

**Press release**  
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## **The Catalan Ombudsman considers the Constitutional Court's decision on Article 78 of the Statute of Autonomy outdated, inappropriate and inefficient**

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The Catalan Ombudsman, following an initial assessment of the Constitutional Court's ruling on the Statute, finds that the decision will curtail Catalonia's right to self-government, and the democratic objectives that validate it, such as the preferential language of administrations, although the part of the appeal affecting the Statute's title on rights is still under deliberation.

As for the Catalan Ombudsman institution, the Constitutional Court has deemed unconstitutional the term of exclusivity established in Article 78 of the Catalan Statute of Autonomy, which referred to the Catalan Ombudsman's competency to exclusively supervise the Administration of the Generalitat (Autonomous Government of Catalonia) and its related bodies.

It is considered outdated because in modern democracies with decentralized states -either federal or autonomous- such as the United Kingdom, Belgium, Austria and Argentina, when there is a *regional-level* ombudsman that supervises the regional administration, if this figure co-exists with a state-level institution, the latter does not intervene in regional affairs. Along these lines, the Constitutional Court's ruling is markedly outdated, untimely and inappropriate for a decentralized state model such as that of a state of autonomous communities.

The Constitutional Court's decision is inappropriate and inconsistent for the institutional design inherent to the compound state that is derived from the 1978 Constitution. The state-level Ombudsman does not fit within the supervision mechanisms of any autonomous parliament. No central or autonomous law states that the Spanish Ombudsman may appear to inform on his office's activities before any other parliamentary institution than the Spanish parliament. No autonomous parliament has this possibility developed, nor is it foreseeable that it be developed. Therefore, if his office were to intervene in matters within the autonomous communities' realm of competencies, the Spanish Ombudsman would not be able to present or discuss his conclusions before the competent parliaments.

Last, it bears consideration that the TC's decision opens the doors to inefficiency, by allowing a duplicity of actions between the Catalan Ombudsman and the Spanish Ombudsman, hindering the optimization of public resources. It denies the prevalence of intervention by the nearest institution, which would be consistent with the principle of

subsidiarity, and paves the way for duplicity, with negative consequences that are even worse if considered in the current context of crisis and the necessary reductions in public spending.

The Catalan Ombudsman wishes to state that, by the duties assigned to his office by the Statute of Autonomy of Catalonia and the Catalan Ombudsman Act, he will continue to work to defend the rights of persons and collaborating with the institutions of the European Ombudsman, the Spanish Ombudsman, other Autonomous Community Ombudsmen and Local Ombudsmen.

