

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

Strasbourg, 31 March 2021

MIN-LANG (2021) 7

**EUROPEAN CHARTER FOR REGIONAL OR MINORITY LANGUAGES**

**Evaluation by the Committee of Experts  
of the Implementation of the Recommendations for Immediate Action  
contained in the Committee of Experts' fifth evaluation report on  
SPAIN**

## Introduction

1. The European Charter for Regional or Minority Languages (hereafter referred to as “the Charter”) is a treaty of the Council of Europe putting obligations on its states parties to protect and promote the country’s traditional regional or minority languages in all fields of public life: education, judicial authorities, administrative authorities and public services, media, cultural activities and facilities, economic and social life, and transfrontier exchanges. The Charter was ratified by Spain on 9 April 2001, entered into force on 1 August 2001 and applies to the following languages: Basque in the Basque Country and Navarre, Catalan in the Balearic Islands, Catalonia and under the name of Valencian/Catalan in the Valencian Community, and Galician in Galicia. Together with Occitan of the Aran Valley in Catalonia (Aranese), these languages are covered by Parts II and III of the Charter. According to Articles 1 and 2 of the Charter the following languages are covered only by Part II: Amazigh in Melilla, Arabic/Darija in Ceuta, Aragonese in Aragon, Asturian in Asturias, Caló as a non-territorial language, Catalan in Aragon, Estremeño in Extremadura, Fala/Galician in Extremadura, Galician-Asturian in Asturias, Leonese and Galician in Castile and León, Portuguese in Extremadura and Valencian/Catalan in Murcia.
2. The Committee of Experts monitors the implementation of the Charter. Each state party shall present a periodical report on the implementation of the Charter every five years. Based on the full evaluation report by the Committee of Experts, the Committee of Ministers formulates its recommendations to the state party.
3. In the mid-term of every five-year monitoring cycle, i.e. two and a half years after the due date of its periodical report, the state party must present information on the implementation of every **recommendation for immediate action**<sup>1</sup> that the Committee of Experts has made in its evaluation report. The Committee of Experts then adopts an evaluation of the implementation of these recommendations. “Further recommendations” by the Committee of Experts on how to improve the protection and promotion of the regional or minority languages in the state concerned are examined after reception of the next periodical report and the on-the-spot visit to the state party. Five-yearly periodical reports shall contain comprehensive information about the implementation of all Charter undertakings and all recommendations by the Committee of Experts and the Committee of Ministers.
4. Spain was expected to present **information on the implementation of the recommendations for immediate action** contained in the Committee of Experts’ fifth evaluation report<sup>2</sup> by 1 August 2020; this information was submitted on 4 February 2021. This **evaluation of the implementation of the recommendations for immediate action** is based on the information received from Spain as well as from associations representing speakers of regional or minority languages pursuant to Article 16.2 of the Charter.<sup>3</sup> As far as the compliance of Spain with all its undertakings under the Charter is concerned, the Committee of Experts refers to its fifth evaluation report. The Committee of Experts will examine the implementation of all of the recommendations concerning all of the regional or minority languages in the sixth evaluation report.
5. In the information on the implementation of the recommendations for immediate action, the Spanish authorities have, on their own initiative, also reported on the implementation of the recommendations made by the Committee of Ministers in the last monitoring cycle. The Committee of Experts has used the additional information in its evaluation, where appropriate.
6. This evaluation was adopted by the Committee of Experts on 23 March 2021.

---

<sup>1</sup> In accordance with Committee of Ministers Decisions “Strengthening the monitoring mechanism of the European Charter for Regional or Minority Languages” (CM/Del/Dec(2018)1330/10.4e), para. 1.a.

<sup>2</sup> [CM\(2018\)114](#), adopted on 22 March 2018.

<sup>3</sup> In accordance with the Rules of Procedure of the Committee of Experts (MIN-LANG(2019)7), Rule 17, paras. 1-6.

## **Examination of the implementation by Spain of the recommendations for immediate action**

### **General issues**

#### **Implementation of recommendations in co-operation with regional or minority language speakers**

7. During the drafting process of the state authorities' report on the Implementation of the Recommendations for Immediate Action, the Spanish authorities consulted and included information from all Autonomous Communities' Governments which have co-official languages. However, the Committee of Experts reminds the Spanish authorities that they should also consult the representatives of the speakers.

8. The Committee of Experts reminds the authorities that recommendations made in the framework of the monitoring procedure aim to support and accelerate the full implementation of the Charter. Considering Articles 6 and 7(4) of the Charter and upon publication of an evaluation report or evaluation of the implementation of the recommendations for immediate action, the Committee of Experts invites the Spanish authorities to disseminate the information to the relevant stakeholders, including the representatives of the speakers of the regional or minority languages, and to implement the recommendations contained therein in co-operation with the speakers. Furthermore, the authorities are expected to include the views of the representatives of the regional or minority language speakers in their periodical report and in the report on the Implementation of the Recommendations for Immediate Action.

#### **Structure of the report**

9. The state authorities' report<sup>4</sup> covers information, in some cases, that is relevant to more than one recommendation for immediate action; the evaluation of such overarching issues is therefore detailed in the first section (paragraphs 10-24) of this report. Language-specific information and evaluations regarding the recommendations for immediate action are presented when the specific languages are treated, where available.

#### **Application of the Charter and inclusion of regional or minority languages into the Statutes of Autonomy of the Autonomous Communities**

10. When applying the Charter to specific regional or minority languages, the Spanish standpoint is that languages protected under Part II and Part III are the ones explicitly mentioned in the Statutes of Autonomy as co-official languages and only in respect of that Autonomous Community. Languages protected under Part II are those listed in the Statutes of Autonomy as cultural assets or listed in other legal documents of a particular Autonomous Community, again only in respect of that Autonomous Community. Languages not mentioned specifically in the two types of legal documents mentioned above are not subject to institutionalised protection according to the state authorities. However, regional and minority languages must, in conformity with the Charter's Articles 1 and 2, be protected regardless of whether they are mentioned in domestic legal documents or not.

11. The Spanish authorities have also reaffirmed their position that non-territorial languages do not fall under the commitments ratified by Spain in relation to the Charter. The Committee of Experts reiterates that the standpoint of the Spanish authorities is not in conformity with the provisions of Articles 1 and 2 of the Charter.

12. No information was received concerning steps taken by the state authorities aimed at ensuring the inclusion of further regional or minority languages into the Statutes of Autonomy from speakers or NGOs. The Committee of Experts therefore reiterates its recommendations for immediate action from the fifth

---

<sup>4</sup> [MIN-LANG \(2021\) IRIA 2.](#)

evaluation report on Spain according to which the authorities should “include the names of the Catalan and Aragonese languages in the Statute of Autonomy of Aragon, and include the names of the Galician-Asturian and Asturian languages in the Statute of Autonomy of Asturias.” It asks the Spanish authorities to initiate a dialogue with the speakers in this respect and to report on the progress in the next periodical report.

### **Amendment of the Organic Law on the Judiciary in order to enable the use of regional or minority languages in judicial proceedings**

13. The use of regional or minority languages in judicial proceedings is an issue which affects all of the co-official languages and would require an amendment of the legislation at state level. Since the first monitoring cycle, the Committee of Experts has been recommending that the Spanish authorities amend the legal framework with a view to making it clear that the criminal, civil and administrative judicial authorities in the Autonomous Communities can conduct their proceedings in a co-official language at the request of one party. Despite this, no progress has been made with regard to obligations chosen by Spain under Article 9. Article 231 of the Organic Law on Judiciary states that judges and all other personnel within court shall normally use Spanish and may use the official language of the Autonomous Region other than Spanish if neither of the parties objects to it. On the other hand, it states that “parties, their representatives and those guiding them, in addition to witnesses and experts, may employ the official language of the Autonomous Region in which the judicial proceedings take place, in both written and verbal statements”. In practical terms, judges very rarely use a language other than Spanish and parties who otherwise would choose the local official language often switch to Spanish. When one party persists in using the co-official language, recourse is generally given to use an interpreter instead of the whole proceedings being conducted in this language. As pointed out by the representatives of the speakers, this leads to a much lower use of regional and minority languages in court than would be expected considering the percentage of the speakers in the population.

14. While the state authorities claim there is no ground for amendment of the Organic Law on Judiciary in order to fully comply with the obligations chosen by Spain under Article 9 of the Charter, a sound analysis of article 231 shows that it is not truly in line with these obligations. For the Organic Law to fully comply with them, article 231 should make explicit that criminal, civil and administrative proceedings are to be conducted in the relevant regional or minority language at the sole request of one of the parties.

15. The responses received from NGOs indicate that the number of judicial officials speaking co-official languages has not risen since the last reporting cycle, thus the possibility of the minority or regional speakers to avail of their right to use their language during judicial proceedings remains limited. Moreover, the translation software called Minerva, which is currently used in judicial proceedings, does not include all the forms used in regional or minority languages, nor are the forms amended according to the legislative changes to the same extent as in Spanish.

16. The state authorities launched a survey in 2020 in order to gather information on the effective use of regional or minority languages in judicial proceedings, and to propose improvements based on the results. The Committee of Experts is looking forward to receiving information on the results of the survey. In addition to this initiative, a project on artificial intelligence is under way and aims to provide automated translations into regional or minority languages. It should be noted, however, that this cannot fully replace the human knowledge and understanding of a court case.

17. The Committee of Experts considers that the approach of the Spanish authorities continues to stand in opposition to their obligation specified in Article 9. The Committee of Experts regrets that the Spanish authorities have not changed their standpoint. Therefore, it repeats the necessity of taking immediate legislative action in order to enable the use of regional or minority languages in judicial proceedings at the request of one party and according to the ratification by Spain.

## Use of co-official languages in state administration

18. According to the report of the Spanish authorities on the implementation of recommendations for immediate action, steps were taken in the following fields. The state administration's translation services have translated 3000 official documents per year since 2017, including administrative forms, electoral documents, information leaflets and service charters. In order to improve the use of co-official languages, officials using these languages in their everyday work are to receive a salary increase starting from 2020. In addition to these measures, the Advice and Co-official Languages Office has launched a survey to analyse the use of co-official languages in the state administration. The findings of this diagnostic report will be evaluated by the Co-official Languages Council in order to improve the compliance with the recommendations of the Committee of Experts regarding the use of the regional and minority languages in the state administration in the fifth evaluation report on Spain.

19. The efforts in teaching regional or minority languages to state administration officials carried out by the National Institute of Public Administration between 2017-2020 had limited success. In order to achieve better results, a new, online teaching course has been developed by the state authorities and an increased budget (€433 444) has been allocated for that purpose. The 2018-2019 budget is higher than the sum of the previous six years combined. The language teaching programme is carried out by the National University for Distance Education and is open to all public employees of the state administration, including those who are employed in Autonomous Communities without co-official languages. The success rate was relatively low with 821 public officials finishing the course (30.32% of the enrolled), but still indicates a clear improvement.

20. The information on the enrolment of public employees in Catalan, Basque, Galician and Valencian courses does not show in which Autonomous Community they are stationed. According to the state authorities, an improved version of the online teaching course will be introduced in 2021 on the basis of experiences from the previous round.

21. The Committee of Experts points out that even though Spanish legislation declares the importance and the use of co-official languages in the public sector<sup>5</sup>, this provision has not been put into practice in a way that would ensure the increase in the level of proficiency of regional or minority languages in that sector. Notably, calls for applications to join public employment schemes in Autonomous Communities with co-official languages consider the knowledge of the co-official language only as a 'specific merit' (which is awarded only a low score in the overall grade) and not a 'general merit' or mandatory condition. Knowledge of foreign languages like English, French or German is awarded more points in the evaluation of the application than the knowledge of co-official languages.

22. Compliance with Article 10 of the Charter can be examined through the level of access to online public services in regional or minority languages. According to the studies made available to the Committee of Experts, institutions of state-level competence offer services only partially in regional or minority languages. Many home pages of the websites of such institutions provide basic information in regional or minority languages, but further pages only provide information in Spanish. Similarly, forms that are meant to be submitted are, in many cases, only in Spanish. According to information provided by the speakers, translations of the regional or minority language forms used in public services from Spanish into regional or minority languages are inaccurate in many cases, thus resulting in the speakers preferring to fill in the Spanish version of the same forms instead.

23. The Committee of Experts was informed that, as online public service administration is becoming more widespread, the range of face-to-face administrative proceedings has become narrower. This has led to authorities providing these services becoming less motivated to employ public officials capable of

---

<sup>5</sup> Article 54.11 of Royal Legislative Decree 5/2015, of 30 October, approving the consolidated text of Basic Statute of Public Employment.

speaking regional or minority languages. As a result of this trend, minority speakers have even more limited access to face-to-face public service administration than the Spanish speakers.

24. The Committee of Experts takes note of the efforts of the Spanish authorities in the field of e-administration, especially in the translation of regional or minority languages. It also supports adding additional information and forms to the websites beyond basic information. The efforts which have yielded uneven results for different regional or minority languages need to be consistent and more structured. The information provided by the state authorities is not sufficient to allow the Committee of Experts to evaluate the implementation of the recommendations for immediate action regarding the state administration. The Committee of Experts encourages the state authorities to provide detailed information on the progress in respect of each recommendation and each regional or minority language in the next state report.

### **Use of regional or minority languages during the Covid-19 pandemic**

25. The Committee of Experts finds the present pandemic situation to constitute a public health crisis situation and has expressed concerns about the evident lack of communication on health conditions and appropriate protective measures during the Covid-19 pandemic in regional or minority languages in the states parties to the Charter<sup>6</sup>. It is to be expected that the need for information and measures for the regional and minority languages have been proportionally followed up in ways that are not discriminatory in comparison to other languages in which such information and measures have been provided. The Committee of Experts reiterates that, according to the Charter, regional or minority languages should be used in all contexts and therefore that regional and local authorities should make active use of regional or minority languages in their response to the pandemic. The communication of relevant recommendations in all regional or minority languages is important for the health and well-being of the speakers of regional or minority languages. In line with the statement issued by the Chair of the Committee of Experts in March 2020<sup>7</sup>, the authorities' efforts to communicate in languages other than Spanish during the pandemic need to be brought up to the level of information provided in Spanish.

26. According to information received, the state authorities have displayed information mostly in Spanish, and occasionally in foreign languages (English, French). Information in Basque is available on the website set up by the Government of the Basque Autonomous Community and partly on the corresponding website of the Government of Navarre. Information provided in Catalan, however, is reported to be sufficient in Catalonia.

27. As regards the impact of the pandemic on education, the difficulties arising from the conversion from face-to-face teaching to online education do not generally depend on the language of instruction. However, according to the Committee of Experts, it might be that classes of and in regional or minority languages are in an unfavourable situation compared to the classes in the state language/s. In all the Charter's states parties, there are significantly more alternative audio-visual education materials available in the state language/s from various official and unofficial sources. The Committee of Experts will pay attention to the new challenges in education with respect to the teaching of and/or in regional or minority languages and welcomes information on lessons drawn from the 2020/2021 health crisis in the next periodical report by Spain.

---

<sup>6</sup> COMEX expresses concern over lack of RML communication during health crisis - News about the European Charter for Regional or Minority Languages (coe.int); Communication in RMLs of utmost importance in global medical crises - News about the European Charter for Regional or Minority Languages (coe.int), see also CDADI (2020)<sup>9</sup> COVID-19: An analysis of the anti-discrimination, diversity and inclusion dimensions in Council of Europe member state <https://rm.coe.int/item-7-cdadi-2020-9-covid-19-an-analysis-of-the-anti-discrimination-di/1680a040a4>.

<sup>7</sup> Chair of the Committee of Experts, '[Communication in RMLs of utmost importance in global medical crises](#)', 25 March 2020.

## Recommendations for immediate action

### 1. Basque in the Basque Country

#### Recommendation for immediate action

- |   |
|---|
| <p><b>a. Amend the Organic Law on the Judiciary so as to ensure the use of Basque in judicial proceedings when requested by one of the parties.</b></p> |
|---|

28. The Organic Law on the Judiciary has not been amended. For information on measures taken by the authorities and the evaluation by the Committee of Experts, please see paragraphs 13-17.

#### Recommendation for immediate action

- |  |
|--|
| <p><b>b. Use Basque in state administration in the Basque Country.</b></p> |
|--|

#### Implementation measures taken by the Spanish authorities

29. According to representatives of the speakers, the Secretary of State for the Civil Service published an employment call for selective processes for entry or access to bodies of the General State Administration in January 2018. This public call did not take into account knowledge of Basque for the 340 posts designated to the Basque Country; this is not in conformity with Article 10.4.b ratified by Spain.

#### Evaluation by the Committee of Experts and further action needed

30. The Spanish authorities made progress with regard to training staff in Basque, but there does not appear to be a structured approach with regard to the use of Basque in state administration in the Basque Country. The Committee of Experts has not received sufficient information from the authorities and is therefore not in a position to evaluate the implementation of this recommendation (see paras. 18-24).

### 1.1 Basque in the Foral Community of Navarre

#### Recommendation for immediate action

- |   |
|---|
| <p><b>a. Amend the Organic Law on the Judiciary so as to ensure the use of Basque in judicial proceedings at the request of one of the parties.</b></p> |
|---|

31. The Organic Law on the Judiciary has not been amended. For information on measures taken by the authorities and the evaluation by the Committee of Experts, please see paragraphs 13-17.

#### Recommendation for immediate action

- |  |
|--|
| <p><b>b. Use Basque in state administration in the Foral Community of Navarre.</b></p> |
|--|

32. The Committee of Experts has not received sufficient information. Therefore, it is not in a position to evaluate the implementation of this recommendation (please see paragraphs 18-24).

## 2. Catalan in the Balearic Islands

### Recommendation for immediate action

- |   |
|---|
| <b>a. Amend the Organic Law on the Judiciary so as to ensure the use of Catalan in judicial proceedings at the request of one of the parties.</b> |
|---|

33. The Organic Law on the Judiciary has not been amended. For information on measures taken by the authorities and the evaluation by the Committee of Experts, please see paragraphs 13-17.

### Recommendation for immediate action

- |  |
|--|
| <b>b. Use Catalan in state administration in the Balearic Islands.</b> |
|--|

### Implementation measures taken by the Spanish authorities

34. The websites of the various official bodies are either not available in Catalan or only offer part of the contents in Catalan, such as the names of the sections or the main pages, for example on the website of the Delegation of the State Government in the Balearic Islands.<sup>8</sup>

### Evaluation by the Committee of Experts and further action needed

35. The Committee of Experts has not received sufficient information. Therefore, it is not in a position to evaluate the implementation of this recommendation (please see paragraphs 18-24).

## 2.1 Catalan in Catalonia

### Recommendation for immediate action

- |   |
|---|
| <b>a. Amend the Organic Law on the Judiciary so as to ensure the use of Catalan in judicial proceedings at the request of one of the parties.</b> |
|---|

36. The Organic Law on the Judiciary has not been amended. For information on measures taken by the authorities and the evaluation by the Committee of Experts, please see paragraphs 13-17.

### Recommendation for immediate action

- |   |
|---|
| <b>b. Use Catalan in state administration in Catalonia.</b> |
|---|

### Implementation measures taken by the Spanish authorities

37. According to an analysis done by an NGO, only 5 official websites out of 389 offer services to citizens completely in Catalan. Of the remaining 384 websites, 270 are not available in Catalan at all and the rest have information only partly in Catalan.

### Evaluation by the Committee of Experts and further action needed

38. The Committee of Experts has not received sufficient information. Therefore, it is not in a position to evaluate the implementation of this recommendation (please see paragraphs 18-24).

---

<sup>8</sup> [www.mptfp.gob.es/ca/portal/delegaciones\\_gobierno/delegaciones/illesbalears.html](http://www.mptfp.gob.es/ca/portal/delegaciones_gobierno/delegaciones/illesbalears.html).



## 2.2 Valencian/Catalan in Valencia

### Recommendation for immediate action

- |  |
|--|
| <p><b>a. Amend the Organic Law on the Judiciary so as to ensure the use of Valencian/Catalan in judicial proceedings at the request of one of the parties.</b></p> |
|--|

39. The Organic Law on the Judiciary has not been amended. For information on measures taken by the authorities and the evaluation by the Committee of Experts, please see paragraphs 13-17.

### Recommendation for immediate action

- |  |
|--|
| <p><b>b. Use Valencian/Catalan in the state administration of the Valencian Community.</b></p> |
|--|

40. The Committee of Experts has not received sufficient information. Therefore, it is not in a position to evaluate the implementation of this recommendation (please see paragraphs 18-24).

### Recommendation for immediate action

- |  |
|--|
| <p><b>c. Make education available in Valencian/Catalan at all levels of education.</b></p> |
|--|

### Implementation measures taken by the Spanish authorities

41. The Committee of Experts has recommended the use of an immersion model that allows a higher proportion of teaching in Valencian/Catalan, whereas the authorities have proposed a plurilingual model that implies lowering the teaching in Valencian/Catalan (Valencian Education Act (Act 4/2018)). The Government of Valencia still intends to implement the plurilingual model despite the fact that the Committee of Experts stated, in paragraph 49 of its fifth evaluation report,<sup>9</sup> that it is not in conformity with the ratification instrument. Further steps have been taken in the implementation of this act. The Valencian Government issued a guidebook drawing up language plans for educational facilities specifying the percentage of language teaching hours. The proposed disposition includes a minimum of 25% Valencian/Catalan, 25% Spanish and 15% English. The situation related to the Covid-19 pandemic has resulted in the postponement of the introduction of this progressive incorporation programme (PIP) in secondary and technical and vocational education for a year.

### Evaluation by the Committee of Experts and further action needed

42. The introduction of plurilingual education under the Valencian Education Act (Act 4/2018) does not guarantee teaching in Valencian/Catalan in accordance with the ratification instrument.

## 2.3 Catalan in Aragon

### Recommendation for immediate action

- |  |
|--|
| <p><b>a. Include the name of Catalan in the Statute of Autonomy of Aragon.</b></p> |
|--|

### Implementation measures taken by the Spanish authorities

43. Although the situation of Catalan in Aragon has improved since the last evaluation cycle, this language is only recognised and mentioned explicitly in Act 3/1999 on Aragonese Cultural Heritage. The

<sup>9</sup> [CM\(2019\)125](#)

state authorities informed the Committee of Experts that the extraordinary legal measures introduced in March 2020 because of the Covid-19 pandemic prevented the Government of Aragon from taking effective steps for the promotion and acknowledgement of the Catalan language.

#### **Evaluation by the Committee of Experts and further action needed**

44. The Committee of Experts welcomed the positive trends in the status of Catalan in Aragon in the last evaluation report and encouraged the authorities to promote this positive trend, recommending the inclusion of Catalan in the Statute of the Autonomous Community in order to ensure a higher level of protection. The Committee of Experts reiterates that the rights of regional and minority speakers must be ensured even in times when extraordinary legal measures must be introduced. It therefore calls on the state authorities to support the use of Catalan in co-operation with the Government of Aragon.

### **2.4 Valencian/Catalan in Murcia**

#### **Recommendation for immediate action**

**a. Recognise Valencian/Catalan as an expression of cultural wealth in the Region of Murcia.**

#### **Implementation measures taken by the Spanish authorities**

45. The Statute of Autonomy of the Region of Murcia does not mention Valencian/Catalan despite the fact that it is present in the El Carxe region. The protection of the Valencian/Catalan language is organised through initiatives carried out or supported by the neighbouring Autonomous Community of Valencia. The Committee of Experts has not received any new information from the state authorities or from the local authorities on the promotion or recognition of this language since the last monitoring cycle.

#### **Evaluation by the Committee of Experts and further action needed**

46. The Committee of Experts understands that given the constitutional disposition and shared competencies the state and the Autonomous Communities have complementary responsibilities in the field of protection of regional or minority languages. It therefore calls upon them to start a dialogue which will include the speakers and aim to promote Valencian/Catalan and its recognition as a cultural wealth in Murcia.

#### **Recommendation for immediate action**

**b. Take urgent measures to protect and promote Valencian/Catalan in the Region of Murcia.**

#### **Implementation measures taken by the Spanish authorities**

47. During the recent reform of the Statute of Autonomy, the Government of Murcia did not seize the opportunity to include Valencian/Catalan in it nor did it take any other measures to protect and promote the language.

#### **Evaluation by the Committee of Experts and further action needed**

48. The Committee of Experts calls on the Government of the Autonomous Community of Murcia to take effective steps to implement this recommendation.

### 3. Galician in Galicia

#### Recommendation for immediate action

#### a. Remove the limitations to teaching in Galician at all appropriate levels of education.

#### Implementation measures taken by the Spanish authorities

49. The Spanish authorities presented information that was not available at the time the last evaluation report was drafted. The authorities also state that the bilingual educational system introduced in 2010 by Decree 79/2010<sup>10</sup> enables the teaching of Galician and Castilian in equal percentages in primary education. The studies show a slight increase in the proficiency in Galician in the younger generation. The state authorities indicate that the change is caused by the current educational model.

50. The state authorities also suggest that immigration from other parts of Spain into Galicia resulted in higher numbers of the new population not speaking Galician and that this phenomenon has a negative effect on the overall number of speakers of Galician in this Autonomous Community. According to the first report on the implementation of the recommendations for immediate action of the Spanish authorities, approximately 80% of Galicians speak Galician to some extent. Nevertheless, the overall proficiency in Galician seems to have decreased.

51. The Committee of Experts received information suggesting that the distribution of languages between school subjects is not equal. The number of subjects taught in Galician in schools where English has been introduced is as low as 33%. Galician is present in only a fraction of the pre-schools. There is detectable public opposition against further implementation of Decree 79/2010 and solid support for the introduction of a language immersion teaching model. Teaching material in Galician is also insufficient. As a result of this situation the percentage of children under 15 years of age who cannot speak Galician is 23.9%, according to a study carried out by the Galician Statistics Institute.<sup>11</sup> This trend could lead to a steady increase of those who cannot speak Galician at all.

#### Evaluation by the Committee of Experts and further action needed

52. The Committee of Experts points out that Spain ratified Article 8.1 ai, bi, ci, di of the Charter which means that education must be provided with Galician as the medium of instruction. The existing legal framework is contrary to Spain's undertakings. The Committee of Experts reiterates the importance of providing a sufficient level of language education throughout the entire range of education and asks the state authorities to report on the undertakings in the next evaluation report. In addition, it seems necessary to consult the speakers on the issue of choice of the educational model that best suits their needs. The Committee of Experts considers that not all the limitations to teaching in Galician have been removed.

---

<sup>10</sup> Decree 79/2010, from 20th May, for multilingualism in non-university education in Galicia. *Official Journal of Galiza*, 25/5/2010. [https://www.edu.xunta.gal/portal/sites/web/files/protected/content\\_type/advertisement/2010/05/25/20100525\\_decre-to\\_plurilinguismo.pdf](https://www.edu.xunta.gal/portal/sites/web/files/protected/content_type/advertisement/2010/05/25/20100525_decre-to_plurilinguismo.pdf)

<sup>11</sup> People who can speak Galician, per gender and per age. 5-14 years old. IGE 2020. [http://www.ige.eu/igebdt/esqv.jsp?c=0206004&ruta=verTabla.jsp?OP=1&B=1&M=&COD=2939&R=1\[all\];4\[all\];0\[0\]&C=3\[0\];2\[2\]&F=&S=998:12&SCF=#](http://www.ige.eu/igebdt/esqv.jsp?c=0206004&ruta=verTabla.jsp?OP=1&B=1&M=&COD=2939&R=1[all];4[all];0[0]&C=3[0];2[2]&F=&S=998:12&SCF=#)

**Recommendation for immediate action**

**b. Amend the Organic Law on the Judiciary so as to ensure the use of Galician in judicial proceedings at the request of one of the parties.**

53. The Organic Law on the Judiciary has not been amended. For information on measures taken by the authorities and the evaluation by the Committee of Experts, please see paragraphs 13-17.

**Recommendation for immediate action**

**c. Use Galician in state administration in Galicia.**

**Implementation measures taken by the Spanish authorities**

54. According to information from NGOs, there are still cases where local delegations of the state refuse to process documents and files or accept complaints in Galician, even when they are explicitly requested to do so and when the legislation recognises the right to use Galician.

**Evaluation by the Committee of Experts and further action needed**

55. The Committee of Experts has not received sufficient information. Therefore, it is not in a position to evaluate the implementation of this recommendation (please see paragraphs 18-24).

**3.1. Galician/Galician-Asturian in Asturias****Recommendation for immediate action**

**a. Develop a structured policy for the protection of the language on the territory where it is spoken (Eo-Navia region).**

56. The Committee of Experts has not received any information, therefore is not in a position to evaluate the implementation of this recommendation for immediate action; it refers to its evaluation in the fifth evaluation report.

**Recommendation for immediate action**

**b. Include the name of Galician-Asturian in the Statute of Autonomy of Asturias.**

57. The Committee of Experts has not been informed of any progress on the implementation of this recommendation. The Committee of Experts calls on the Government of the Autonomous Community of the Principality of Asturias to continue the dialogue with the speakers and take effective steps in order to include Galician-Asturian in the Statute of Autonomy.

**3.2. Galician in Castile and León****Recommendation for immediate action**

**a. Take immediate action to protect Galician in Castile and León.**

58. The Committee of Experts has not been informed of any progress on the implementation of this recommendation. The Committee of Experts calls on the Government of the Autonomous Community of Castile and León to continue the dialogue with the speakers and take effective steps to implement this recommendation.

#### **4. Fala/Galician in Extremadura**

##### **Recommendation for immediate action**

**a. Take immediate action to protect Fala/Galician in Extremadura.**

##### **Implementation measures taken by the Spanish authorities**

59. The language was declared an Asset of Cultural Interest in a Decree of the Autonomous Community of 45/2001. There is no information, however, on the inclusion of Fala into the Statute of the Autonomous Community of Extremadura.

##### **Evaluation by the Committee of Experts and further action needed**

60. The Committee of Experts asks the Government of the Autonomous Community of Extremadura to promote Fala effectively and to include Fala in the Statute of Autonomy.

#### **5. Occitan of the Aran valley / Aranese in Catalonia**

##### **Recommendation for immediate action**

**a. Take measures to ensure education in Aranese at all appropriate levels.**

##### **Implementation measures taken by the Spanish authorities**

61. Aranese/Occitan was granted co-official status in Catalonia in 2006. Courses in Aranese were reported to be offered at secondary and adult education level at the time of the last evaluation report. Neither the state authorities nor NGOs provided information on the extension of this offer for other levels of education. Furthermore, no additional financing has been secured by the state authorities to promote education or extend the existing courses, according to the information provided by local NGOs.

##### **Evaluation by the Committee of Experts and further action needed**

62. The Committee of Experts regrets the lack of additional financing for education in Aranese and calls on the authorities to improve the situation.

#### **6. Amazigh in Melilla**

##### **Recommendation for immediate action**

**a. Take immediate action to protect Amazigh in Melilla.**

##### **Implementation measures taken by the Spanish authorities**

63. According to the last state report a survey conducted between 2014-2016 revealed that, although almost half of the population of Melilla speaks Amazigh, a much lower percentage of speakers is able to write it. The Institute of the Cultures of Melilla with the assistance of the National Distance University has offered online courses free of charge. In addition to the language courses cultural events, exhibitions and screening of films in Amazigh have been organised by the International Professorship of Arab Culture, under the aegis of the Euro-Arab Foundation for Higher Studies of Granada.

**Evaluation by the Committee of Experts and further action needed**

64. The Committee of Expert welcomes these developments and encourages the authorities to continue this educational and cultural campaign, and to provide more detailed information on the progress achieved in the next periodical report.

**7. Aragonese in Aragon****Recommendation for immediate action**

<b>a. Include the name of the Aragonese in the Statute of Autonomy of Aragon.</b>
---

**Implementation measures taken by the Spanish authorities**

65. The state authorities have reiterated in their Information Document that the languages belonging to the Aragonese linguistic heritage are set forth in the regulations of the Autonomous Community and need not be recognised in the Statute of Autonomy. Aragonese is therefore subject to protection as an element of cultural heritage without there being any political or social will to make it a co-official language. The position of the speakers contradicts this position. The Committee of Experts has been informed that there is a broad consensus among the speakers' organisations for Aragonese that co-officiality, and the protection that it ensures, is the only tool that will ensure its future. There are also political parties and movements in the Government of the Autonomous Community that advocate co-officiality. The Covid-19 situation may have caused a delay in the legislative work plan of the Parliament of Aragon, but there seems to be political will to keep it on the agenda.

**Evaluation by the Committee of Experts and further action needed**

66. The state authorities maintain their standpoint, which seems to contradict the position of the speakers. The Committee of Experts still considers that further consultation with the stakeholders is necessary.

**8. Asturian****Recommendation for immediate action**

<b>a. Include the name of the Asturian in the Statute of Autonomy of Asturias.</b>
--

**Implementation measures taken by the Spanish authorities**

67. According to the speakers, there is strong public support to replace the name of Bable used in the Statute of Autonomy of Asturias with Asturian, as it is the form known and used by the speakers.

**Evaluation by the Committee of Experts and further action needed**

68. No information was received on this matter; the Committee of Experts is therefore not in a position to evaluate the implementation of this recommendation.

## 9. Leonese in Castile and León

### Recommendation for immediate action

- a. Take resolution action to protect and promote Leonese in Castile and León, particularly in education.**

### Implementation measures taken by the Spanish authorities

69. Leonese was included in the Statute of Autonomy of Castile and León in 2007 making it a Part II language under the Charter and applicable to the protection regulated by Article 7 of the Charter. The language is reportedly in a fragile state and is absent from education, media and administration. The level of protection afforded by Article 7 would therefore be essential. The state authorities have reported a range of cultural activities, events and seminars promoting Leonese, mainly under the auspices of the public Library of León and Zamora.

### Evaluation by the Committee of Experts and further action needed

70. The Committee of Experts acknowledges the expansion in the promotion of Leonese since the last evaluation report, but reminds the state authorities that Leonese, as a Part II language, should enjoy a more widespread protection, especially in education.

## 10. Portuguese in Extremadura

### Recommendation for immediate action

- a. Take resolute action to protect and revitalise Portuguese in Extremadura, particularly in education.**

### Implementation measures taken by the Spanish authorities

71. An application for the acknowledgement of Portuguese as a cultural asset is reported to have been submitted to the competent authorities of Extremadura Autonomous Community in 2014 by the speakers from Olivenza/Olivenca. Their application is still being examined.

### Evaluation by the Committee of Experts and further action needed

72. Portuguese is in a very fragile state in Extremadura; the Committee of Experts therefore asks the authorities to take urgent steps in co-operation with the speakers to protect Portuguese.

## **Communication to the Committee of Ministers of the Council of Europe**

The Committee of Experts of the European Charter for Regional or Minority Languages, while acknowledging the efforts of the Spanish authorities to comply with their undertakings under the Charter, has in its fifth evaluation report (CM(2018)114) made “recommendations for immediate action” and “further recommendations” on how to improve the protection and promotion of the regional or minority languages in Spain.

In accordance with the Committee of Ministers Decisions of 28 November 2018 (CM/Del/Dec(2018)1330/10.4e), Spain had to present information on the implementation of the recommendations for immediate action, which contain the priority measures that should be taken by the state party. Spain presented this information on 4 February 2021. In the present evaluation, the Committee of Experts has examined the implementation of these recommendations.

In accordance with its Rules of Procedure, the Committee of Experts invites the Committee of Ministers to:

1. take note of the evaluation made by the Committee of Experts of the implementation of the recommendations for immediate action by Spain and invite the Spanish authorities to disseminate it to the competent national authorities and relevant stakeholders.
2. reiterate its Recommendation CM/RecChL(2018)5 and invite the Spanish authorities to present their next periodical report by 1 August 2023 in the required format.