



AVOCATS EUROPÉENS DÉMOCRATES
ABOKATU DEMOKRATA EUROPARRAK
EUROPÄISCHE DEMOKRATISCHE RECHTSANWÄLTE
ADVOCATS EUROPEUS DEMÓCRATES
ABOGADOS EUROPEOS DEMÓCRATAS
AVVOCATI EUROPEI DEMOCRATICI
EUROPESE DEMOKRATISCHE ADVOKATEN
EUROPEAN DEMOCRATIC LAWYERS

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The European Association of Democratic Lawyers (EDL) has been informed of the existence of a file containing the names of 15,000 Basque citizens who would be disqualified to candidate for the elections. Moreover, their mere presence in electoral lists would be enough to illegalize these lists and prevent them from taking part in the electoral struggle.

These persons do not suffer this limitation of their right to passive suffrage on the basis of a judicial procedure with full guarantees. On the contrary, this limitation is a discretionary administrative measure aiming at creating a list containing those who have been under police investigation, have participated in demonstrations, have visited Basque political prisoners, were candidates in previous electoral lists later illegalised or who have merely participated as scrutineers in a previous electoral process.

The steps taken by the Association of Basque lawyers - Eskubideak to access information confirming the existence of these lists as well as the data included in them have been unsuccessful due to the silence of the administration. Nevertheless, their existence is evident since the Public Prosecution is working on files of similar characteristics to oppose the candidatures presented until now for the elections of the 27th of May to municipalities and provincial assemblies, as well as to the Parliament of the Community of Navarre.

This is a very serious attack on the right to privacy and intimacy. It is in clear opposition to European¹ and Spanish² legislation in regard to

¹ Directive 95/46/EC of the European Parliament and of the Council of the 24th October 1995 on the Protection of individuals with regard to the processing of personal data and on the free movement of such data. Article 1.1. in accordance with this Directive, Member States shall protect the fundamental rights and freedoms of natural persons, and in particular their rights to privacy with respect to the processing of personal data.

personal data protection and the citizen's right to know what data appears in these lists and to what aim. But moreover, it has a serious impact on the right to passive suffrage of an important part of Basque society that would be deprived of the right to freely candidate to the elections. This situation would influence the electoral process itself which would suffer from a serious democratic deficit. Finally, we consider that this type of measures does not contribute to the democratic settlement of the political conflict that still today affects the Basque Country and the Spanish State.

This is why the EDL:

- requests the Spanish authorities to recognize the existence of these lists and to provide those included with information on the data that appears in them.
- urges to recognize the illegality of this file, suppress its effects and compensate those included in them.
- requests the Spanish authorities to open a process to revoke the Political Party Law constituting the basis of this procedure and criticized by international and domestic bodies in numerous occasions.
- calls to adopt the appropriate measures to assure all democratic guarantees of the elections, ensuring the presence of all political forces.

² Statutory Law 15/1999, of the 13th December 1999, on Personal Data Protection. Article 1: „The present law has the aim of guaranteeing and protecting with regard to the treatment of the personal data, the public freedoms and fundamental rights of the persons, and specially their honour and personal and familiar intimacy“.