Article 17. Prohibition of Arbitrariness

Everyone has the right to be free from arbitrary treatment by State agencies, and to be treated with respect for the dictates of good faith.

Article 18. Political Rights

Citizens have the right to participate in public affairs.

Every person sixteen years of age and over has the right to take part in elections, popular votes and referendums, to be elected to hold public office and to give support to any popular legislative initiative.

A law shall prescribe the exceptional cases in which a person may be deprived of his or her political rights.

Article 19. Popular Legislative Initiatives

Fifty thousand voters or fifty municipalities may require the legislative branch, through a popular legislative initiative, to promulgate, modify or repeal constitutional or legislative provisions.

Title III. Duties of the Citizens

Article 20. Defense of Catalonia

Catalans have the duty and the right to defend Catalonia.

Article 21. Public Expenditures

All citizens shall contribute to sustaining public expenditures.

Title IV. Organization of the State

Article 22. Powers of the State

The three fundamental powers of the State are the legislative power, the executive power and the judicial power.

The legislative, executive and judicial branches are separate. Laws shall prescribe the bodies which shall form each of the State's branches, and also their composition, attributes and functions.

Article 23. Municipalities

The attributes and functions of the municipalities and supra-municipal bodies shall be prescribed by law.

Title V. Constitutional Amendments

Article 24. Principle of Freedom to Amend the Constitution

The Constitution may be totally or partially amended.

Any amendment must be submitted to popular referendum and approved by a simple majority of votes.

Article 25. Partial Amendment

Partial amendment of the Constitution shall conform to the rules governing ordinary legislative procedure.

A partial amendment of the Constitution may cover one or more articles, but in no case shall it affect more than one subject matter.

Article 26. Total Amendment

Total amendment of the Constitution may be initiated by the people through popular initiative, or by the legislative body.

Transitional and Final Provisions

First.— This Constitution repeals, in the territory of Catalonia, the Constitution of the Kingdom of Spain of 1978.

Second.— Until such time as laws are passed providing for the composition, attributes and functions of the legislative, executive and judicial branches, their attributes shall be exercised by the Parliament of Catalonia, the President, the Government of the Generality and the judicial bodies, in the manner prescribed in organic law no. 6/2006, dated 19th July, reforming Catalonia's Statute of Autonomy.

Third.— All juridical enactments promulgated by the Parliament of Catalonia which contradict the principles and rights set forth in this Constitution are hereby repealed.

Fourth.— Effective Date

This Constitution shall take effect on the day after its ratification by the people of Catalonia in a referendum.

Within ten days following the date of this law's enactment by the Parliament, the President of the Generality shall issue an order scheduling a referendum, which must be held within forty to sixty days after the date of issuance of the President's order, for submission of the present Constitution to the people of Catalonia for ratification.