



ELEN SUBMISSION TO THE UNIVERSAL PERIODIC REVIEW, 49th SESSION, SPAIN.

Main submitting organization

The European Language Equality Network (ELEN), established in 2012, is the European NGO that works for the promotion, protection and well-being of European lesser-used languages, comprising 174 member organisations representing 50 languages in 25 European states. ELEN works closely with the EU, the UN (ECOSOC member), UNESCO, and the Council of Europe. www.elen.ngo

Joint submission with:

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ELEN Submission to the UN UPR, 49th Session, Spain.

1. Since ELEN's 2020 Report to the UN UPR on the various issues facing co-official language speakers in Spain the situation has not improved as was anticipated, but worsened, particularly with regard to the use of politically-driven legal measures designed to undermine education in these languages.

2. The Spanish Constitution, the Statutes of Autonomy and specific laws provide a general framework for the protection and promotion of minoritised languages. However, challenging issues continue to be found in the fields of justice, state administration, provision of public services and transfrontier exchanges, which fall under the remit of the Spanish state authorities, and with education under the remit of autonomous governments. These issues include ensuring the right of citizens to use their official language in court proceedings, healthcare services, immersion education, and communication with state institutions.

3. The use of the official minoritised languages in state administration also remains limited in the autonomous communities where the minoritised languages are protected. While local and regional administrations often require knowledge of these languages among civil servants, the availability of staff with sufficient language proficiency in state administration is low.

4. ELEN wishes to highlight to the UPR a number of court decisions adopted by regional High Courts of Justice and upheld by the Spanish Supreme Court, whose execution has created uncertainties regarding the use of language in education in several Autonomous Communities. In some Autonomous Communities, especially the Autonomous Communities of Aragon, Balearic Islands, Catalonia, and the Valencian Community, we wish to highlight a deterioration of the situation for the languages that ELEN represents, with the adoption of measures designed to undermine minoritized languages.

5. At the EU level we have been encouraged by Spanish Government efforts to ensure full official EU status for Catalan, Basque And Galician, a status which will not only address the language rights deficit for speakers of these languages but also bring significant benefits to the language maintenance effort.

ELEN's submission has been compiled in partnership with our member organisations in the Spanish state and reflects the current situation for our languages.

GALICIAN¹

Education

6. Decree 79/2010 of the Government of Galicia seriously limits the possibility of teaching in Galician. It abolished courses that were entirely in Galician that were offered - with great demand - as a voluntary option up until 2010. The aim of this Decree is to reduce the presence of Galician in the education system to a maximum of 33%. It prohibits the use of the Galician language in the subjects of Mathematics in Primary Education and Mathematics, Physics and Chemistry and Technology in Secondary Education. There are also limitations on access to teaching materials in Galician in all educational stages.

Judiciary

7. The Judiciary Act ⁱ(art. 231) and Civil Procedure Law ⁱⁱ (art. 142) does not allow the criminal, civil and administrative authorities in Galicia to conduct procedures in Galician.

8. The use of Galician is a voluntary option for judges, prosecutors, etc. (if none of the other parties opposes), which is incompatible, in practice, with the right of citizens to demand the judiciary proceedings to be carried out in their language. Knowledge of Galician is not a requirement to practice as a judge, prosecutor or court clerk in Galicia.

Administration

9. Article 15 of Law 39/2015 on the common administrative procedure for public administrations prevents the use of Galician to address the services of the General Administration of the State outside Galicia. ⁱⁱⁱ The possibility of using Galician is only acknowledged for the lower bodies located in Galicia. However, the State usually acts as if Spanish were the only possibility for the procedures.

10. State law ignores the requirement of linguistic knowledge for state civil servants: Galician is a merit, not a requirement.

11. It is almost impossible to deal with the State administration in Galician, particularly regarding telephone or online proceedings, as well as the website of ministries and bodies of the State. There are serious cases where the State administration rejects documents submitted in Galician, often with irreparable

¹ Data provided by the Galician language NGO A Mesa pola Normalización Lingüística. Footnotes are in the separate Endnotes document.

consequences due to the lack of time to submit a translation, sometimes for documents submitted by the administration itself (e.g degree certificates), which means that people are compelled to use Spanish.

Economic and work place issues

12. In the work place, violations of rights and linguistic discrimination continue to take place. Most labour agreements do not acknowledge the linguistic rights of workers.

13. Harassment at work and intimidation for speaking Galician continues to take place, and there is no action plan from the Government to stop those situations. A Mesa have verified examples of harassment and workers being pressured to change their language in their job function in relations with other companies and with the provision of services. ^{iv}

Health Service

14. The Public Health Service (SERGAS) has very little of their signage and documents in Galician. Most of the health staff are not capable of addressing patients in Galician. A Mesa has collected examples of cases where SERGAS hospitals delayed surgery for months because the patient had requested to sign the informed consent in Galician. The situation in private healthcare is even worse, with zero use of Galician.

15. Nursing homes overwhelmingly use Spanish despite elderly people in Galicia being nearly all Galician speakers. This situation has serious end of life consequences affecting the dignity and well-being of the elderly. This is coupled with a lack of action by public services to improve the situation.

Recommendations for Galician

16. Right to education and children's rights.

- Removing the restrictions on the use of Galician in teaching.
- Develop Galician provision and use so that it becomes the working language of education in Galicia
- Develop programmes and protocols for the prevention of school bullying on the grounds of language.

17. Civil and Political Rights

- Enabling the use of Galician by civil servants, particularly in the administration of Justice and for council workers.
- Removing obstacles to media activities in Galician.

- Amend the Judiciary Act and Civil Procedure Law 1/2000 in order to guarantee that procedures may be conducted in the co-official language at the request of one of the parties.
- Guarantee that the civil servants are able to work in the medium of Galician.

18. Economic, social and cultural rights

- Establishing mechanisms to guarantee a cultural and leisure offer in Galician, particularly in the audiovisual sector.
- Guarantee the right to the use and the provision of our own language in the health services.
- Establishing specific measures to prevent work place discrimination and harassment because of language.
- Removing limitations on the use of co-official languages in public administration; requiring the knowledge of those languages for the access to public employment in those territories.
- Guaranteeing the right to one's own name, and the use and respect of the traditional forms for naming the territory.
- Taking measures to ensure awareness on linguistic rights and freedom of expression in the police forces.
- Develop effective mechanisms allowing for the exercise of the right to use Galician in the socio-economical area.
- Deal with linguistic rights violations appropriately.
- Make Galician official in the territories where it is the native language of the autonomous communities of Castile and León, Asturias and Extremadura.

CATALAN (in Catalonia, Illes Balears, Valencia)

19. Legal offensive against Catalan in the education system.

One of the biggest challenges facing Catalan has been the recent legal offensive being conducted against its normal everyday use in the education system in Catalonia. The topic was discussed at an ELEN/ Catesco/ Omnium Cultural conference on the issue held in Barcelona in June 2024 with the participation of the UN Special Rapporteur for Minority Issues.

20. The education model in Catalonia is based on the non-separation of children based on their habitual language, with the aim of providing linguistic proficiency in both Catalan and Spanish, and to prevent the division of society into separate language communities. Therefore, it relies on a model of language immersion in Catalan, based on pedagogical criteria, establishing Catalan as the vehicular and learning language, ensuring the learning of both Catalan and Spanish, as well as other curricular subjects.

21. However, despite the mass support of the public the Catalan school system has faced a legal offensive aimed at dismantling the Catalan immersion model and attempting to change, through court decisions, what has been decided by the competent legislative body, the Parliament of Catalonia, with the support of over 85% of elected representatives.

22. In the judgement of the High Court of Justice of Catalonia (TSJC) 8675/2020, which resolved the appeal filed by the Spanish government in 2015 to establish the use of Spanish as the vehicular language in the Catalan education system, the TSJC ordered the implementation of a minimum of 25% of teaching in Spanish in the Catalan education system. According to the court, the existing legal framework did not adequately regulate the presence of Spanish in schools. In response, the Parliament of Catalonia, with 80% support, passed Law 8/2022 on the use and learning of official languages in non-university education, clearly defining the language regime that schools must follow. This framework is rooted in pedagogical criteria to meet the legislative objectives. Additionally, Decree-law 6/2022 was enacted, which explicitly prohibits the use of fixed percentages for language instruction. The TSJC has since referred this new legal framework to the Constitutional Court (TC), raising questions of constitutionality. While the TC has not yet resolved the appeal against this judgement, the TSJC has continued to order the application of percentages of non-linguistic subject classes in Spanish in over twenty educational centres, thus totally disregarding the legislation of the Catalan Parliament. It imposes measures without any pedagogical criteria, without consensus, and with an undoubtedly detrimental linguistic impact on the learning of the Catalan language for all students in the country, especially those who do not have Catalan as their habitual language.

23. As the Síndic de Greuges de Catalunya (Catalan Ombudsman) states, 'Establishing a language model based on percentages through a judicial resolution not only contravenes the legal framework by exercising normative powers that do not correspond to the courts, but also limits and conditions the ability of schools to work through their educational practice towards the goal of equity in the mastery of both official languages that should inspire the language model in schools in Catalonia.' 3

24. Use of Catalan in criminal, civil, and administrative proceedings

The right to use Catalan in the judicial system is not guaranteed. Although formally citizens have the right to access justice in Catalan if they so request, the reality is different: the indicators from the Linguistic Services in the judicial area show that judicial bodies respect the choice of Spanish in 97.25% of resolutions, but in the case of Catalan, they only comply in 21.13% of cases (2022).

25. Compelling Catalan-speaking individuals to speak Spanish in these types of situations is not only a serious violation of their linguistic rights but also an added

difficulty and suffering simply because those who should assess them do not understand their language, which is also official.

26. Administrative authorities and public services

The obligation of the public administration in Catalonia, Illes Balears and Valencia, to ensure service in Catalan for citizens is at best partially fulfilled. To work as a civil servant hired by the Catalan administration, compliance with linguistic requirements and certification of Catalan proficiency are necessary. In contrast, state civil servants performing their duties in Catalonia, Valencia and Illes Balears have no linguistic requirements about Catalan for their positions. As public staff are not required to understand Catalan it results in systematic violations of the linguistic rights of the Catalan-speaking population, especially when interacting in their language with public authorities, and particularly when staff are involved in public-facing tasks.

27. Data provided by the Spanish state in its 2023 report confirms that the state administration in Catalonia does not fulfil its duty to be able to interact with citizens in Catalan. Spain's report indicates that only 41% of employees at the Spanish Government Sub-Delegation in Barcelona, for example, have some level of Catalan accreditation (A-C), and even fewer (35%-40%) are capable of expressing themselves orally in Catalan.

28. Mass Media

The language situation in the domain of mass media reveals is worrying. There is a regression in language usage that correlates with the decrease in language use over the last 10 or 15 years, particularly among the child and youth population.

29. Recommendations for Catalan

Spanish authorities must respect the current Catalan, Spanish, and European legislation in linguistic matters in the educational field and fulfil their obligations as a ratifying state of the ECRML² to guarantee the language immersion model.

30. It is essential to put an end to the offensive by the Spanish judiciary to dismantle the Catalan school model and stop trying to change, through court rulings, what has been decided by the competent legislative body.

31. The modification of Article 231 of the Organic Law of the Judiciary is still pending so that criminal, civil, or administrative courts can conduct their proceedings in an official language other than Spanish at the request of one of the parties. This would fulfill the commitment, made through Article 9.1 of the ECRML, allowing Catalan speakers to file oral or written complaints and receive a response in their language without this causing helplessness or weakening their right to effective judicial protection.

² The Council of Europe's Charter for Regional or Minority Languages (ECRML).

32. Spain must introduce hiring criteria that ensures linguistic proficiency in Catalan for state administration personnel working in Catalan-speaking territories, especially for public-facing positions and in healthcare especially. Knowing Catalan should not only be a merit but also a requirement to be hired and work in public administration in Catalonia, even in the case of state bodies, particularly in health and justice.

33. It is essential that the Spanish state modifies the General Audiovisual Communication Law (13/2022) by developing the fifth additional provision to promote the official languages of the Autonomous Communities, establishing specific financing, production, and distribution requirements to ensure the promotion of audiovisual works in regional or minority languages.

34. Spain needs to promote audiovisual legislation that guarantees Catalan on streaming platforms, as the current legislative framework does not ensure compliance with the obligations undertaken by the Spanish state in the ECRML in a key area for the future of the language.

35. A reform of the Spanish Cinema Law 55/2007 is required, especially in its Article 36, to introduce specific requirements for financing, production, and distribution that guarantees the commitment to promoting audiovisual works in all official languages other than Spanish, setting obligations and specifications for the promotion of cinematography and audiovisuals in co-official languages.

36. Promoting bilateral agreements between Spain and France to facilitate contacts between Catalan speakers in both states, in the fields of culture, education, information, personal training, and lifelong education.

37. Catalan/ Valencian in Valencia.

In the Valencian Community, education is formally based on a plurilingual model where all schools must implement the Plurilingual and Intercultural Education Programme. This model aims at guaranteeing that pupils achieve plurilingual competence involving oral and written proficiency in the two official languages, and functional proficiency in one or more foreign languages. However, a major threat to this model and to Valencian has emerged with the advent of a new right wing government and its new "Law on Educational Freedom" or Rovira Law which is designed to drastically reduce the presence of Valencian in the education model and, in particular in the Castilian-speaking areas.

38. Recommendations for Valencian

a. Ensure that education in Valencian is available at all appropriate levels in the whole Valencian Community, in accordance with the ECRML, and revoke the "Law of educational freedom".

- b. Take measures to ensure the use of Valencian in social and health care facilities.
- c. Ensure through appropriate measures that speakers of Valencian can interact in Valencian with local branches of the state administration.
- d. Ensure that legislation guarantees that courts conduct criminal, civil and administrative proceedings in Valencian at the request of one of the parties, and take actions to ensure that this is met in practice.

BASQUE (in Euskadi and Nafarroa)

39. Many of the systemic problems referred to in ELEN's 2020 report remain for Basque. The Basque language territory is currently divided into three jurisdictions, Euskadi, Nafarroa, and Iparralde (in France). In addition Nafarroa is divided into 3 arbitrary linguistic zones. These divisions all serve to exacerbate problems over provision for Basque in all domains; education, administration, the legal system and with the media.

40. Mass media

We want to highlight the absence of the Basque language in the regional broadcasts or special programmes that Spain's public broadcaster (RTVE) produces for both Navarre and the Basque Autonomous Community. While in other autonomous communities, these public television programmes are entirely or almost entirely conducted in minority languages, the presence of Basque is limited to just a few minutes a year.

41. Judiciary

The Spanish state has been repeatedly advised to amend Article 231 of the 6/1985 Organic Law of the Judiciary to allow court proceedings to be conducted in Basque if one of the parties so requests. Given the current state, timelines, and particularities of the justice administration, the possibility of conducting proceedings in Basque is not properly guaranteed, and citizens are often pushed to use Spanish.

42. Although the Basque Autonomous Community (BAC) has assumed powers in the area of justice, there are significant obstacles and limitations for citizens to use Basque in legal proceedings. Only 7% of judges, 2% of prosecutors, and 9% of lawyers in the BAC have some accredited knowledge of Basque (often insufficient for their work). In Navarre, the situation is even worse. Basque language proficiency does not reach 1% of justice-related positions.

43. State Administration

There are significant obstacles to ensuring public services for citizens in Basque, and although it has been established that in some positions Basque language skills may be considered a merit, this measure is insufficient to

meet the recommendation of guaranteeing the use of Basque by public administrations. Also, documents written entirely in Basque are not accepted by state administrations, even though these administrations are obliged to accept documents in Basque.

44. Education

Although the number of credits that can be completed in Basque for doctoral studies, research, etc., has slightly increased in the Basque Autonomous Community (BAC) and Navarre, most studies still cannot be entirely completed in Basque. In many cases, even credits advertised as being in Basque end up being taught in Spanish (for example, due to teacher replacements).

45. Some educational resources are still not available in Basque. For example, tests to detect dyslexia in secondary education or tools for identifying gifted children at various levels.

46. Euskadi

Existing policies do not guarantee that courts may conduct proceedings (criminal, civil or concerning administrative matters) in Basque at the request of one of the parties. While it is formally possible to use Basque for a person accused in criminal proceedings, or for a litigant in civil or administrative proceedings, ELEN notes the absence of implementation of such rights in practice.

47. Only 11% of civil servants working for the state administration have knowledge of Basque and only a small percentage of them have an advanced command of Basque.

48. There is a lack of provision of some public services in Basque, in particular the Basque police and the Basque health service.

49. Nafarroa

Few positions in the regional administration of Navarre (12%) are occupied by civil servants having recognised competences in Basque and most texts and forms (including online) continue to be offered in Castilian only. Therefore, the possibility for Basque speakers to submit oral or written applications in their language is limited (or applications are processed with undue delay).

50. There are significant obstacles to receiving health services in Basque. Most of the health care personnel (in Osasunbidea, the public health service, and in the private sector) are not trained to provide care in Basque and knowledge of Basque is not valued in most health service positions available (currently, less than 25% of positions are bilingual in the Basque-speaking zone of Navarre, and 1.94% in the whole Navarre).

Recommendations

51. Euskadi and Nafarroa

- a. Take measures to ensure the use of Basque in social and health care facilities.
- b. Ensure through appropriate measures that speakers of Basque can interact in Basque with local branches of the state administration.
- c. Ensure that legislation guarantees that courts conduct criminal, civil and administrative proceedings in Basque at the request of one of the parties, and take actions to ensure that this is met in practice.
- d. Take steps to increase the availability of technical and vocational education in Basque.
- e. Make available disaggregated data on the number of criminal, civil and administrative proceedings carried out in Basque or where Basque was used.
- g. Guarantee the possibility for Basque to be used in the provision of public services.
- h. In Nafarroa remove obstacles to the use of Basque stemming from the administrative division into three zones, in order to improve the level of protection of Basque in the Foral Community of Navarre.
- j. In Nafarroa take measures to ensure the possibility to access programmes broadcast by ETB3.

ASTURIAN

52. Article 3.2 of the Spanish Constitution stipulates that non-Castilian Spanish languages be “official in the respective Autonomous Communities in accordance with their Statutes”. The Statute of Autonomy of the Principality of Asturias falls short of making Asturian official, merely setting out that it “will enjoy protection” and that “its use, broadcast and teaching will be promoted”. In Castile-and-Leon, the Statute of Autonomy does not go beyond referring that it will be subject to protection.

53. Furthermore, the Law on the Use and Promotion of Bable/Asturian recognises Asturian as the “traditional language” of Asturias. This law, which seeks to provide legal protection for Asturian speakers and to commit to its recovery, promotion and development, has yet to be fully implemented after more than 25 years.

54. The status of Asturian is therefore inconsistent with law and other non-Castilian languages in Spain (references 1-4). The situation helps to facilitate a range of problems for Asturian speakers summarised as follows, with references³ below:

³ Footnotes are in the separate Endnotes document.

- A. Under-representation and unfair competition during school years, with unsustainable work conditions for teachers and cases of discrimination (references 5-13)
- B. Consistent obstruction by multiple public bodies aimed at discouraging citizens from interacting with them in Asturian (references 14-24)
- C. Incomplete recovery of local place names and consistent exclusion of official Asturian place names by public bodies in favour of repealed Castilian equivalents (references 25-30)
- D. Underrepresentation of Asturian in the Asturian public broadcasting (RTPA) (reference 31).
- E. Persistent attacks against and sidelining of Asturian language and Asturian speakers by the media and public bodies and representatives (references 32-43).
- F. Underfunding of the Asturian Language Academy and exclusion of Asturian from public grants and budgets (references 44-45).

These can be discussed in greater detail with the NGO Iniciativa pol Asturianu.

ARAGONESE

55. Current Issues

The most recent report (2024) from the Council of Europe ECRML Committee of Experts on Spain⁴ found that all funding for the organisations working for the promotion and protection of Aragonese has been drastically reduced, programmes initiated for preserving and promoting the use of the language at the regional level halted, and transborder initiatives, such as the LINGUATEC project, suspended. Furthermore, the recent change of the Government structure and the re-distribution of the competences of the former Directorate General of Linguistic Policy is not facilitating the use of Aragonese in public life.

56. Adult education is no longer provided in official schools of languages, all ongoing transborder activities involving Aragonese have come to a halt. Aragonese speakers are no longer consulted on their needs and wishes by the regional authorities. In addition, earmarked funding allocated to the Aragonese Academy of Language has been drastically reduced.

57. Recommendations

- a. Take immediate and resolute action, in co-operation with the speakers, to protect and safeguard Aragonese and its culture in the Autonomous Community of Aragon.
- b. Include the name of Aragonese in the Statute of Autonomy of the Autonomous Community of Aragon.

⁴ See: <https://rm.coe.int/spainecrml6-en/1680b1b32d>

- c. Draw up, in co-operation with the speakers, an action plan for the protection, use, and promotion of Aragonese.
- d. Ensure proper co-ordination of language policy in relation to Aragonese.
- e. Provide earmarked funding for organisations supporting the protection and promotion of Aragonese in the Autonomous Community of Aragon.
- f. Support the use and presence of Aragonese in television and radio programmes, in printed and in online media in the Autonomous Community of Aragon.
- g. Reinstate the possibility for Aragonese to be taught for adults in official schools of languages.
- h. Reinforce the role of the Aragonese academy of language as the institution responsible for advising the authorities on all matters pertaining to Aragonese.

General Recommendations for Catalan, Basque, Galician, Asturian and Aragonese.

- Take measures to ensure the use of Basque, Catalan (called Valencian in the Valencian Community) and Galician in social and health care facilities, respectively in the Autonomous Communities of Catalonia, Basque Country, Navarre, Balearic Islands, Valencian Community and Galicia.
- Ensure that education in Catalan (called Valencian in the Valencian Community) and Galician are available at all appropriate levels, respectively in the Autonomous Communities of Catalonia, the Balearic Islands, the Valencian Community and Galicia, in accordance with the ratification instrument.
- Ensure that the successful and widely supported Catalan immersion model in Catalonia is upheld and protected from politically driven legal attacks.
- Ensure that legislation guarantees that courts conduct criminal, civil and administrative proceedings in Basque, Catalan (called Valencian in the Valencian Community) and Galician at the request of one of the parties and take actions to ensure that this is met in practice, respectively in the Autonomous Communities of Catalonia, the Basque Country, in the Foral Community of Navarre, the Balearic Islands, in the Valencian Community and Galicia.
- Ensure through appropriate measures that speakers of Basque, Catalan (called Valencian in the Valencian Community) and Galician can interact in these languages with local branches of the state administration, respectively in the Autonomous Communities of Catalonia, the Basque Country, in the Foral Community of Navarre, the Balearic Islands, in the Valencian Community and Galicia.
- Ensure that education in Valencian/ Catalan is available at all appropriate levels in the whole Valencian Community, in accordance with the ECRML, and revoke the "Law of educational freedom".

- Implement the Spanish Government decision to make Basque, Catalan and Galician EU official languages.
- Extend official status to include Asturian and Aragonese.

ⁱ See Judiciary Act 6/1985, of 1 July. <https://www.boe.es/eli/es/lo/1985/07/01/6/con>

ⁱⁱ See Civil Procedure Law 1/2000, of 7 January
<https://www.boe.es/eli/es/l/2000/01/07/1/con>

ⁱⁱⁱ See Law 39/2015, of 1 October, on Common Administrative Procedure for Public Administrations.
<https://www.boe.es/eli/es/l/2015/10/01/39/con>

^{iv} Case of workplace harassment because of the language
<https://www.nosdiario.gal/articulo/lingua/expedientadas-2-traballadoras-da-empresa-publica-enaire-usar-galego/20201207143410110928.html>