

# **Application of the European Charter for Regional or Minority Languages in Spain**

**Report on the implementation of the  
recommendations of the 5th report from  
the Committee of Ministers**

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**PLATA  
FORMA  
PER LA  
LLENGUA**

**L'ONG del català**

# Application of the European Charter for Regional or Minority Languages in Spain

## Report on the implementation of the recommendations of the 5th report from the Committee of Ministers

This document is intended to present an overview of the main infringements of the European Charter for Regional or Minority Languages (ECRML) by Spain with respect to the protection of the Catalan language relating to immediate actions demanded in the fifth evaluation report from the Committee of Experts.

We structured this report in **five parts**, each focusing on one of the [four recommendations](#) from the **Committee of Experts relating to Catalan language**, with an added specific section about the COVID-19 pandemic. The first section of the document deals with infringements of article 9. The second section of the document analyses the main instances of non-compliance regarding article 10 and the third part refers to article 8. The fourth section deals with article 7. Finally, the last part of this report focuses on the lack of consideration by the Spanish Senate in not giving information about the COVID-19 pandemic situation in the Catalan/Valencian language.

In this report we use the expressions “**Catalan language**” and “**Valencian/Catalan language**” interchangeably to refer to the Catalan language.

**Plataforma per la Llengua** is the NGO working to promote the Catalan language and protect the language rights of Catalan-speakers from all the areas where it is the traditional language. The more than 20,000 members who support us make Plataforma per la Llengua the biggest organisation in Europe committed to protecting a language and its speakers.

This report, presented to the Committee of Experts of the ECRML, will also be published on our website in the near future.

## **1. Amend the Spanish Judiciary Act to guarantee the use of the co-official languages in judicial proceedings at the request of one of the parties.**

Regarding article 9 concerning judicial authorities, since the last report the Spanish State appears to **have taken no new action to amend the Spanish Judiciary Act** to ensure the use by the criminal, civil, and administrative authorities of Catalan/Valencian in judicial proceedings at the request of one of the parties in Catalonia, the Balearic Islands and the Valencian Country. **Nothing has been done in this respect at either legislative or parliamentary level.**

Moreover, despite the Spanish State's reply to the fifth report of the Committee of Experts, Article 231 of the Spanish Judiciary Act, **does not allow parties to be tried in a co-official language in criminal, civil or administrative proceedings if they request it.**

The text of the article allows the judicial authority to express itself in a **co-official language**, but always at its own convenience, and it actually limits citizens' rights to speak in their own language under a second and third degree of protection, but not under the first degree, which is the level chosen by the Spanish State.

## **2. Improve the use of Catalan language by the Spanish State administration in the Autonomous Communities of the Balearic Islands, Catalonia and the Valencian Country.**

Plataforma per la Llengua **has not detected any progress** in compliance with **Article 10 of the Charter** and improvements in the use of Catalan by the State administration in the Balearic Islands, Catalonia, and the Valencian Country.

Due to the importance of the public administration in everyday life, **interaction between citizens and public bodies is vital**, constituting the basis for any public service or Welfare State. We focus our analysis on two central aspects: online services and face-to-face services.

### **Online services:**

In order to demonstrate how public administration bodies' websites discriminate against the Catalan language, we carried out a **detailed analysis to find out whether progress has been made regarding the situation under the previous Spanish Government.**

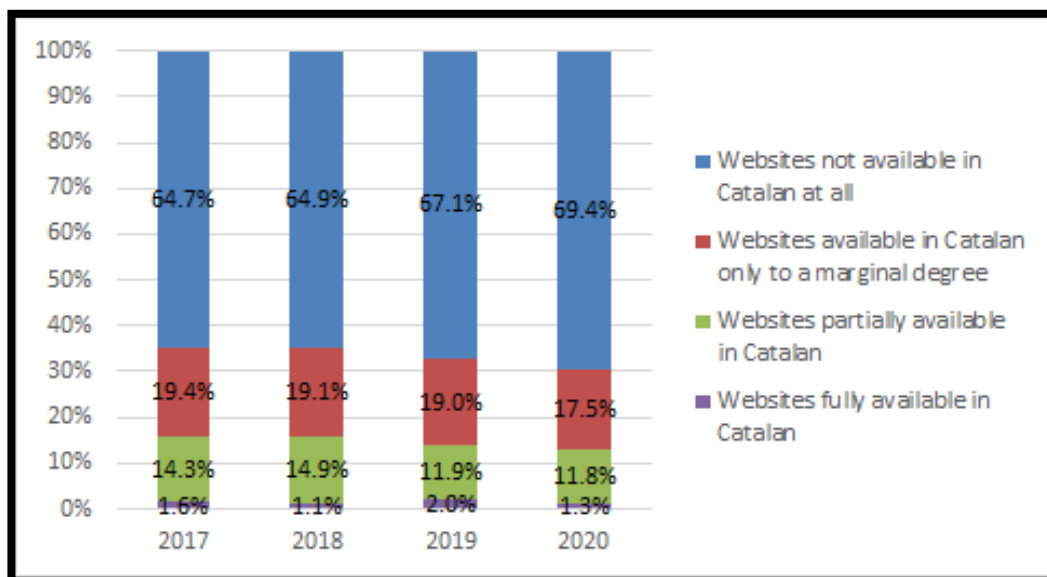
Although when Mr Rajoy was Prime Minister (the previous Spanish Government of the Partido Popular – PP), the Spanish Socialist Party asked him to improve the presence of Catalan on Spanish Government websites, the current use of Catalan under Mr Sánchez

(Socialist Party – PSOE) as Prime Minister is even lower than under the PP, as shown in Figure 1.

**Of the 389 official websites analysed, only five are fully available in Catalan** (1.3% of the total) and 46 websites (11.8%) are only partially available in Catalan (not all sections available, some mixing Spanish and Catalan language, some with very poor quality translations).

**270 of the websites are not available in Catalan** (69.4%) at all, and 68 websites (17.5%) have only the menu and titles translated, or very few of them, with static sections. The full list of websites is included in the documentation section.

**Figure 1: Spanish Central Government websites available in Catalan (2017-2020)**



*Source: Compilation based on visits to Spanish Administration websites before 12 November 2020. Websites of no use to citizens from Catalonia, Valencia and Balearic Islands are not included in the compilation.*

**The lack of Catalan language versions means Catalan is used less than in the pre-digitalisation era.** In fact, some administrative processes, previously carried out face-to-face in State administration offices, with the possibility of doing them in Catalan in Catalonia, the Valencian Country, and the Balearic Islands, are nowadays **only available online and in Spanish**. This is the case when requesting a person’s official working life report, checking the cadastral reference of a property (which is required for the annual tax return declaration), or consulting the current state of a driving licence.

**Plataforma per la Llengua presented a formal petition requesting a Catalan version of two online services involving the 060 hotline** (the Spanish Public Administration’s

hotline for general enquiries, access and procedures with State bodies). In this respect, the Spanish government's Multilingualism Office insisted that we submitted our request in Spanish but the result was that **the Spanish central administration refused to offer the services in the required language**. The request and the resolution are attached in the documentation section.

### Face-to-face services:

Regarding public calls for applications to fill vacancies at Spanish public enterprises or bodies, article 54.11 of Royal Legislative Decree 5/2015, of 30 October, approving the consolidated text of Basic Statute of Public Employment, imposes **a duty on all public sector workers to ensure they provide attention in the official language requested by each citizen**, but we can see that public calls for job applications do not take this into consideration.

**One example is the call by Adif** (Spanish state-owned railway infrastructure manager under the Ministry of Public Works), for operational workers under [reference PNI20/01 \(published on 28 July 2020\)](#). Although staff appointed could be posted anywhere in Spain, including areas where co-official languages other than Spanish are spoken, **knowledge of co-official languages is neither considered nor specified, even though candidates have to demonstrate knowledge of English up to A2 level**.

Another example is the latest open call for **applications to join the Spanish public employment service**, published in the Spanish Official Gazette on 9 October 2019, with postings all over Spain. Although it is true that the advertisement specifies that workers who want to apply to an area where a co-official language is used should have a knowledge of that language, **this knowledge is not considered as a “general merit”**, such as work-life balance, for example, it is counted as a “specific merit”. Furthermore, no-one can score more than 1 point for knowledge of a co-official language (1 point for higher level, 0.5 points for intermediate level, and 0.25 points for basic level) out of a total of 30 points for specific merits and a total of 100 points for the entire application.

Then there is the latest open call for applications for public service jobs with the Civil Guard published on 24 August 2020 in the official Spanish government gazette. As in the case of Adif, and although if the future workers will have to be posted all over the Spanish State and could be assigned to a region where a co-official language is in use, **co-official languages others than Spanish are not mentioned or considered**, although German, Arabic, French, English, Italian, Portuguese, and Russian are.

Finally, and because the Spanish authorities answered the report from the Committee of Experts denying knowledge of any discrimination, **between 2018 and the present day, 51 grievances of severe discrimination by the Spanish general administration have**

**been reported to Plataforma per la Llengua, and more specifically, 27 grievances concerning law enforcement agencies.**

**Plataforma per la Llengua has given advice and support in ten cases** resulting from police malpractice, all reported to the Spanish State administration, and one specifically to the Ombudsman.

These grievances are only the ones reported to Plataforma per la Llengua in which we have been involved in giving advice and support. We repeat that **they represent a very small part of all the discrimination committed by Spanish general administration.** Plataforma per la Llengua will be delighted to send the Committee of Experts all the necessary information and documentation about these grievances, with fully anonymised details.

Finally, we enclose some photographs taken last months to demonstrate that the Spanish administration is continuing to fail regarding the use of official place names when their original form is in a regional language. Furthermore, non-traditional Catalan names are used to refer to towns, rivers, etc. For example, “Castelló” is often used, when the traditional name in Catalan is “Castelló de la Plana”. Sometimes, Spanish references, such as “Autovía del Mediterráneo” (Mediterranean Motorway in Spanish), are also left untranslated into Catalan.

### **3. Remove limitations on teaching in Valencian/Catalan in Valencia.**

The Committee of Experts’ Evaluation Report considered that **Spain was meeting its undertakings relating to Article 8 of the Charter**, more specifically regarding letters a (pre-school education), b (primary education), c (secondary education), and d (technical and vocational education).

One year after the publication of the Committee of Experts’ report declaring that the new Valencian Education Act (Act 4/2018, regarding the regulation and promotion of multilingualism and interculturalism in the Valencian education system) did not comply with the ratification instrument, **the Valencian government still intends to make the law effective.** In fact, in March 2020, the Multilingual Education Service of the Valencian Government’s General Directorate of Educational Innovation and Guidance published a [guide to drawing up language plans for schools and colleges](#). This sets out **how schools and colleges should draw up new plans**, specifying that **they should have a minimum of 25% in Valencian/Catalan, 25% in Spanish and 15% in English**, contrary to the statement from the Committee of Experts.

NGOs like Plataforma per la Llengua and STEPV-Intersindical Valenciana, have shown their **dissatisfaction with the Valencian government’s lack of desire to amend the Act**

**and its lack of effort to promote a language immersion programme.** Because of the pandemic, the Valencian government has approved a decree-law to postpone the application of Act 4/2018 in secondary, technical and vocational education for a year.

Even if this measure could provisionally have positive results, this decree-law states that schools and colleges in areas where Valencian/Catalan is the traditional language “must apply the progressive incorporation programme (PIP) and, if authorised, the teaching in Valencian/Catalan programme language (PEV), in accordance with the specifications of the particular programme plan (DPP)”. As a result, even during the year when the law will not be in force, the default programme will be the one in which Spanish is in the majority (PIP), not the immersion programme (PEV).

#### **4. Include the names of Part II languages in the Statutes of Autonomy of the Autonomous Communities where these languages are, if they are not yet included.**

Regarding compliance with Article 7 of the Charter in the **Autonomous Community of Aragon**, and despite the fact that the Committee of Experts’ recommendation makes very explicit reference to the need to give official status to the Catalan language in this and other Communities, the Statute of Autonomy, **still unfortunately fails to acknowledge Catalan as an official language**. Furthermore, **there is no parliamentary activity regarding the inclusion of the language or any legislative initiative along these lines**.

Regarding the situation of Valencian/Catalan **in the Region of Murcia**, we have detected a [proposal to reform this region’s Statute of Autonomy](#), particularly **regarding language**.

Concerning **Article 11 on Education**, and more specifically point 9: “The education system will promote the pupils’ creativity, innovation, and entrepreneurial capacity and use of new technologies, as well as their knowledge of the history, geography, society and culture of the Region of Murcia, all of them based on the value of equality between men and women, liberty, solidarity, political pluralism, cultural diversity and democratic coexistence”.

**Article 28 on Duties** “in the field of competencies [of the regional government], without prejudice to constitutionally recognised duties, this Statute [of Autonomy] establishes, and the law will develop, the obligation for everyone [...] f) To respect the traditions and take care of particular linguistic features of the Region of Murcia, as well as to protecting its historical, cultural, artistic, and natural heritage”.

**Article 33** “Free access for everyone to culture and the respect of cultural diversity, as well as to the promotion of all forms of artistic creativity and the values of the citizens of the Region of Murcia and the consolidation of their identity by research, development and dissemination of the social, historical, linguistic, and cultural traits of the Region of Murcia

in all their variety and extent, paying particular attention to the rich heritage of traditional rural forms, in the context of essential and complete socio-economic development”.

This new draft Statute of Autonomy **still does not include the Valencian/Catalan language** and there **has been no progress regarding the promotion, use and teaching of Valencian/Catalan in the Region.**

## **5. Refusal by the Spanish Senate to give information about the pandemic in co-official languages, acting against the recommendation of the Council of Europe**

Because of the recommendation by the ECRML Committee of Experts of ECRML that **information should be given in co-official languages** and considering the Spanish government’s failure to give information about COVID-19 in co-official languages, on 19 May 2020 senators Bernat Picornell Grenzner, Sara Bailac Ardanuy and Idurre Bideguren Gabantxo (from the Esquerra Republicana-EH Bildu parliamentary group) presented a [motion to the Spanish Senate](#) denouncing the situation and **appealing to the Government to fulfil its obligations in compliance with the charter.**

The motion focused on:

- 1.** Drawing up the necessary protocols and, in the case of a new pandemic, making **communications in the different languages of the Spanish State.**
- 2.** Applying the concept of **linguistic subsidiarity** for all the Government’s interventions regarding Spain’s official languages, and **respecting the ECRML.**
- 3.** Drawing up **a report about compliance with the ECRML** concerning the whole period of the pandemic state of alert.
- 4.** Examining the Spanish Government’s compliance with the ECRML and **making the necessary changes regarding public communication,** and all other modifications required to put right all the deficiencies found.

**[The motion was not accepted](#) by the Spanish Senate, with 23 votes against, and 5 in favour.**

The Spanish Socialist Party (PSOE, the governing party) proposed a full amendment in the form of an alternative motion, **but under no circumstances will they commit themselves to go along with the Council of Europe’s indications** regarding multilingualism in pandemic periods or to evaluate the use of regional or minoritised languages.



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