



COUNCIL OF EUROPE      CONSEIL DE L'EUROPE

Strasbourg, 24 October 2012

ECRML (2012) 5

**EUROPEAN CHARTER FOR REGIONAL OR MINORITY LANGUAGES**

**APPLICATION OF THE CHARTER IN SPAIN**

**3rd monitoring cycle**

- A. Report of the Committee of Experts on the Charter**
- B. Recommendation of the Committee of Ministers of the Council of Europe on the application of the Charter by Spain**

In accordance with Article 16 paragraph 3 of the Charter, the Committee of Experts of the European Charter for Regional or Minority Languages submits its 3<sup>rd</sup> report on the application of the Charter in Spain to the Committee of Ministers of the Council of Europe. The report contains proposals for recommendations to be addressed by the Committee of Ministers to Spain. The Spanish government has been given the opportunity to comment on the content, in accordance with Article 16 paragraph 3 of the Charter.

The European Charter for Regional or Minority Languages provides for a control mechanism to evaluate how the Charter is applied in a State Party with a view to, where necessary, making Recommendations for improvements in its legislation, policy and practices. The central element of this procedure is the Committee of Experts, established in accordance with Article 17 of the Charter. Its principal purpose is to examine the real situation of the regional or minority languages in the State, to report to the Committee of Ministers on its evaluation of compliance by a Party with its undertakings, and, where appropriate, to encourage the Party to gradually reach a higher level of commitment.

To facilitate this task, the Committee of Ministers has adopted, in accordance with Article 15.1, an outline for the periodical reports that a Party is required to submit to the Secretary General. The report shall be made public by the government concerned. This outline requires the State to give an account of the concrete application of the Charter, the general policy for the languages protected under its Part II and in more precise terms all measures that have been taken in application of the provisions chosen for each language protected under Part III of the Charter. The Committee's first task is therefore to examine the information contained in the periodical report for all the relevant regional or minority languages on the territory of the State concerned.

The Committee's role is to evaluate the existing legal acts, regulations and real practice applied in each State for its regional or minority languages. It has established its working methods accordingly. The Committee gathers information from the respective authorities and from independent sources within the State, with a view to obtaining a just and fair overview of the real language situation. After a preliminary examination of a periodical report, the Committee submits, if necessary, a number of questions to the Party concerned on matters it considers unclear or insufficiently developed in the report itself. This written procedure is usually followed up by an "on-the-spot" visit of a delegation of the Committee to the respective State. During this visit the delegation meets bodies and associations whose work is closely related to the use of the relevant languages, and consults the authorities on matters that have been brought to its attention.

Having concluded this process, the Committee of Experts adopts its own report. This report is submitted to the Committee of Ministers together with suggestions for recommendations that the latter could decide to address to the Party concerned.

## CONTENTS

A.	Report of the Committee of Experts on the application of the Charter in Spain.....	4
	adopted by the Committee of Experts on 2 December 2011 .....	4
	and presented to the Committee of Ministers of the Council of Europe.....	4
	in accordance with Article 16 of the Charter.....	4
Chapter 1	Background information and general issues .....	4
1.1.	Ratification of the Charter by Spain.....	4
1.2.	Presentation of the regional or minority language situation in Spain: update.....	4
1.3.	Particular issues arising in the evaluation of the application of the Charter in Spain .....	11
Chapter 2	Conclusions of the Committee of Experts on how the State authorities.....	15
	have reacted to the recommendations of the Committee of Ministers (RecChL(2008)5) .....	15
Chapter 3	The Committee of Experts' evaluation in respect of Part II and Part III of the	
Charter	17	
3.1	Evaluation in respect of Part II of the Charter .....	17
3.2	Evaluation in respect of Part III of the Charter.....	31
3.2.1.	<i>Catalan in Catalonia</i> .....	33
3.2.2	<i>Basque in the "Basque-speaking zone" of Navarre</i> .....	43
3.2.3	<i>Basque in the Basque Country</i> .....	64
3.2.4	<i>Catalan in the Balearic Islands</i> .....	76
3.2.5	<i>Valencian in Valencia</i> .....	92
3.2.7	<i>Aranese in Catalonia</i> .....	124
Chapter 4.	Findings and proposals for recommendations.....	140
4.1.	Findings of the Committee of Experts in the third monitoring round.....	140
4.2.	Proposals for recommendations on the basis of the results of the third monitoring	
round	.....	143
Appendix I:	Instrument of ratification.....	144
Appendix II:	Comments by the Spanish authorities.....	145
B.	Recommendation of the Committee of Ministers of the Council of Europe on the application of	
	the Charter by Spain.....	155

## **A. Report of the Committee of Experts on the application of the Charter in Spain**

adopted by the Committee of Experts on 2 December 2011  
and presented to the Committee of Ministers of the Council of Europe  
in accordance with Article 16 of the Charter

### **Chapter 1 Background information and general issues**

#### **1.1. Ratification of the Charter by Spain**

1. Spain signed the European Charter for Regional or Minority Languages (hereafter referred to as “the Charter”) on 5 November 1992 and ratified it on 9 April 2001. The Charter entered into force with regard to Spain on 1 August 2001. The instrument of ratification of Spain is set out in Appendix I of this report.

2. Article 15.1 of the Charter requires States Parties to submit three-yearly reports in a form prescribed by the Committee of Ministers<sup>1</sup>. The Spanish authorities presented their third periodical report to the Secretary General of the Council of Europe on 30 July 2010. The English translation was made available on 17 February 2011.

3. This third evaluation report is based on the information obtained by the Committee of Experts from the third periodical report of Spain and through meetings held with representatives of speakers of regional or minority languages in Spain and the Spanish authorities during the on-the-spot visit, which took place from 4 to 8 July 2011. The Committee of Experts received an extensive number of comments from bodies and associations legally established in Spain, submitted pursuant to Article 16.2 of the Charter. This information was very helpful in the course of evaluating the application of the Charter and the Committee of Experts would like to express its appreciation to these organisations for their valuable contribution and participation in the monitoring process.

4. The present report contains detailed observations that the Spanish authorities are encouraged to take into account when developing their policy on regional or minority languages. On the basis of these detailed observations, the Committee of Experts has also established a list of general proposals for the preparation of a third set of recommendations to be addressed to Spain by the Committee of Ministers, as provided in Article 16.4 of the Charter (see Chapter 4.2 below).

5. This present third report was adopted by the Committee of Experts on 2 December 2011.

#### **1.2. Presentation of the regional or minority language situation in Spain: update**

6. The Committee of Experts refers to the relevant paragraphs of the two previous evaluation reports<sup>2</sup> for basic information on the situation of regional or minority languages in Spain. Spain declared at the time of ratification that Part III applies to the languages recognised as official languages in the Statutes of Autonomy of the Autonomous Communities of the Basque Country, Catalonia, the Balearic Islands, Galicia, Valencia and Navarre. Since Aranese has been declared an official language in the Statute of Autonomy of Catalonia adopted in July 2006, Part III also applies to this language.

7. As regards Part II of the Charter, Spain declared that the languages protected by the Statutes of Autonomy in the territories where they are traditionally spoken are also considered as regional or minority languages. The Committee of Experts interprets this declaration as presently covering the following languages: Galician in Castile and León and Extremadura, Aragonese and Catalan in Aragon, Asturian and Asturian-Galician in Asturias, and Leonese in Castile and León.

8. Furthermore, in the previous two evaluation reports, the Committee of Experts observed that some languages that are not officially recognised or protected by the Statutes of Autonomy

---

<sup>1</sup> [MIN-LANG \(2009\) 8 Outline for 3-yearly periodical reports as adopted by the Committee of Ministers of the Council of Europe.](#)

<sup>2</sup> [First evaluation report of the Committee of Experts on the application of the European Charter for Regional or Minority Languages in Spain ECRML \(2005\) 4; Second evaluation report of the Charter in Spain ECRML \(2008\) 5.](#)

nevertheless seem to have a traditional presence in Spain and are therefore covered by Part II of the Charter. Currently these are Valencian in Murcia, Tamazight (Berber) in the Autonomous City of Melilla and Arabic in the Autonomous City of Ceuta.

9. On the basis of the observations made by the Committee of Experts in its second evaluation report, the Committee of Ministers recommended that the Spanish authorities “**clarify the status of, and where appropriate adopt measures, in co-operation with the speakers, to protect and promote the following languages: Galician in Castile and León, Portuguese in the town of Olivenza, Berber in the Autonomous City of Melilla and Arabic in the Autonomous City of Ceuta.**” [RecChL(2008)5].

### **Galician in Castile and León**

10. Galician appears in Article 4 of the Statute of Autonomy of Castile and León as a protected language and therefore falls under the scope of Part II of the Charter.

### **Portuguese in Castile and León and Extremadura**

11. From the information contained in the third periodical report (page 54), according to some researchers, Portuguese is traditionally spoken in the municipalities of A Bouza and Alamedilla (Castile and León), and in the Jálama valley, Herrera de Alcántara, Cedillo and the border region of Valencia de Alcántara and La Codosera, and Olivenza (Extremadura). No information has been provided as regards the number of speakers, although the report states (page 153) that the use of Portuguese in the Jálama valley and Herrera de Alcántara has almost disappeared.

12. Portuguese has been spoken in Cedillo and the border region of Valencia de Alcántara and La Codosera since the 18<sup>th</sup> century, according to the third periodical report (page 154). Olivenza belonged to Portugal until the 19<sup>th</sup> century. Based on the information received, there does not seem to be any indication that there are still Portuguese-speakers in the regions concerned.

13. The Committee of Experts has therefore decided not to deal with Portuguese but reserves its right to return to this issue in future monitoring rounds if any indication of its continued presence appears.

### **Arabic in the Autonomous City of Ceuta**

14. In the second evaluation report (paragraph 56), the Committee of Experts regretted the lack of information regarding the situation of Arabic in Ceuta and encouraged the authorities to carry out proper investigation on its traditional presence in Ceuta and provide information in the next periodical report.

15. According to the third periodical report (pages 171 – 177), Darija, the Arabic variety spoken in Ceuta, is a result of immigration of its speakers to Ceuta and is therefore in the view of the authorities not a regional or minority language as defined by the Charter because it does not have a traditional and continuous presence in Ceuta.

16. There are no official data on the number of speakers of Darija in Ceuta. The authorities simply indicate in their third periodical report that the language is the mother tongue of a large segment of the population (45%).

17. The authorities state that there has been a growing presence of Darija in recent times, corresponding to the growth in the population of Maghrebi origin. In 1970, 10% of the population were of Maghrebi origin. In this context, the authorities have not fully clarified whether there has been a traditional and continuous presence of Darija in Ceuta.

18. The Committee of Experts reminds the authorities that by virtue of Article 2.1. of the Charter, all languages that meet the criteria of a regional or minority language as defined in Article 1 are automatically protected under the Charter, regardless of the Declaration contained in the state party's instrument of ratification, and regardless of whether the state party in question is of the view that the

language is in danger of eventual extinction or not (see also paragraph 13 of the second evaluation report).

19. The Committee of Experts urges the authorities to clarify the status of Darija Arabic, in co-operation with the speakers and if necessary with the help of a scientific study to determine whether the language has a continuous presence in Ceuta. The Committee of Experts reminds the authorities that the obligation to offer promotion and protection to a regional and minority language does not depend on the origin of its speakers but rather on its traditional presence in accordance with the Charter (see paragraph 14 of the first evaluation report of the Committee of Experts with respect to Finland ECRML (2001)3).

### **Tamazight (Berber) in the Autonomous City of Melilla**

20. According to the information provided by the Spanish authorities in their third periodical report (pages 178 – 182), the population of Tamazight-speakers in Melilla who immigrated in the last three decades to the city is estimated to be between 20 000 – 35 000. Tamazight was the indigenous language of Melilla before the city became part of the Kingdom of Spain.

21. Despite the fact that the speakers of Tamazight, the Imazighen, account for 40% of the total population of Melilla, the language has no official recognition in Melilla, and it is not taught at schools. Language courses in Tamazight for adults are offered, including for local and state civil servants, as well as teacher training courses. The report also mentions the call for the creation of a “Research Centre for the Tamazight Language and Culture”.

22. The Committee of Experts understands that historically there have been disruptions in the presence of Tamazight in Melilla, but given the fact that it is an indigenous language of that territory, spoken by 40% of the citizens of Melilla, the Committee of Experts encourages the authorities to acknowledge its presence as a traditional regional or minority language and continue its support, in co-operation with the speakers.

### **Romani and Caló**

23. The Committee of Experts urged the authorities to investigate into the situation of Romani and Caló, in co-operation with the speakers in the last monitoring round.

24. According to the information contained in the third periodical report (pages 183 – 192), the Roma community has been present in Spain since the 15<sup>th</sup> century. Romani became extinct over the course of time. The Romani spoken today in Spain by approximately 30 000 inhabitants is that of recent migrants from other parts of Europe.

25. During the on-the-spot visit, the Committee of Experts met with representatives of Roma and Kale. They confirmed that the traditionally spoken Romani has become extinct. But Caló, also known as *Romanó*, a language based on Castilian (or Catalan or Basque) and Romani is still used by parts of the indigenous Roma population in Spain. The community attaches a strong symbolic, identity-related meaning to Caló.

26. The Committee of Experts notes with interest the establishment of institutions such as the State Council of the Roma people through Royal Decree 891/2005 of 22 July, and Institute of Roma Culture in 2007, as well as representative bodies and activities at regional level aimed among other things at promoting Romani or Caló language and culture. The Committee of Experts commends the Spanish authorities for the measures taken, while noting that Caló is in a vulnerable position and needs special attention.

### **Yiddish**

27. As regards Yiddish, in its previous evaluation report, the Committee of Experts requested further information regarding its traditional and continued presence in Spain.

28. According to the information provided by the authorities in their third periodical report (pages 193 – 196), Yiddish is not a language traditionally spoken in Spain. The Jewish community, the Sephardic Jews, were expelled from Spain in the 15<sup>th</sup> century. They spoke Judeo-Spanish, also known as Sephardic or Ladino, which primarily derives from Castilian, with some Hebrew influence. It is an endangered language in other parts of Europe, but no longer spoken in Spain. Today very few people speak Judeo-Spanish, although it is used in certain cultural contexts and idiomatic expressions.

*New developments at the State level*

29. The Council of Official Languages in the General State Administration and the Bureau for Official Languages is an inter-ministerial state body whose role is to analyse, monitor and co-ordinate the activities of general state administration of the state ministries relating to the co-official use of languages in the Autonomous Communities. Meetings are held once a year and recommendations are made on language training for staff, signage and administrative forms in the co-official languages, institutional campaigns, etc. (see paragraphs 237-238 under Article 7.4. and pages 59 – 62 of the third periodical report).

30. More specifically, the role of the Council is to analyse the actions of the general state administration departments with regard to the use of the co-official languages and propose ways of co-ordination; advise, inform and submit proposals to the government with regard to co-official languages; report on proposals transacted through the departments; promote the values of multilingualism in society.

31. The role of the Bureau is to provide advice and guidance to the Council; draw up studies on use of regional or minority languages in the central government and its public bodies; monitor on an annual basis the level of compliance; promote, disseminate and distribute research projects, surveys, studies and publications related to co-official languages; promote the development of translation through agreements with the Autonomous Communities.

32. In the field of justice, there has been a reform of the judiciary, but this has not affected the situation of regional or minority languages. In 2009, the Organic Law of Judicial Power (and Article 142 of the Rules of Civil Procedure) was amended, but Section 231 still states that in any judicial procedure, judges, magistrates, prosecutors, clerks and other officers will use the Castilian language. The co-official language will only be allowed if neither of the parties objects to it on the grounds of having no knowledge of the language which could lead to defencelessness (see paragraphs 72-81 below).

33. In the field of administration (see pages 57 – 59 of the third periodical report), Article 54 of the State Law 7/2007 of 12 April on the Basic Statute of Public Employees states that public employees shall ensure they attend citizens in the language they request, provided that it is a co-official language in the territory. Article 56 requires public administrations to ensure the selection of suitably qualified public employees to fill posts in the Autonomous Communities with two official languages. As regards state civil servants, the second additional provision to the Statute states that knowledge of the co-official language is considered one of the merits for the provision of a post, in the terms envisaged in the respective Autonomous Community Legislation (see paragraphs 82-85 below).

34. Royal Decree 1671/2009 of 6 November, partially implementing Law 11/2007 of 22 June on electronic access for citizens to public services, provides that electronic sites whose titleholder has authority over territories with co-official languages shall provide for access to their contents and service in the corresponding languages.

35. In the field of media, Law 55/2007 of 28 December on Film regulates funding from the state for the promotion of films and audiovisual media produced in the co-official languages of Spain which will be provided for each year in the general state budget. This funding is to be matched by the respective Autonomous Community (see third periodical report, pages 54 – 55).

36. In the field of culture, the so-called “Law on Reading” (State Law 11/2007 of 22 June, on reading, books and libraries) establishes a legal framework to promote Spanish books written in Castilian or in any of the co-official languages in the respective Autonomous Communities (see third periodical report, page 54).

37. The objective of Law 40/2006 of 14 December on the Statute of Spanish nationals abroad is to establish, in collaboration with the competent Autonomous Communities, the framework of action to guarantee the promotion of education and access to Spanish languages and cultures for both Spanish residents abroad and their descendants. For this purpose, bilateral or multilateral agreements shall be signed with those countries in order to facilitate the operation of such programmes.

#### *New developments at the level of autonomous communities*

38. In the field of education, since the time of the second evaluation report, regional governments of many autonomous communities where a co-official language is spoken have introduced trilingual education or plan to do so. Although the models and status differ slightly from region to region, they have in common that roughly one third of the curriculum should be taught each in Castilian, one third in the respective co-official language of the region, and one third in English (with the exception of Aran, where two co-official languages are taught, besides Castilian).

39. Under Part III, Spain has opted for the highest level of protection, namely to offer education in the regional or minority language. This means that a large majority of the subjects are to be taught through the medium of the regional or minority language in question. At the same time, the Committee of Experts reiterates its viewpoint that the relevant undertakings do not necessarily imply that this type of education is compulsory for all pupils, nor that 100% of all subjects need to be in that language.

40. The Committee of Experts invites the authorities to take measures so that the introduction of the compulsory trilingual model does not disproportionately affect the education in co-official languages, including their promotion and support structure.

#### **Aranese in Catalonia**

41. Article 5 of the 2006 Statute of Autonomy of Catalonia grants the Aranese language co-official status. On 22 September 2010 the Parliament of Catalonia passed the Aranese Language Act which governs the official status of Aranese in Catalonia and more specifically in Aran.

42. As mentioned in the second evaluation report (paragraphs 78 – 79), the granting of co-official status has opened the way to granting Aranese Part III protection under the Charter by virtue of the way in which the Spanish instrument of ratification operates. The Committee of Experts welcomes the fact that the authorities have reported on the application of Part III to Aranese in their third periodical report.

43. The Aranese Language Act expands upon the provisions of Articles 6.5 and 50 of the Statute of Autonomy of Catalonia. The former article identifies Aranese as a co-official language of Catalonia, while the latter charges the territory's authorities with protecting both Aranese and Catalan. The Act stipulates that jurisdiction over the normalisation of Aranese, a process geared to ensuring that the language is routinely used in all areas of life, shall correspond to the Government of Catalonia and the General Council of Aran (*Conselh Generau d'Aran*), Aran's foremost governing institution.

44. To this end, the Government of Catalonia and the General Council of Aran signed a Framework Co-operation Agreement for language policy for Aranese on 10 September 2009. This Agreement is the starting point for setting out a stable framework for co-operation and efficient co-ordination of shared responsibilities, including a system of annual funding (see Language Policy Report concerning Aranese or Occitan<sup>3</sup>).

45. Under the Aranese Language Act, Aran's administration bodies and institutions must make generalised use of Aranese. The same applies to the services and bodies for which the Government of Catalonia is responsible in their dealings with members of the public within Aran. Aranese is to be prioritised as a standard vehicle of communication in administrative and educational activities in the territory, as well as in its media. In addition, all the laws passed by the Parliament of Catalonia, and all regulations with particular relevance for Aran will henceforth have to be published in Aranese, as well as in Catalan and Spanish, and all three versions will enjoy official status.

---

<sup>3</sup> [http://www20.gencat.cat/docs/Llengcat/Documents/Informe%20de%20politica%20linguistica/Arxiu/a\\_aranes\\_09.pdf](http://www20.gencat.cat/docs/Llengcat/Documents/Informe%20de%20politica%20linguistica/Arxiu/a_aranes_09.pdf)

46. The Aranese Act was recently challenged by the Spanish Government who appealed to the Constitutional Court with regard to Aranese being the “preferred language” of public powers (see Article 3.a. of the Act).

47. In other parts of Catalonia, speakers of Aranese are entitled to use their language in written communication with the Government of Catalonia, as well as to be addressed in the language in their oral dealings with the institution. Where education is concerned, the Government of Catalonia is to encourage the introduction of Aranese language and literature studies and programmes that examine the language-related situation in Aran.

48. The Government of Catalonia has established within its Secretariat for Language Policy an Office for Occitan in Catalonia. Likewise, the General Council of Aran has an office responsible for language policy within its Culture Department. The Committee of Experts welcomes this development.

49. As to the number of speakers of Aranese, the first official survey on Aranese in the Aran Valley took place in 2008. According to this data, 78% of the population of the Aran Valley can understand Aranese, 57% can speak it, 59 % can read it, and 35% can write it (see third periodical report, page 51).

### **Basque in Navarre**

50. *Euskarabidea*, the Institute for Basque Language of Navarre of the Regional Government, was set up through ‘Foral’ Decree 183/2007 of 10 September (see page 46 of the third periodical report). Its role is to promote the Basque language in Navarre, although the third periodical report does not provide precise information in this respect. This Decree also regulates the *Euskeraren Nafar Kontseilua* (Navarre Basque Language Council) which has the following functions: a) provide information on general plans and draft regulations relating to linguistic normalisation, prior to their approval; b) give its opinion on issues that are presented to it by the Government on linguistic planning and normalisation; c) present proposals to the Government in relation to the use and promotion of the Basque language.

### **Basque in the Basque Country**

51. The Basque authorities informed the Committee of Experts during the on-the-spot visit of the initiative “Euskara 21”<sup>4</sup> promoted by the Vice-Ministry for Language Policy of the Basque Government which was carried out in 2008. The idea was to trigger a public debate on guidelines for language policy in the 21<sup>st</sup> century, with the aim of revitalising and reinforcing the social consensus on language policy and on the promotion of the Basque language. A final report with priority lines for a language policy was published. The results of the open debate are available online.<sup>5</sup>

### **Catalan in Catalonia**

52. In its second evaluation report (paragraph 26), the Committee of Experts took note of the adoption of the Organic Law 6/2006, reforming the Statute of Autonomy of Catalonia. Article 6.1. claims that “the language of Catalonia shall be Catalan. As such, Catalan shall be the language of normal and preferential use by the public authorities and the public media of Catalonia, and shall also be the language normally used as a vehicular and learning language in education.” It introduces a duty to know Catalan as well as Castilian and it includes a chapter on linguistic rights and duties. According to the third periodical report (page 247) in 2010 the Constitutional Court declared unconstitutional the initial provision of the aforementioned Article 6.1. in which Catalan is a language of “preferential” use.

53. In the field of culture, Catalan Parliamentary Law 6/2008, of 13 May, on the National Council of Culture and the Arts, created an advisory Council of the Government on cultural policy, subsidies or the cooperation and promotion of artistic creation. Its preamble states as follows: “In areas where language gives shape to cultural expression, the Council must take special care with respect to culture that is expressed in Catalan and must seek to ensure preferential relations with cultural actors in other Catalan-speaking territories.”

---

<sup>4</sup> <http://blog.euskara21.euskadi.net/>

<sup>5</sup> <http://www.euskara.euskadi.net>

## **Catalan in the Balearic Islands**

54. In its second evaluation report (paragraph 27), the Committee of Experts had been informed of the adoption of a new Statute of Autonomy in the Balearic Islands, but was not in a position to evaluate it. According to the information contained in the third periodical report (page 86), Organic Law 1/2007 of 28 February reformed the Statute of Autonomy of the Balearic Islands. The new Statute regulates Catalan in a similar way to the previous Statute, but in more detail in the field of education.

## **Valencian**

55. Since 2007 the Valencian authorities have adopted a number of decrees affecting the educational system, including the introduction of a trilingual model (Spanish, English and Valencian) (see paragraph 774 below).

## **Part II languages**

56. In the second evaluation report (paragraphs 32-33), the Committee of Experts encouraged the Spanish authorities to carry out surveys in cooperation with the speakers of regional or minority languages in order to have accurate updated data concerning the number of users of regional or minority languages and their geographic distribution.

## **Asturian**

57. In its second evaluation report (paragraph 35), the Committee of Experts urged the Spanish authorities to provide updated official data on the number of speakers of Asturian in their next periodical report.

58. No official data have been provided in the third periodical report. Estimations drawn from surveys produced by the Government of the Principality of Asturias lie at 250 000 speakers.

## **Aragonese and Catalan in Aragon**

59. According to the third periodical report (pages 53 – 54), the most favourable estimates for Aragonese lie at 10 000 speakers inhabiting various parts of Aragon. Representatives of the speakers during the on-the-spot visit however estimated that there are 25 000 speakers.

60. As for Catalan, no updated figures are available. According to estimations based on two surveys carried out in 2004, approximately 30 000 people speak Catalan in Aragon, located in the eastern fringe of Aragon. Depopulation is affecting the language.

## **Galician in Castile and León**

61. In the last monitoring cycle (paragraph 43 of the second evaluation report), the Committee of Experts was informed that Galician is not co-official but appeared in Article 4 of the Statute of Autonomy as a protected language.

62. According to the third periodical report (page 108), estimations of the number of speakers lie at around 30 000, mostly elderly, in El Bierzo in León, which amounts to 40% of the population. There are 1 200 speakers in Sanabria in the province of Zamora. Depopulation of rural areas and low intergenerational language transmission contributes to the diminishing of the number of speakers of Galician in these areas.

## **Leonese in Castile and León**

63. According to the third periodical report (pages 52 – 53), Leonese forms a linguistic unity with Asturian in Asturias and Mirandese spoken in Portugal. While there are no official data on the number of speakers in the provinces León and Zamora, estimations lie between 25 000 and 50 000 speakers.

## **Asturian Galician**

64. In its second evaluation report (paragraphs 36 – 37), the Committee of Experts noted that according to estimates Asturian Galician is spoken by 40 000 people. No progress had been reported regarding its situation. The language had also suffered from a lack of clear recognition of its specific identity.

65. According to the Royal Galician Academy, there is a decrease in the number of speakers of Asturian Galician.

## **Valencian in Murcia**

66. According to the third periodical report (page 168), Valencian is spoken in the “Carche” region, bordering the Valencian Community, in the municipalities of Jumila, Yecla and Abanilla. There are no data on the number of speakers. According to non-governmental sources, Valencian has been spoken in this area since the 18<sup>th</sup> century.

### **1.3. Particular issues arising in the evaluation of the application of the Charter in Spain**

67. Spain submitted its third periodical report in July 2010, however only in the Castilian version. The English version of the report was eventually submitted to the Council of Europe in February 2011. By then, some of the information in the report was already outdated, as new legislation, regional governments and policies had in the meantime come into place. The report covers the period between 2006 – 2009.

68. In this respect, the Committee of Experts noted also during the on-the-spot visit that there seems to be a widespread misunderstanding among the state and regional authorities and non-governmental organisations as regards the monitoring period, which is always up until the time of the on-the-spot visit.

69. The third periodical report contains approximately 1000 pages. It is helpful for the Committee of Experts to receive detailed information in order to properly carry out its evaluation work. In their report, from time to time the authorities have also responded to the Committee’s request for information in the second evaluation report. The Committee also notes an improvement in the reporting structure, compared with the second periodical report. On the other hand, the Committee observes that the report still lacks coherency; information on Catalan in the Balearic Islands, for example, appears twice in the report. A lot of information is repeated from the second periodical report or is not relevant, or even contradictory. Several requests for information by the Committee are not answered.

70. The Committee of Experts draws the Spanish authorities’ attention to the revised guideline for reporting on the application of the Charter of 2008.

#### *Responsibility of the State authorities in the promotion and protection of regional or minority languages*

71. The Committee of Experts already observed in the second evaluation report (paragraphs 62-69) that the State authorities needed to be reminded of their responsibility under the Charter. Not only do the State authorities carry the ultimate responsibility of the compliance of international treaties, but some undertakings under the Charter are also under the direct remit of the State authorities. The most challenging undertakings in the Spanish context lie in the field of justice and local State administration under Part III of the Charter. This has already twice been the subject of a Committee of Ministers recommendation.

#### *Issues relating to the use of regional or minority languages in the judiciary (Article 9)*

72. In the previous monitoring round (paragraphs 70 – 73) the Committee of Experts identified Article 231 of the Organic Law of Judicial Power as one of the most prominent obstacles to the full implementation of Article 9 of the Charter in Spain. That article states that in any judicial procedure, judges, magistrates, prosecutors, clerks and other officers will use the Castilian language. The co-official language will only be allowed if neither of the parties objects to it. It therefore has not been made clear that the criminal, civil and administrative judicial authorities will conduct the proceedings in any of the Autonomous Communities in the co-official language in that language at the request of one party. In 2009, the Organic Law of Judicial Power (and Article 142 of the Rules of Civil Procedure) was amended, but Article 231 was not changed.

73. During the on-the-spot visit, members of the General Council of the Judiciary (*Consejo General del Poder Judicial*) explained that pursuant to Article 231 parties may object to proceedings held in the co-official language on the basis of lack of knowledge of that language, on the grounds that it could lead to defencelessness. The members however underlined that the sole claim of not understanding the language is insufficient to assume that that person is defenceless. The judge must consider the concrete situation of each proceeding. In the opinion of the members of the General Council, judges should interpret Article 231 favourably vis-à-vis the use of the co-official language, although this rule can lead to misinterpretation.

74. While welcoming the favourable interpretation of the Law, the Committee of Experts reiterates that the undertaking entered into under the Charter requires the use of the language if one party so requests unless it is considered by the judge to hamper the proper administration of justice, as opposed to Spanish law that can reject such a request if one party objects.

75. According to the members of the General Council of the Judiciary, transcriptions of court proceedings in the co-official language do not need to be translated into Castilian in order to be valid. Article 231 states that documents relating to judicial proceedings that have effect in an area with a different co-official language outside the Autonomous Community, must be automatically translated into Castilian, at the expense of the justice administration.

76. According to the information received during the on-the-spot visit, knowledge of the co-official language is still considered a merit for the appointment of judges, rather than a requirement. For certain job positions within the administration of justice which lies in the competence of the Autonomous Community, knowledge of the co-official language is a requirement.

77. The plenary of the General Council of the Judiciary adopted a new regulation of the judiciary on 28 April 2011. According to Article 74 of this regulation, there is a system of preference for those who speak a co-official language. The promotion system is based on seniority or skills merits. Judges are granted an additional year of seniority provided they have knowledge of a co-official language, magistrates receive two additional years, and judges of a collegiate body receive three years.

78. During the on-the-spot visit, the Committee of Experts' attention was also drawn to Royal Decree 775/2011 of 3 June regarding access to the profession of lawyer. The Decree obliges lawyers to sit an exam, but no reference is made to the knowledge of co-official languages. The Committee of Experts asks the authorities to clarify this matter in the next periodical report.

79. Despite efforts made to increase language training opportunities by the authorities, the rotation system of judges, magistrates and prosecutors, administered by the central state, continues to impede the knowledge of the co-official language for these professional groups. The members of the General Council of the Judiciary acknowledged during the on-the-spot visit that the problem in the system is the high turnover of judges especially in Catalonia and the Balearic Islands, and to a lesser extent in Galicia. Although the knowledge of a co-official language is a merit, the Committee of Experts was informed that in case of promotion the judge is generally not sent to a district where the co-official language he/she knows is spoken.

80. While acknowledging the positive measures taken and the interpretation of the Organic Law as presented by the General Council, the Committee of Experts notices a structural problem with regard to the implementation of the undertakings of Article 9. The current merit and rotation system coupled with the law in force does not ensure that court proceedings can be carried out in practice in a co-official language in any of the relevant Autonomous Communities.

81. The Committee of Experts urges the authorities to take appropriate measures to ensure that the right to carry out a proceeding in a co-official language is available in practice, through a sufficient number of judges able to use the co-official language in proceedings. This should be done in accordance with the sociolinguistic reality in each Autonomous Community with a co-official language, and by ensuring that the above-mentioned rule of Article 231 does not hamper this right.

*Issues relating to the use of regional or minority languages with the administration (Article 10)*

82. While the Committee of Experts notes an improvement of the awareness of the State authorities under the Charter, the Committee also observes a lack of a coherent policy, most notably in the field of local State administration. While steps are being taken to enhance the use of the regional or minority languages in the State administration offices located in the regions where these languages are used, the use seems to be haphazard. This in turn can lead to frustration and insecurity among the speakers and discourage them from using the languages in dealings with these offices.

83. There does not seem to be an analysis of which administrative and other forms are used the most and which forms should be translated as a matter of priority. Also, many websites have only translated the first level of navigation or static information into the regional or minority language, which the speakers interpret as a tokenism. Furthermore, the use can vary considerably, depending on the individual ministry and the region it is placed in. While noting some improvements, after the third round of monitoring, the Committee of Experts finds this unacceptable.

84. In addition, the Committee of Experts observes a stronger need for communication and co-operation between the State offices located in the autonomous communities, especially where the same language is spoken. This also relates to other fields covered by the Charter that are mainly State responsibility.

85. The Committee of Experts urges the authorities to take further measures to ensure the use of co-official languages in State administration offices situated or having competence in the relevant Autonomous Communities, taking account of the needs of the speakers.

*Issues related to the protection of Basque in Navarre*

86. In its second evaluation report (paragraph 21) the Committee of Experts welcomed the signing of several protocols between different autonomous regions, which is especially important in those regions where the same language is spoken.

87. In the case of Basque, a General Collaboration Protocol was signed in 2009 by the governments of Navarre and the Basque Autonomous Community (pages 812 – 814 of the third periodical report) covering three specific areas: infrastructures, dissemination of the public television ETB-1 and ETB-2 services in Navarre, and language policy.

88. While welcoming this step, the Committee of Experts was informed during the on-the-spot visit by representatives of the Basque-speakers and of the Government of the Basque Autonomous Community that the signing of the protocol has not led to a significant collaboration in practice, mainly due to lack of response of the Navarrese Government, except in the field of adult education.

89. The Committee of Experts is of the view that if the same language or similar languages are spoken in more than one Autonomous Community, there is a need for co-operation between these Communities and a sense of shared responsibility for the protection of the languages in question. This is especially important in the case of Basque, where Basque in Navarre is in a weaker position than in the Basque Autonomous Community, at least from a sociolinguistic point of view.

90. The social support and use of Basque is stronger in the Basque Country than in Navarre, and the authorities of Navarre need to co-operate with the Basque authorities in order to fulfil the undertakings of the Charter, especially with regard to those undertakings which are not sufficiently implemented by the Navarrese authorities themselves.

91. The Committee of Experts notes that several undertakings under Part III are fulfilled for Basque in the “Basque-speaking zone” of Navarre, which is also due to the results achieved thanks to the efforts of the Government of the Basque Autonomous Community. These include Article 9 paragraph 3, Article 12 paragraph 3, and Article 14 paragraph b. The Committee of Experts encourages the Navarrese Government to enhance its co-operation with the Basque Autonomous Community for the benefit of the Basque language, for example in the retransmission of television channels in Navarre.

*Issues related to Aranese*

92. When Spain ratified the Charter, it did not specify the languages covered under Part III, but the declaration made it clear that it applies to those that are co-official in the Autonomous Communities. The change of status of Aranese to an official language was then not anticipated, but it is now included under Part III of the Charter. While commendable efforts have been made by the Government of Catalonia and the General Council of Aran, the Committee of Experts observes that there is a significant gap between several of the selected undertakings and the present level of implementation in practice. The Committee of Experts acknowledges that Aranese is not in the same position as the other Part III languages, and that it only gained its official status recently and Aran Valley is the only region where three languages are official. It also has a relatively small number of speakers, spoken in a compact area. The Committee of Experts has taken these circumstances into consideration in its evaluation of the situation of Aranese under Part III.

93. As to the terminology, the Statute of Catalonia refers to the ‘Occitan language, known as Aranese in Aran’ (Article 6.5) but in the other articles exclusively to ‘Aranese’. The title of the Law is ‘The Law on the Occitan, (Aranese) in Aran’, the text of the Law often refers to ‘Occitan, named Aranese in Aran’. For the purpose of the Charter, the Committee of Experts decided to refer to the language as ‘Aranese’.

## **Chapter 2 Conclusions of the Committee of Experts on how the State authorities have reacted to the recommendations of the Committee of Ministers (RecChL(2008)5)**

### **Recommendation no. 1:**

*“Take the necessary legal and practical measures to ensure that an adequate proportion of the judicial staff posted in the autonomous communities concerned by the application of Article 9 of the Charter have a working knowledge of the relevant language.”*

94. The plenary of the General Council of the Judiciary adopted a new regulation of the judiciary on 28 April 2011. According to Article 74 of this regulation, there is a system of preference for those who speak a co-official language. The promotion system is based on seniority or skills merits.

95. Knowledge of the co-official language is therefore still considered a merit for the appointment of judges, rather than a requirement. For certain job positions within the administration of justice which lies in the competence of the Autonomous Community, knowledge of the co-official language is a requirement.

96. Despite the efforts made by the State and regional authorities to increase language training opportunities, the current merit and rotation system coupled with the law in force, does not ensure that court proceedings can be carried out in practice in a co-official language in any of the relevant Autonomous Communities.

### **Recommendation no. 2:**

*“Review the recruitment, career and training schemes for the staff of the State administration offices with a view to ensuring that an adequate proportion of the staff posted in the autonomous communities have a working knowledge of the relevant language.”*

97. Language training for civil servants continues to be carried out by the National Institute of Public Administration and by the regional authorities.

98. At the level of State administration, the State has the legal possibility, through State Law 7/2007 of 12 April on the Basic Statute of Public Employees, to ensure that an adequate proportion of State administration staff located in the autonomous communities has a working knowledge of the regional or minority language in question. However, this does not seem to be translated into practice. There is a lack of systematic policy on recruiting and training of personnel in this respect.

99. While it seems that some progress has been achieved, the use of the relevant language is not guaranteed systematically, but rather depends on the location and type of office. The data on the written and oral use of the co-official language suggest that speakers are either not aware of their rights, discouraged from using their language, or not accustomed to addressing offices in their language. There does not seem to be an overall policy or strategic approach to analyse the overall current state of affairs and plan a more systematic provision of sufficient staff with an adequate knowledge of the language.

### **Recommendation no. 3:**

*“Ensure the presence of all regional or minority languages in state owned public services.”*

100. Based on the evidence received, public services run by private enterprises on behalf of the authorities generally do not take regional or minority languages into account in recruitment, service provision, customer services, web pages or correspondence. With regard to services under the competence of the state authorities, the situation does not seem to have improved.

### **Recommendation no. 4:**

*“Consider in collaboration with the Asturian speakers, the possibilities of improving the current level of protection provided by the Statute of Autonomy to Asturian.”*

101. The level of protection of Asturian provided by the Statute of Autonomy of Asturias has not changed, in that Asturian has not become a co-official language. The Law on Asturian mentioned in the first evaluation report is still in force (Law 1/98 of 23 March on the use and promotion of Bable/Asturian). However, the Committee of Experts notes improvements in the practical use of Asturian in relations with public authorities, in the media and in education.

**Recommendation no. 5:**

*“Take steps to adopt a specific legal framework for protecting and promoting Aragonese and Catalan in Aragon.”*

102. The legal framework for the protection and promotion of Aragonese and Catalan in Aragon has been adopted through the Organic Law 5/2007 of 20 April on the Statute of Autonomy of Aragon regarding native languages and linguistic modalities and Law 10/2009 of 22 December on the use, protection and promotion of Aragon’s native languages.

103. The Law stipulates that Aragonese- and Catalan-speakers have the right to use their languages in those territories where they have been predominant historically especially in relation to public authorities (Article 2) and in education (Article 23).

**Recommendation no. 6:**

*“Clarify the status of, and where appropriate adopt measures, in co-operation with the speakers, to protect and promote the following languages: Galician in Castile and León, Portuguese in the town of Olivenza, Berber in the Autonomous City of Melilla and Arabic in the Autonomous City of Ceuta.”*

104. Galician appears in Article 4 of the Statute of Autonomy of Castile and León as a protected language and therefore falls under the scope of Part II of the Charter.

105. As for the other languages, the authorities have provided some information about them, but not enough to allow an evaluation of whether they qualify as regional or minority languages within the meaning of the Charter.

106. As for Portuguese, the information available, particularly on the number and distribution of speakers of Portuguese, is not sufficient to properly evaluate whether Portuguese in Castile and León and Extremadura is a language to be covered under Part II of the Charter (see paragraphs 12 to 13 above)

107. As for Arabic in the Autonomous City of Ceuta, Darija, the Arabic variety spoken in Ceuta, has arisen from immigration of its speakers to Ceuta and is therefore in the view of the authorities not a regional or minority language, but they do not provide further evidence of this argument.

108. In accordance with the Charter, the obligation to offer promotion and protection to a regional and minority language does not depend on the origin of its speakers but rather on its traditional presence.

109. By virtue of Article 2.1. of the Charter, all languages that meet the criteria of a regional or minority language as defined in Article 1 are automatically protected under the Charter, regardless of the Declaration contained in the state party’s instrument of ratification

110. As regards Tamazight (Berber) in the Autonomous City of Melilla, the Committee of Experts understands that historically there have been disruptions in the presence of Tamazight in Melilla, but given the fact that it is an indigenous language of that territory, spoken by 40% of the citizens of Melilla, the Committee of Experts encourages the authorities to acknowledge its presence as a traditional regional or minority language and continue its support, in co-operation with the speakers (see paragraph 22 above).

## **Chapter 3 The Committee of Experts' evaluation in respect of Part II and Part III of the Charter**

### **3.1 Evaluation in respect of Part II of the Charter**

111. The Committee of Experts will not comment on those provisions of Part II for which no major issues were raised in the first and/or second evaluation report and for which the Committee of Experts has not received any new significant information. Under Part II, this concerns Article 7, paragraphs 2 and 5. The Committee of Experts reserves, however, the right to evaluate the implementation of this provision again at a later stage.

112. The Committee of Experts welcomes the fact that the Spanish authorities have finally provided some information in their third periodical report under Part II of the Charter, for those regional or languages that are exclusively protected under Part II.

### **Article 7 – Objectives and principles**

#### **Paragraph 1**

*In respect of regional or minority languages, within the territories in which such languages are used and according to the situation of each language, the Parties shall base their policies, legislation and practice on the following objectives and principles:*

- a the recognition of the regional or minority languages as an expression of cultural wealth;*

#### **Aranese**

113. As mentioned in paragraph 41 above and in the second evaluation report (paragraphs 40 – 42), Article 5 of the 2006 Statute of Autonomy of Catalonia grants the Aranese language co-official status in Catalonia. Furthermore, on 22 September 2010 the Parliament of Catalonia passed the Occitan (Aranese) Act which governs the official status of Aranese in Catalonia and Aran. The Aranese Language Act makes reference to the Charter in its preamble.

114. The Committee of Experts commends the authorities for this step and reiterates its view that granting a regional or minority language co-official status constitutes the strongest way of officially recognising its value (see first evaluation report, paragraph 84).

#### **Aragonese and Catalan in Aragon**

115. Article 7 of Organic Law 5/2007 of 20 April on the Statute of Autonomy of Aragon regarding native languages and linguistic modalities declares that:

“1. The languages and linguistic modalities native to Aragon constitute one of the most outstanding expressions of Aragonese cultural and historical heritage and a social value of respect, coexistence and understanding.

2. A law from the Legislature of Aragon shall establish predominant use of the languages and modalities native to Aragon, regulate the legal framework, the usage rights of the speakers from those territories, promote the protection, recovery, teaching, promotion and dissemination of Aragon’s linguistic heritage and encourage in the areas of predominant usage the use of the native languages in citizens’ relations with the Aragonese public administrations.

3. No-one can be discriminated against on grounds of language”.

116. Accordingly, the Aragonese Parliament adopted Law 10/2009 of 22 December on the use, protection and promotion of Aragon’s native languages. While commending the authorities for strengthening the legal framework for Aragonese and Catalan, the Committee of Experts was informed during the on-the-spot visit by representatives of the speakers that during the election campaign the party which later won the elections had announced the abolishment of this Language Act. Shortly after

the visit the Committee of Experts was informed that the newly elected Government declared that only some aspects of the Law would be amended.

117. As it stood at the time of the on-the-spot visit, the preamble to the Law on Languages in Aragon makes reference to the Charter and the Law itself incorporates the wording of several undertakings from Articles under Part III of the Charter. The Law stipulates that Aragonese- and Catalan-speakers have the right to use their language in those territories where they have been predominant historically, especially in relation to public authorities (Article 2) and in education (Article 23). Article 9 states that the procedure for declaring which municipalities belong to the predominant areas of historical use of native languages will be determined by the Government of Aragon on the basis of a report by the Superior Council of Languages of Aragon (see paragraph 246 below), and according to sociolinguistic and historical criteria.

118. In the light of the information received of plans to amend the Law on Languages in Aragon, the Committee of Experts urges the authorities to at least maintain the current legal level of protection afforded to Aragonese and Catalan.

### **Asturian**

119. In its previous report, the Committee of Experts encouraged the authorities to consider in collaboration with the Asturian-speakers the possibilities of improving the current level of protection provided by the Statute of Autonomy.

120. The Committee of Experts was not informed of any changes in legislation affecting the legal status of Asturian. The Law on Asturian which was mentioned in the first evaluation report is still in force (Law 1/98 of 23 March on the use and promotion of Bable/Asturian). It ensures the right to use Asturian before public authorities, and the promotion of Asturian in education, the media, etc. During the on-the-spot visit, representatives of the speakers repeated their estimation that the lack of co-official status of Asturian hampers the full protection and promotion of the language.

### **Asturian Galician**

121. In its second evaluation report (paragraph 95), the Committee of Experts urged the authorities to recognise the identity of Asturian Galician by promoting the language and the culture which it represents.

122. Supplementary information provided to the Committee of Experts by the Asturian authorities demonstrates that through the measures taken by the Asturian authorities and the Asturian Language Academy (see paragraphs 165 and 223 below) the distinct identity of Asturian Galician is recognised.

### **Leonese in Castile and León**

123. During the previous monitoring round (paragraph 97), the Committee of Experts had been informed about the adoption of a new Statute by the Autonomous Community of Castile and León, which included the Leonese language as a protected language. The Committee of Experts requested the authorities to provide more information on this in their next periodical report.

124. According to the third periodical report (page 150), Leonese is acknowledged in Article 5.2. of the 2007 Statute of Autonomy of Castile and León, approved by Organic Law 14/2007, in that "Leonese shall be the object of specific protection by the institutions due to its particular value in the Community's linguistic heritage. Its protection, use and promotion shall be subject to regulation." While welcoming this development, the Committee of Experts was informed by representatives of the speakers that, despite several calls from language associations, the Ombudsman and the Regional Parliament, the Government of Castile and León has to date not adopted any regulations deriving from the Statute.

*b the respect of the geographical area of each regional or minority language in order to ensure that existing or new administrative divisions do not constitute an obstacle to the promotion of the regional or minority language in question;*

125. In the two previous rounds, the Committee of Experts mentioned the situation of Basque and Catalan spoken in several regions. In this monitoring round, the Committee of Experts refers to the paragraphs 86 to 91 above.

- c *the need for resolute action to promote regional or minority languages in order to safeguard them;*

#### *General statement*

126. In its second evaluation report (paragraph 104), the Committee of Experts recalled that the responsibility to take resolute action also lies with the State administration. It had been informed about the setting up of a new Office of Language in the Public Administration and that it was hoped that this institution would provide all the necessary means to ensure that resolute action was taken to promote regional or minority languages at the State level.

127. As mentioned in paragraphs 29 to 31 above, the terms of reference of the new Office does not include the task to take resolute action to promote regional or minority languages as envisaged under this undertaking, but is rather an inter-ministerial state body with a role to analyse and co-ordinate the activities of general state administration of the state ministries relating to the co-official use of languages in the autonomous regions.

#### **Basque in Navarre**

128. In meetings with the Committee of Experts during the on-the-spot visit, representatives of the speakers expressed their disappointment with the functioning of and the results achieved by the *Euskarabidea* and *Kontseilua*. The budget of *Euskarabidea* decreased slightly in 2011. In any case, out of the over 3 million Euros allocated to *Euskarabidea*, over 1.7 million cover staff costs. Furthermore, the representatives argued that the activities were not significant enough. As for the *Kontseilua* the Committee was informed that they have not had a major impact so far, and their opinions have not been considered by the regional government.

#### **Aranese**

129. In the second evaluation report (paragraphs 119 – 120), the Committee of Experts welcomed the setting up of a new office to promote Aranese, following the granting of the co-official status by the Statute of Autonomy of Catalonia, and looked forward to receiving more information on the practical results achieved.

130. Representatives of the Catalan authorities informed the Committee of Experts during its on-the-spot visit that the *Oficina Occitan en Catalonha* (Office for Occitan in Catalonia) has been set up as part of the Language Policy Secretariat of the Catalan Government (see also paragraph 48 above).

#### **Catalan in the Balearic Islands**

131. According to the information contained in the third periodical report (pages 88 – 89), with the change of government in the Autonomous Community in 2007, the Directorate General for Language Policy has promoted and re-established the Social Council of the Catalan Language. On 18 June 2009, the Council approved the first General Language Normalisation Plan for the Balearic Islands. The Plan aims to strengthen and consolidate the presence of Catalan, the language proper to the Balearic Islands in all spheres of public, social, economic, political and cultural life. After its approval by the Council in the plenary session, the document must be presented to the Government of the Balearic Islands.

132. The Committee of Experts has not been informed about whether this plan has been adopted and implemented and would welcome more information in the next periodical report.

#### **Aragonese and Catalan in Aragon**

133. In the second evaluation report (paragraph 118), the Committee of Experts urged the competent authorities to accelerate the adoption of a specific legal framework for protecting and promoting Aragonese and Catalan in Aragon, and to take relevant measures to protect and promote Aragonese and Catalan in Aragon.

134. As mentioned in paragraphs 115-118 above, the legal framework for the protection and promotion of Aragonese and Catalan in Aragon has been adopted. In accordance with Article 3 of the

Act, the Superior Council of the Languages of Aragon was set up and held its first meeting in December 2010. The task of this advisory body, composed of 15 members proposed by the Aragonese Government, the Aragonese Parliament and the University of Zaragoza, is to develop a language policy.

135. The Committee of Experts looks forward to receiving information on the development of the language policy in the next periodical report.

### **Asturian**

136. In its second evaluation report (paragraphs 110-112), the Committee of Experts again expressed its concern about the situation of Asturian with regard to education and the media, and urged the authorities to provide information on resolute action taken especially in these fields.

137. The third periodical report (page 121) reports about the creation of a General Directorate of Language Policy within the Regional Ministry of Culture and Tourism, through Decree 123/2008 of 27 November.

### **Asturian Galician**

138. In the two previous monitoring rounds, it was unclear to the Committee of Experts whether the authorities were taking resolute action, in particular in the field of education, as it lacked information. The Committee of Experts therefore urged the authorities to take resolute action to support Asturian Galician and to provide information in the next periodical report on the measures taken (see paragraphs 113-114).

139. Although it does not appear that any specific resolute action has been taken, the authorities do report about measures taken with respect to Asturian Galician (see paragraphs 163-167 and 198-202 below).

### **Galician in Castile and León and in Extremadura**

140. In its second evaluation report (paragraphs 121 – 122), the Committee of Experts commended the authorities of both the Autonomous Communities of Castile and León and Galicia for promoting Galician in education in an Agreement and encouraged the authorities of Castile and León to take resolute action in other fields of public life. The Committee of Experts encouraged the authorities to provide information on resolute action taken with regard to Galician in Extremadura.

141. No such information has been provided in the third periodical report, although the authorities do report about some projects on Galician supported by the regional authorities of Extremadura (see paragraphs 172 - 173, and 205 below). The Committee of Experts encourages the authorities to take more resolute action to promote Galician in Extremadura and report about the measures taken in the next periodical report.

### **Leonese**

142. Non-governmental organisations have expressed their disappointment with the lack of pro-activity of the Government of Castile and León, as well as the lack of supportive measures to promote Leonese.

143. The Committee of Experts encourages the authorities to take resolute action to promote Leonese and report about the measures taken in the next periodical report.

*d the facilitation and/or encouragement of the use of regional or minority languages, in speech and writing, in public and private life;*

### **Basque in the Basque Country**

144. During the on-the-spot visit, the Committee of Experts was informed of a digital encyclopedia and an online automatic translation service for the Basque language, the first of its kind.

## **Catalan in Catalonia**

145. The third periodical report (page 72) states that the Government of Catalonia created the Pompeu Fabra Awards through Order VCP/460/2008 of 28 October, in order to recognise and reward people, entities, companies and organisations that have helped promote the use of Catalan in a range of areas. Specifically, five award categories have been created: communication and new technologies; the socio-economic field; the protection and dissemination of the Catalan language; professional, scientific or civic careers; and for joining the Catalan linguistic community.

## **Aragonese and Catalan in Aragon**

146. The Committee of Experts urged the authorities in the last evaluation report (paragraphs 135 – 138) to take measures to promote the use of Aragonese and Catalan in public life in Aragon and to provide information about the progress made in the next periodical report.

147. The recently adopted Law on Languages in Aragon aims at facilitating the use of Aragonese and Catalan in public life. Speakers of Aragonese and Catalan have the right to use their language in the areas of predominant historical use, including in relations with public authorities. The procedure for declaring the municipalities that are the predominant areas of historical use of native languages is determined in Article 9 of the Act, taking sociolinguistic and historical criteria into account.

148. The law regulates that the Administration of the Autonomous Community and Local Government, as well as agencies and organisations that depend on them, will ensure, within areas of predominant historical use, exercise of the right to use Aragonese and Catalan in administrative proceedings. Interested parties may address the Aragonese Administration bodies, judicial bodies, and the Aragonese Parliament in their language. A translation service is set up for the civil servants. According to representatives of the speakers, the Ombudsman is the only institution in public administration that currently accepts submissions in Catalan.

149. The respective language may also be used within the framework of the local authorities in areas of predominant historical use, without prejudice to the use of Castilian. Official documents of local government in these areas shall be issued in Castilian and in the respective native language.

150. As regards the media, Article 35 of the Language Act states that the government should promote the broadcasting of programmes in Aragonese and Catalan on public radio and television on a regular basis, encourage the production and dissemination of audio and audiovisual works, and encourage the publication of regular newspaper articles.

151. According to representatives of the speakers whom the Committee of Experts met during its on-the-spot visit, some programmes are broadcast in Aragonese on public radio. There are bi-monthly reviews containing news items concerning Aragonese. There is some use of Aragonese on the internet. According to the information provided by representatives of the Catalan-speakers in Aragon during on-the-spot visit, some Catalan is present on local television and radio stations in Aragon. In addition, television channels from Catalonia can be received.

152. According to Article 3 of the Law on Languages in Aragon, municipalities can make a request to the Superior Council for the adoption of the Aragonese or Catalan form of their name, based on historical, philological and sociolinguistic criteria, which must be approved by an absolute majority in the plenary.

153. According to the third periodical report (page 162 and 166), the Government of Aragon awards an annual literary creation prize for works written in Aragonese and Catalan.

154. Among scholars and associations defending Aragonese, there is currently no consensus on the orthography of Aragonese. It will be the task of the future Academy to decide upon this matter. Within the community of speakers there are two orthographical proposals. The Committee asks the authorities to take efforts to find a consensus so that the development of Aragonese is not hampered in public life, especially in the field of education. It asks the authorities to report on developments in this respect in the next periodical report.

## **Asturian**

155. In its second evaluation report (paragraph 131), the Committee of Experts urged the Spanish authorities to provide information on the promotion of the use of Asturian in public life by delivering concrete examples of implementation.

156. As to the presence of Asturian in the media, from the information provided in the third periodical report (pages 136 – 138) and by the Asturian authorities five regular public television programmes and more than ten specific radio programmes are broadcast in Asturian, with high audience level. Two radio channels broadcast in Asturian via the Internet. The Regional Ministry of Tourism has supported the dubbing into Asturian of audiovisual productions in and/or about Asturian. In 2006-2008 more than €100.000 were allocated to promote audiovisual productions. In addition, the Asturian Government grants an annual award of subsidies to *the news media for the social normalisation of Asturian and, in its context, Asturian Galician*. The annual subsidies have facilitated radio and television programmes, also in Asturian Galician.

157. There is one weekly newspaper entirely in Asturian, and some digital newspapers. Some articles in Asturian appear also in a daily newspaper. The regional Radio-TV has a newspaper in Asturian on the Internet.

158. During the on-the-spot visit, representatives of the Asturian-speakers expressed their dissatisfaction with Asturian broadcasting, regarding it as being too folkloristic, with inadequate time-slots and limited to only 3% of the programming. They also complained that Asturian in the newspaper was only on Asturian-related items rather than covering general news items.

159. The authorities furthermore report that to date, 18 local authorities have set up a Language Normalisation Office or Service that covers over half of the Asturian population. For this purpose, in 2008 they received subsidies of over €180.000 from the Regional Ministry of Culture and Tourism. The Services aim to promote the use of Asturian in various fields. The new General Directorate of Language Policy of the Asturian Government has set up a translation unit, allowing all citizens to submit documents to the administration in Asturian. As for local authorities, the possibility to use Asturian in dealings with them depends on the individual civil servant.

160. Some Asturian Laws have been translated into Asturian. The traditional place names are co-official in a large number of municipalities, according to the Committee of Toponymy. During on-the-spot visit the Committee of Experts was informed that place names in Asturian are currently being restored.

161. Furthermore, according to supplementary information received from the Asturian government, from 2006-2008 annual grants were allocated as follows: € 190 000 per year to promote books in Asturian and Galician-Asturian, € 75 000 per year to social entities to promote the use of both languages, € 20 000 per year to promote researches on Asturian and Galician-Asturian and € 65 000 per year to companies to promote the use of Asturian in companies.

162. The Committee of Experts commends the Asturian authorities for their long-standing commitment and efforts in promoting the Asturian language.

## **Asturian Galician**

163. In the second evaluation report (paragraphs 132 – 134), the Committee of Experts urged the authorities to take measures for the facilitation and encouragement of the use of Asturian Galician in public life, and to provide information about measures taken to increase the presence and the visibility of the language in public life.

164. Concerning the presence of Asturian Galician in the media, as mentioned in paragraph 156 above, subsidies are available to the news media for the promotion of use of Asturian in social life and, in its context, of Asturian Galician. At the time of the periodical report, one television programme and one radio programme in Asturian Galician were subsidised, although according to representatives of the speakers that the Committee of Experts met during the on-the-spot visit, Asturian Galician is not used in the media. Radio channels from Galicia can be received in the Eo-Navia border area. Since digital switchover in 2010, there is no free access to digital terrestrial television from Galicia.

165. The authorities also report that in 2007, the Asturian Language Academy published Spelling Standards for Asturian Galician, based on earlier proposed orthographical and morphological standards by the Government of Asturias in 1993. These standards are generally used in written Asturian Galician, for example in place names. The Committee of Experts welcomes this information. A prescriptive dictionary has not yet been developed.

166. Documents may be submitted to administrative bodies in Asturian Galician, the communication is facilitated through an interpretation unit within the General Directorate of Language Policy. Furthermore, two offices for the co-ordination of cultural and language activities have opened, covering the entire area where Asturian Galician is spoken. Some local authorities have set up a Language Normalisation Office or Service (see paragraph 159 above).

167. The third periodical report (page 122) states that in the municipalities of the Eo-Navia region where Asturian Galician is spoken, Galician is supported through the publication of literary works, theatre plays, usage by companies, in the local media and in the activities of cultural associations.

### **Galician in Castile and León**

168. The Committee of Experts lacked information in the two previous monitoring rounds on measures taken to promote the use of Galician in Castile and León in the public sphere. It therefore encouraged the authorities to provide this information in the next periodical report.

169. According to information provided in the third periodical report (pages 111 – 112), an association in Castile and León promotes Galician through a range of activities in the cultural and educational areas for which it receives financial support from the Galician authorities. Radio from Galicia can be received in the two *comarcas*. Since digital switchover, free reception of Galician television is no longer guaranteed. Galician is hardly used in the print media. According to non-governmental organisations, Galician in the media is not supported by the authorities of Castile and León. The use of Galician by local authorities is non-existent or incidental.

170. The Committee of Experts encourages the authorities to step up their measures to facilitate and promote the use of Galician in public life.

### **Galician in Extremadura**

171. The Committee of Experts lacked information in the two previous monitoring rounds on measures taken to promote the use of Galician in Extremadura in the public sphere. It therefore encouraged the authorities to provide this information in the next periodical report.

172. Concerning the situation in Extremadura, in their third periodical report (page 106), the Spanish authorities provide information about a Resolution of the Extremadura authorities of 21 November 2008 that approves the creation of a Museum about “a fala” Galician in San Martín de Trevejo. The Committee of Experts welcomes this information and asks the authorities to report on its development in the next periodical report.

173. In Extremadura, bilingual street signs have been erected and local authorities use bilingual information signs. Theatre plays have been performed in Galician. The authorities also acknowledge that Galician in Extremadura is not present in the media, not even from the media produced in the Autonomous Community of Galicia. The use of Galician by local authorities is non-existent or incidental.

174. The Committee of Experts encourages the authorities to step up their measures to facilitate and promote the use of Galician in public life.

### **Leonese**

175. According to the third periodical report (page 153), Leonese is not used in dealings with the administration. During the on-the-spot visit, representatives of the speakers expressed their disappointment with the authorities of Castile and León for their general lack of support vis-à-vis Leonese. It is not taught in education nor used in administration. Some local authorities are favourable towards Leonese and they receive support, but most initiatives are private.

176. The Committee of Experts reminds the authorities that the recognition of the language in a piece of legislation is not sufficient for the promotion and protection of it but that concrete and practical measures are needed to facilitate and promote the use of Leonese in public life.

### **Valencian in Murcia**

177. In its second evaluation report (paragraphs 140 – 142), the Committee of Experts commended the Autonomous Communities for the conclusion of an agreement between the Autonomous Community of Valencia and the Autonomous Community of Murcia which aimed at giving Valencian a higher profile in municipalities with Valencian-speaking minorities. It looked forward to receiving further information on the use of Valencian in other spheres of public life in Murcia in the next periodical report. In addition, the Committee of Experts was informed that there are plans to prepare a special issue of "Toponymy of Valencian Villages" including the Valencian names of the three municipalities of Murcia that form the Carche *comarca*.

178. No information in this respect was provided in the third periodical report. The Committee of Experts therefore encourages the authorities to provide information in their next report.

- e *the maintenance and development of links, in the fields covered by this Charter, between groups using a regional or minority language and other groups in the State employing a language used in identical or similar form, as well as the establishment of cultural relations with other groups in the State using different languages;*

#### *General comment*

179. In the last evaluation report, whilst acknowledging the strong presence of NGOs for Part III languages and some Part II languages, the Committee of Experts encouraged the relevant bodies and authorities to establish a forum for dialogue and co-operation with representatives of all the regional or minority languages. It regretted the lack of appropriate cooperation between communities sharing identical or similar languages, such as Valencia with Catalonia and the Balearic Islands. It therefore encouraged the authorities to promote mutual cooperation and understanding for the benefit of the languages.

### **Basque**

180. In the second monitoring round (paragraph 152 of the second evaluation report), the Committee of Experts had been informed of an agreement between the two Autonomous Communities in favour of the Basque language, and encouraged the authorities to provide more information on the content of this agreement and how it operates in practice.

181. In this respect, the Committee of Experts refers to the paragraphs 86-91 above.

### **Catalan**

182. In the last evaluation report (paragraph 153), the Committee of Experts invited the authorities to comment on the case of the closure of private transmitters used for transmitting Catalan programmes in Valencia, and the € 300 000 fine imposed on the NGO that owns the transmitter by the Valencian authorities. In this third evaluation report, the Committee of Experts refers to the relevant paragraphs under Part III below.

183. There are no formal agreements between Aragon and Catalonia. However, according to the third periodical report (page 166 - 167), the Government of Catalonia modified the Order concerning diplomas and certificates on Catalan knowledge in order to validate studies made in Catalan at primary and secondary schools in Aragon, which facilitates access to universities and civil servant posts in Catalonia.

### **Valencian**

184. The Valencian Language Academy of the Valencian Community has supported the organisation of Valencian language courses in Murcia (see also paragraph 213 below). The Committee of Experts

has not been made aware of any formal agreements between Aragon and Valencia.

- f the provision of appropriate forms and means for the teaching and study of regional or minority languages at all appropriate stages;*

## **Basque**

185. As far as the Basque Country and the “Basque-speaking zone” in Navarre are concerned, the Committee of Experts refers to the detailed evaluation under Part III. The Committee of Experts also refers to the detailed evaluation under Part III article 8 paragraph 2 regarding the “Mixed zone” and the “non Basque-speaking zone” (see paragraphs 362-369 below).

## **Aragonese and Catalan in Aragon**

186. Articles 4 and 20 of the Law on Languages in Aragon establishes the right to receive the teaching of Aragonese in the areas where it is in predominant and historical use and in the transition zone in the case where pupils from the Aragonese or Catalan zone attend school. Article 23 stipulates that in the respective language zones, the teaching of these languages as a subject will be ensured, together with Castilian, at all levels as an integral part of the curriculum. The Law also states that the government should support the basic and further training of teachers and provide textbooks.

187. Article 24 of the same Law stipulates that the university and colleges of Aragon will promote the knowledge of native languages as well as the expertise of teachers and the adoption of measures necessary for the effective inclusion of Catalan and Aragonese in Aragon.

188. As regards Aragonese, in the last evaluation report (paragraphs 162 – 164), the Committee of Experts welcomed the board of governors' decision that half of the schools would organise the teaching of up to one hour per week of Aragonese within regular school hours. It encouraged the authorities to increase the teaching hours of Aragonese and ensure that all schools organise the teaching within the regular school hours.

189. No information in this respect is provided in the third periodical report. During the on-the-spot visit the Committee of Experts was informed by representatives of the speakers that approximately 200 to 300 pupils attend courses in Aragonese at eleven schools, with a total of four teachers available. These schools do not cover all areas where Aragonese is spoken.

190. As regards Catalan, the Committee of Experts welcomed in its last evaluation report (paragraphs 165 – 167) the measures taken by the authorities to develop bilingual education in Catalan-speaking areas. It expressed the hope that such education would also be developed at secondary level and looked forward to receiving information in the next periodical report on the outcomes of the pilot project and on the implementation of the Agreement with the Autonomous Community of Catalonia.

191. No information is provided by the authorities in this respect in the third periodical report. During the on-the-spot visit a representative of the Aragonese authorities informed the Committee of Experts that in the academic year 2009/ 2010, Catalan is taught 1-3 hours per week in 27 schools at all school levels, attended by 81.76% of the pupils. 45 teachers teach Catalan. However, at some schools even fewer hours are taught because it is voluntary. This also means there is a shortage of teachers, who lack the incentive to teach so few hours per week. At the University of Zaragoza the Hispanic Studies include a section on Catalan language and literature.

## **Asturian**

192. The Committee of Experts noted, in its second evaluation report (paragraphs 157 - 158), that obstacles hampering the teaching of Asturian persisted. For example, the lack of a proper university degree in Asturian led to a discriminatory situation where future teachers of Asturian were obliged to follow an additional year of training.

193. From the information provided in the third periodical report (pages 143 – 144), this problem seems to have been solved in 2008 in the course of the Bologna process, with the creation of an Asturian language minor course and the setting up of a Faculty of Teacher Training and Education,

which will serve to train future primary and secondary school teachers, including for the subject Asturian. The Committee of Experts welcomes this development.

194. It is obligatory for primary and secondary schools to offer Asturian as a voluntary subject at primary schools and as an optional subject at secondary school. At primary school, a minimum of ten pupils is needed to form a class. At secondary schools Asturian competes with French or Social Science or other subjects, which according to the Asturian Language Academy explains the significant decrease in enrolment. According to the data provided by the Academy, in the academic year of 2010/2011, 93.7% of the state primary schools, 86.2% of state lower secondary schools and 21.1% of upper secondary schools offer Asturian as subject. 56% of the pupils of primary school attend Asturian classes (equivalent to 17 000 pupils). For lower secondary school the figures are 17.3% (= 3445 pupils) and for upper secondary 2.8% (= 267 pupils).

195. Since 2007, there has been a gradual increase in the number of pupils taking these courses at primary level, but a decrease at secondary level. There are 250 teachers trained to teach Asturian. Every year, the regional authorities carry out a campaign to encourage pupils to choose Asturian classes.

196. According to the Academy, textbooks for Asturian as a subject have been developed for all levels of non-university education. There is an increase in the number of seminars, workshops, courses and training sessions for teachers.

197. The Committee of Experts encourages the authorities to increase the offer of Asturian education, especially at secondary schools, through creating more favourable conditions for pupils and teachers.

### **Asturian Galician**

198. In its last evaluation report (paragraphs 159 – 161), the Committee of Experts urged the relevant authorities to comment on this provision, and to clarify whether language courses are provided in Asturian Galician. It also requested information on the development of textbooks.

199. According to the third periodical report (pages 131 - 133), all schools in the region where Asturian Galician is spoken are obliged to offer Asturian Galician as a subject, as an integral part of the curriculum. Pupils may freely opt for this course. While the Government of the Principality offers some support in the organisation of these courses, and the further training of teachers, it does not seem that textbooks have been produced.

200. According to the information provided by the Asturian authorities, since 2004-2005 there has been an offer of Asturian Galician; nowadays, more than 40% of primary schools offer Asturian Galician and more than 20% of pupils attend these classes. More than 80% of secondary schools offer it, and classes are attended by more than 13% of pupils.

201. Since summer 2011, the Asturian Summer Academy (*Universidá Asturiana de Branu - UABRA*) offers official language training courses for teachers of Asturian Galician.

202. The Committee of Experts welcomes this information and encourages the authorities to develop adequate textbooks.

### **Galician in Castile and León and in Extremadura**

203. In the last evaluation report (paragraphs 168 – 171), the Committee of Experts commended the Galician authorities for the measures taken to ensure the teaching of Galician outside Galicia, even if it considered that there was room for improvement in particular at secondary education level in Castile and León. It urged the authorities to provide information concerning Galician in Extremadura in the next periodical report.

204. As for Galician in Castile and León, according to the third periodical report (pages 111 – 116 and 130), a new General Collaboration Protocol between the Government of Galicia and the Community of Castile and León was signed in 2010, following up from the previous one in 2006, for the promotion of Galician in territories bordering the Autonomous Communities. Within this frame, Galician is to be promoted in non-university education institutions. Through orders adopted in 2005

and 2007 respectively, in lower and upper secondary school, optional courses on Galician language and culture are offered. Schools offer the option to take one subject through the medium of Galician instead of Castilian (Environment or Arts and Craft at primary, and Social Sciences at lower secondary schools). In 2010/ 2011, at pre- and primary schools, 820 pupils attended Galician language classes, 131 pupils at secondary schools. In practice these courses are taught in El Bierzo, with an overall growing demand. In Zamora, one primary school offers Galician subjects.

205. Concerning Extremadura, Galician does not seem to be taught as a regular subject. However according to the third periodical report (page 107), the project “A fala na escola” aims among other things at integrating Galician in the regular curriculum in the three municipalities. The Committee of Experts would welcome more information about the development of this project in the next periodical report. The third periodical report (page 105) states that in collaboration with the Autonomous Community of Galicia, the University of Extremadura maintains a Galician Studies Centre since 1999. In 2007, a summer course was held by the Universities of Extremadura and Vigo in July 2007 in San Martín de Trevejo.

### **Leonese**

206. According to representatives of the Leonese-speakers the Committee of Experts met during the-spot visit, Leonese is not taught at school. The Committee of Experts encourages the authorities to take measures to offer Leonese as an integral part of the curriculum, at least as a subject and in those areas where it is mainly spoken.

### **Valencian in Murcia**

207. According to non-governmental sources, Valencian is not available at primary or secondary schools in Murcia. There is no secondary school at all in the Carche district and pupils attend the El Pinós School in the Community of Valencia, which is the next biggest town in the area. There they attend the PIP programme (Progressive Inclusion Programme, which uses Castilian as the teaching language)

208. The Committee of Experts encourages the authorities to make available Valencian education at primary school level in the Carche district.

**g** *the provision of facilities enabling non-speakers of a regional or minority language living in the area where it is used to learn it if they so desire;*

### **Aranese**

209. According to the third periodical report (page 971) and the Language Policy Report concerning Aranese, the General Council of Aran organises Aranese courses in the Aran valley. In the academic year of 2009/ 2010, 220 students enrolled.

### **Asturian Galician**

210. According to the third periodical report (page 125), in collaboration with the Government of the Principality of Asturias, local authorities organise language courses in Asturian Galician for civil servants, journalists and the general public.

### **Galician in Castile and León and in Extremadura**

211. According to the third periodical report (page 115), the Official Language School of Ponferrada in León offers Galician language courses at different levels, attended by 65 students at the time of the report. The Committee of Experts has not received any information concerning Galician courses for non-speakers in Extremadura.

### **Leonese**

212. According to non-governmental sources, cultural associations have been offering Leonese language courses for 15 years, partly supported by the councils and local authorities of the provinces of León and Zamora.

## **Valencian in Murcia**

213. According to the third periodical report (page 169), the Valencian Language Academy offered Valencian classes in Yecla upon the request of Yecla municipality until June 2008.

*h the promotion of study and research on regional or minority languages at universities or equivalent institutions;*

## **Aranese**

214. In the previous two monitoring rounds, the Committee of Experts had been informed about the setting up of an Institute of Aranese Studies and requested more detailed information on this body.

215. As stated in the third periodical report (page 73), the General Council of Aran, as part of its duty in relation to language standardisation, has promoted the creation of the Department of Linguistics at the Institute of Aranese Studies, for the study, promotion and standardisation of Aranese, and has created the Social Language Council, a body that provides advice on and participates in language policies.

## **Aragonese and Catalan in Aragon**

216. In the second evaluation report (paragraph 185) the Committee of Experts urged the authorities to provide information on the studies and research conducted within the University of Zaragoza in the next periodical report.

217. Article 15 of the Law on Languages in Aragon provides for the establishment of Aragonese language academies. It creates the Aragonese Language Academy and the Academy of Catalan of Aragon as official scientific institutions that constitute the linguistic authority over Aragonese and Catalan in Aragon respectively. Their task is to establish standards relating to the proper use of Aragonese and Catalan and advise the public authorities and institutions on issues related to the correct use of appropriate language and their social advancement. During the on-the-spot visit, the Committee of Experts was informed that these bodies have not yet been developed.

218. In the third periodical report, the authorities list a range of research projects and symposia relating to the Aragonese language, including language surveys, codification of Aragonese, and a dictionary.

## **Asturian**

219. In its previous evaluation report (paragraphs 181 – 183), the Committee of Experts asked the authorities to comment in their next periodical report on the possibility to use Asturian in study and research at universities or equivalent institutions in Asturias.

220. It does not seem to be possible to use Asturian in study and research to the extent mentioned in the second evaluation report. According to information received during the on-the-spot visit, the university is working on a regulation that would allow students to submit their PhD in Asturian.

221. In 2010 new statutes of the University of Oviedo were approved by the Government of the Principality of Asturias, strengthening the position of Asturian so that the University, in addition to conducting study and research in Asturian, should now also promote, within its administrative framework, the normalisation and development of Asturian.

222. The Asturian Language Academy continues to carry out impressive work on language corpus planning. In 2010, in collaboration with the University of Oviedo and the Council of Cangas del Narcea, the Academy established the Asturian Summer Academy (*Universidá Asturiana de Branu - UABRA*), offering Asturian language courses and various academic disciplines, conferences and cultural activities, through the medium of Asturian.

## **Asturian Galician**

223. Studies and research on Asturian Galician have been carried out and published over the years. The Asturian Language Academy is the authority responsible for language planning of Asturian Galician, in addition to Asturian. In 2007, the Academy published orthographic rules for Asturian Galician<sup>6</sup>.

## **Galician in Castile and León and in Extremadura**

224. According to the third periodical report (page 117), a large amount of linguistic research on Galician in the peripheral fringe has been carried out by the University of Vigo in Galicia.

## **Leonese**

225. From the information provided in the third periodical report (page 151), symposia on Leonese are periodically held by the University of León, with the support of the Government of Castile and León, and research into Leonese has been carried out, including two sociolinguistic studies of León in 2006 and 2008 by the Asturian Language Academy.

- i the promotion of appropriate types of transnational exchanges, in the fields covered by this Charter, for regional or minority languages used in identical or similar form in two or more States.*

## **Aranese**

226. In its second evaluation report (paragraphs 192 – 193), the Committee of Experts looked forward to receiving information in the next periodical report on concrete examples of exchanges developed by the Office of Occitan.

227. The Committee of Experts refers to the recent agreement reached with the region of Aquitaine with respect to the Occitan language in paragraphs 1182-1186 below (see Art. 14).

## **Asturian and Leonese**

228. As non-governmental sources from León pointed out to the Committee of Experts, so far no form of transnational exchange to speakers of Mirandese has occurred. The representatives of the Asturian-speakers expressed their wish to establish educational and cultural exchanges with speakers of Mirandese in Portugal. The same applies to Leonese.

## **Paragraph 3**

*The Parties undertake to promote, by appropriate measures, mutual understanding between all the linguistic groups of the country and in particular the inclusion of respect, understanding and tolerance in relation to regional or minority languages among the objectives of education and training provided within their countries and encouragement of the mass media to pursue the same objective.*

229. In the second evaluation report (paragraphs 194 - 200), the Committee of Experts encouraged the Spanish authorities to take measures to improve the awareness and understanding of regional or minority languages in Spain, especially with regard to languages which do not have a co-official status. It also urged the Spanish authorities to take measures regarding in particular national written or broadcast media to reflect on the plurilingual nature of the State and to include respect, understanding and tolerance for those languages of Spain.

230. The Committee of Experts welcomed new developments resulting from the adoption of the Organic Law 2/2006 of 3 May 2006 on Education and requested information in the next periodical report on the way this is implemented in particular in regions where regional or minority languages do not have co-official status.

231. The authorities have not directly responded to the Committee of Expert's recommendation in their third periodical report. The Committee of Experts has been made aware of some positive campaigns and initiatives at local or regional level, as well as specific measures at state level from

<sup>6</sup> [http://www.academiadelalingua.com/pdf/normas\\_gallego.pdf](http://www.academiadelalingua.com/pdf/normas_gallego.pdf)

which regional or minority languages can benefit. The degree of measures taken depends on the attitude of the respective Autonomous Communities. Some non-official languages receive support from those Autonomous Communities where the same or similar language is co-official, also thanks to agreements signed between the Autonomous Communities.

232. The new Council of Official Languages in the General State Administration and the measures it takes indicates a new and positive attitude of the state authorities towards the regional or minority languages in Spain. While no overall campaign has taken place to raise awareness of these languages, targeted and specific measures such as the Law on Reading” (State Law 11/2007 of 22 June, on reading, books and libraries) have been adopted at the state level.

233. On the other hand, there is still a lack of tolerance from some regional and local authorities and society at large with regard to the regional or minority languages that are not co-official or are spoken in fringe or remote areas. This lack of recognition harms the protection of these languages. The Committee of Experts stresses the necessity, within some Autonomous Communities, to promote tolerance regarding the linguistic minorities and regarding the multilingual basis of these communities, especially by the respective regional authorities.

234. The Committee of Experts has not been made aware of any specific measures taken with regard to the national media.

235. Furthermore, during the time of the on-the-spot visit, regional elections had just taken place in most of the Autonomous Communities. Representatives of several regional or minority languages expressed their concern about some of the new regional governments and their announcements to reduce support structures for regional or minority languages and introduce policies that are less favourable towards them.

236. The Committee of Experts shares the concerns of the speakers and urges the authorities to ensure a continued support for the promotion and use of regional or minority languages in accordance with the word and spirit of the Charter.

#### **Paragraph 4**

*In determining their policy with regard to regional or minority languages, the Parties shall take into consideration the needs and wishes expressed by the groups which use such languages. They are encouraged to establish bodies, if necessary, for the purpose of advising the authorities on all matters pertaining to regional or minority languages.*

#### *At the State level*

237. The Committee of Experts recalled in its last evaluation report (paragraphs 201 – 203) the importance of taking into account the wishes expressed by the speakers of languages that are not necessarily recognised by the Statutes of Autonomy as an official language, but that are nevertheless covered by Part II of the Charter. It therefore called on the authorities to report on those languages as well in the forthcoming periodical report. It welcomed the setting up of the Council of Official Languages in the General State Administration and the Bureau for Official Languages and looked forward to receiving more information in the next round on how this Language Council operates in practice, in particular as a link between the speakers and the authorities.

238. During the on-the-spot visit, the Committee of Experts met with the Council. It became clear that it is an internal body within the General State Administration, aiming at co-ordinating and centralising information from the ministries, the regional governments etc. (see paragraphs 29 to 31 above).

#### *At the Autonomous Community level*

#### **Valencian in Valencia**

239. In its second evaluation report (paragraphs 206 – 207), the Committee of Experts reiterated its request for information as to the role of the Valencian Council of Culture with regard to matters pertaining specifically to the Valencian language and whether its political composition guaranteed an adequate representation of the Valencian-speakers.

240. Information in this respect could not be found in the third periodical report.

### **Galician in Galicia**

241. In the second evaluation report (paragraph 208), the Committee of Experts requested information on the work done by the Social Council for the Galician Language.

242. According to the information received, the Council of Galician Culture (Consello da Cultura Galega) is a body established by the Statute of Autonomy and regulated by the Law 8/1983 of 8 July, as an advisory and consultative body in the field of culture. The members of the Council are mostly Galician speakers linked to the most important Galician language and cultural bodies. Among others, the Council's competences are the protection and promotion of the cultural values of Galician people, the promotion of Galician language and culture and the promotion of cultural activities. The Council has promoted several cultural activities directly related to the Galician language.

### **Aranese**

243. According to the third periodical report (page 73), the General Council of Aran has created the Social Language Council, a body that provides advice on and participates in language policies. The Language Policy Report concerning Aranese or Occitan states that the *Conselh Assessor dera lengua* (Language Advisory Council) was founded on 27 January 2009 as an advisory body to the General Council of Aran.

### **Asturian Galician**

244. As no information was provided with regard to this language in the first two monitoring rounds, the Committee of Experts urged the Spanish authorities to provide such information in their third periodical report.

245. No information has been provided in the third periodical report.

### **Aragonese and Catalan in Aragon**

246. In accordance with the Law on Languages in Aragon, the Superior Council of Languages of Aragon serves as an advisory body to the Department competent in language policy of the Government of Aragon. It shall propose measures to ensure the protection and use of languages in Aragon, monitor plans and programmes, and issue reports on its own activities.

### **Other Part II languages**

247. As for all other Part II languages, the Committee of Experts has not been made aware of any particular body or bodies representing the interests of the speakers and advising the authorities in language matters.

## **3.2 Evaluation in respect of Part III of the Charter**

248. In this section, with the exception of Aranese, the Committee of Experts will focus on the problematic areas and new developments in the protection and promotion of Catalan, Basque, Valencian and Galician. It will therefore not assess the implementation of provisions which were fulfilled in the first and/or second monitoring cycle(s), apart from such undertakings where the Committee of Experts has received new relevant information. The following provisions will not be commented upon:

In the case of Catalan in Catalonia:

- Article 8, paragraph 1.d; f.i; g; h; i;
- Article 9, paragraph 1.d; 2.a;
- Article 10, paragraph 2.a; b; c; d; e; f; g; paragraph 5 ;
- Article 11, paragraph 1.a.i; d; e.i; paragraph 2; paragraph 3;
- Article 12, paragraph 1.a; b; c; d; e; f; g; h; paragraph 2, paragraph 3;
- Article 13, paragraph 1.a; b; c; d; paragraph 2.a; b; e.

In the case of Basque in the “Basque-speaking zone” of Navarre:

- Article 8, paragraph 1, f. i;
- Article 9, paragraph 1.d; paragraph 2.a;
- Article 10, paragraph 2. c; d; e; f; paragraph 5;
- Article 11, paragraph 2;
- Article 12, paragraph 1.a; h; paragraph 2;
- Article 13, paragraph 1.a;
- Article 14, b.

In the case of Basque in the Basque Country:

- Article 8, paragraph 1.e.iii; g; paragraph 2;
- Article 9, paragraph 1.a.iv; d; paragraph 2.a;
- Article 10, paragraph 2.c; d ; e; f; g; paragraph 5;
- Article 11, paragraph 1.a.i; b; d; e.i; f.ii; paragraph 2;
- Article 12, paragraph 1.a; b; d; f; g; h; paragraph 2;
- Article 13, paragraph 1.a; b; d; paragraph 2.e.
- Article 14. b.

In the case of Catalan in the Balearic Islands:

- Article 8, paragraph 1.f.i; g; paragraph 2;
- Article 9, paragraph 1.d; paragraph 2.a;
- Article 10, paragraph 2.b; c; e; g; paragraph 5
- Article 11, paragraph 2;
- Article 12, paragraph 1. a; d; e; paragraph 2;
- Article 13, paragraph 1.a; d.

In the case of Valencian in Valencia:

- Article 8, paragraph 1.f.i;
- Article 9, paragraph 1.d; paragraph 2. a;
- Article 10, paragraph 5;
- Article 11, paragraph 1.d; paragraph 2;
- Article 12, 1.a; d; h;
- Article 13, paragraph 1.a.

In the case of Galician in Galicia:

- Article 8, paragraph 1. e; f.i; g; paragraph 2;
- Article 9, paragraph 1.d; paragraph 2.a;
- Article 10, paragraph 2.c; d; e; f; g;
- Article 11, paragraph 1.f.ii; g;
- Article 12, paragraph 1.a; b; c; d; h; paragraph 3;
- Article 13, paragraph 1.a; b; d; paragraph 2.e.

249. For these provisions, the Committee of Experts refers to the conclusions reached in its first or second reports, but reserves the right to re-evaluate the situation again at a later stage.

### 3.2.1. Catalan in Catalonia

## Article 8 – Education

### Paragraph 1

*With regard to education, the Parties undertake, within the territory in which such languages are used, according to the situation of each of these languages, and without prejudice to the teaching of the official language(s) of the State:*

- a i to make available pre-school education in the relevant regional or minority languages;*
- b i to make available primary education in the relevant regional or minority languages;*
- c i to make available secondary education in the relevant regional or minority languages;*

250. In its second evaluation report (paragraphs 213 – 220), the Committee of Experts considered these undertakings fulfilled but asked the Spanish authorities to provide information on the expected decision of the Constitutional Court of 2010 regarding the state decree on core education that lays down a third weekly hour of education in Castilian in Catalonia's schools.

251. The Royal Decree prescribes the teaching of three hours in Castilian language and literature per week. In Catalonia only two hours are taught in Castilian. Two years ago it was agreed to leave the decision to each individual school on whether to offer two or three weekly hours in Castilian. Five applicants had demanded Castilian-medium education for their children in Catalonia. In a series of decisions in 2010 and 2011, the Supreme Court ruled in their favour in that Castilian is to be introduced as the language of instruction "proportionately and equally to Catalan at all class levels". The Committee of Experts asks the authorities to report on how much practical impact this decision has had on the Catalan language education in the next periodical report.

252. The Statute of Autonomy reformed by Organic Law 6/2006 of 19 July raises the right to Catalan-medium education to a statutory level.

253. Pre-school education in Catalonia, as stated in the third periodical report (pages 247 – 248), is regulated by Decree 282/2006 of 4 July. Article 3.3. of the Decree establishes that "Catalan must be used normally as a vehicular language and for learning in the first cycle of infant education (...) without adversely affecting that established in Article 21.2 of Law 1/1998 of 7 July (...)". The latter law which is the Law on Language Policy guarantees the right of children to receive their first educational course in their habitual language, be it Catalan or Castilian.

254. Decree 181/2008 of 9 September, regulating the organisation of second cycle nursery education, and Decree 142/2008 of 15 July, regulating the organisation of Baccalaureate education, establish that Catalan, as the own language ("lengua propia") of Catalonia, must normally be used as the vehicular language of teaching and learning and in the internal and external activities of the educational community: written and oral activities by students and teachers, explanations by teachers, textbooks and other teaching material, learning and assessment activities and communications with families and students.

255. All these regulations have been changed by the new Catalan Law on Education, Law 12/2009 of 10 July. Article 11.1 states that Catalan will be the language usually used for communication and teaching. Article 10 of this Law states that children who are not proficient enough in one of the official languages will receive personal attention to enable them to participate in Catalan-medium education. Article 11.4 states that parents of children whose usual language is Castilian may request to receive "individual attention in Castilian" for their children.

256. The Committee of Experts was informed during the on-the-spot visit that the Constitutional Court decided on 28 June 2010 (Decision 31/2010) that "the preferential use" of Catalan in education, as it was termed in Article 6.1., and some provisions and sentences of Articles 6 and 35 of the Statute of Autonomy of Catalonia, were unconstitutional. In other instances the Statute refers to Catalan as the "language of normal use for teaching and learning in the education system". The Constitutional Court interpreted "normal" in the sense in which it is not unconstitutional, meaning rather in the sense of "with normality", than "usually", as the former does not exclude the teaching in Castilian.

257. The Committee of Experts understands this decision to mean that the education in Catalonia in Catalan is offered and available and that parents are free to decide whether they want their children to take advantage of that offer or instead to have their children educated in Castilian only: education is therefore not to be offered only in Catalan in a compulsory manner for all pupils, but Castilian can also be used as language of teaching. The Committee of Experts finds that this interpretation is not contrary to the obligations assumed by Spain under Article 8 paragraph 1.i) of the Charter.

258. The Committee of Experts was informed that after the on-the-spot visit, the Low Chamber of the Parliament (Congreso de los Diputados) passed a motion on 13 September 2011 in favour of the education model of Catalonia.

259. The Committee of Experts considers that the undertakings remain fulfilled.

- e i to make available university and other higher education in regional or minority languages; or
- ii to provide facilities for the study of these languages as university and higher education subjects; or
- iii **if, by reason of the role of the State in relation to higher education institutions, sub-paragraphs i and ii cannot be applied, to encourage and/or allow the provision of university or other forms of higher education in regional or minority languages or of facilities for the study of these languages as university or higher education subjects;**

260. In its second evaluation report (paragraphs 221 - 224), while considering the undertaking fulfilled in an exemplary manner, the Committee of Experts asked the Spanish authorities to provide information on the effect of Article 6 of Law 1/2003 of 19 February, which provides for Catalan to be the language of Catalan universities, on the recruitment of university lecturers with adequate knowledge of Catalan.

261. The third periodical report (pages 253 – 257) states that Law 1/2003 also obliges the Catalan Government, through the Inter-University Council, to ensure that the access and incorporation of new members to the university community do not alter the normal linguistic use and linguistic standardisation process of the universities. The authorities argue that the Law has been strengthened with respect to linguistic accreditation in the processes of selection and access to teaching staff through the Agreement of June 2008 of the Board of the Inter-University Council of Catalonia. The Agreement establishes in general terms that permanent university staff must provide proof of their understanding of the Catalan language in order to accede to a teaching position in a Catalan university.

262. The Committee of Experts considers that the undertaking remains fulfilled.

## **Paragraph 2**

***With regard to education and in respect of territories other than those in which the regional or minority languages are traditionally used, the Parties undertake, if the number of users of a regional or minority language justifies it, to allow, encourage or provide teaching in or of the regional or minority language at all the appropriate stages of education.***

263. In its second evaluation report (paragraphs 229 - 232), the Committee of Experts considered the undertaking fulfilled but asked the State authorities to comment on concrete steps taken to disseminate the teaching of co-official languages throughout Spain in accordance with this undertaking.

264. According to the information provided in the third periodical report (page 266), Catalan language university courses are offered at eleven universities in Spain outside Catalonia. Catalan studies are subsidised by the Ramón Llull Institute at four of these universities.

265. The Committee of Experts considers the undertaking fulfilled.

## Article 9 – Judicial authorities

### Paragraph 1

*The Parties undertake, in respect of those judicial districts in which the number of residents using the regional or minority languages justifies the measures specified below, according to the situation of each of these languages and on condition that the use of the facilities afforded by the present paragraph is not considered by the judge to hamper the proper administration of justice:*

- a in criminal proceedings:*
  - i to provide that the courts, at the request of one of the parties, shall conduct the proceedings in the regional or minority languages; and/or*
  - ii to guarantee the accused the right to use his/her regional or minority language; and/or*
  - iii to provide that requests and evidence, whether written or oral, shall not be considered inadmissible solely because they are formulated in a regional or minority language; and/or*
  - iv to produce, on request, documents connected with legal proceedings in the relevant regional or minority language,*  
*if necessary by the use of interpreters and translations involving no extra expense for the persons concerned;*
- b in civil proceedings:*
  - i to provide that the courts, at the request of one of the parties, shall conduct the proceedings in the regional or minority languages; and/or*
  - ii to allow, whenever a litigant has to appear in person before a court, that he or she may use his or her regional or minority language without thereby incurring additional expense; and/or*
  - iii to allow documents and evidence to be produced in the regional or minority languages,*  
*if necessary by the use of interpreters and translations;*
- c in proceedings before courts concerning administrative matters:*
  - i to provide that the courts, at the request of one of the parties, shall conduct the proceedings in the regional or minority languages; and/or*
  - ii to allow, whenever a litigant has to appear in person before a court, that he or she may use his or her regional or minority language without thereby incurring additional expense; and/or*
  - iii to allow documents and evidence to be produced in the regional or minority languages,*  
*if necessary by the use of interpreters and translations;*

266. In its second evaluation report (paragraphs 234 - 243), the Committee of Experts considered these undertakings partly fulfilled. Despite significant measures taken by the Catalan authorities, shortcomings identified in the first monitoring round still prevailed since substantial reforms were required at state level. The Committee of Experts also invited the authorities to clarify in the next periodical report how the provisions contained in Articles 33 and 102 of the new Statute of Autonomy of Catalonia, approved by Organic Law 6/2006 of 19 July, could be applied given that it contradicts the Organic Law 19/2003. It urged the Spanish authorities:

- to amend the legal framework with a view to making it clear that the criminal, civil and administrative judicial authorities in Catalonia will conduct the proceedings in Catalan at the request of one party;
- to take the necessary measures to ensure, as appropriate, that the parties to a proceeding are specifically informed of the obligation of the judicial authorities in Catalonia to conduct the proceedings in Catalan if one of the parties so requests, in conformity with the undertakings entered into by Spain under Article 9 para. 1.a.i, 1.b.i and 1.c.i of the Charter;
- to take the necessary measures to increase the proportion of judicial staff in Catalonia at all levels and particularly among judges and prosecutors, who are able to use Catalan as a working language in courts.

267. On the basis of the observations made by the Committee of Experts in its second evaluation report, the Committee of Ministers recommended that the Spanish authorities “**take the necessary legal and practical measures to ensure that an adequate proportion of the judicial staff posted in the autonomous communities concerned by the application of Article 9 of the Charter have a working knowledge of the relevant language**” [RecChL(2008)5].

268. The Committee of Experts refers to paragraphs 72 to 81 above for its general evaluation of the implementation of Article 9.

269. According to the representatives of the association of jurists for the protection of the Catalan language whom the Committee of Experts met during the on-the-spot visit, many speakers are still unaware of their right to use Catalan in court proceedings. In their view, the attitude of some judges is not conducive to requesting this. If the judge speaks in Castilian then the Catalan-speaker will respond in Castilian out of respect.

270. According to the association of jurists, there has been a downward trend in the use of Catalan in terms of numbers of proceedings, documents and sentencing in the last few years. According to the third periodical report (pages 272 – 285), a substantial Survey on Language Use in the Department of Justice was carried out among almost all judicial offices in 2008 in Catalonia. The survey revealed that about 25% of the court procedures were held in Catalan. According to a judge whom the Committee of Experts met during the on-the-spot visit, this number has dropped to 16%. Almost 50% of the oral communication with the public was in Catalan. 43.5% of the internal meetings were held in Catalan. 75% of the court buildings used signage in Catalan.

271. The Government of Catalonia concentrates its efforts on access to language training for all professional judicial groups, including for judges, and has signed a Structural Co-operative Agreement with the Bar Council of Catalonia to promote the use of the Catalan language in the legal sector. According to the association of jurists, however, the language training received (i.e. 100 hours) is not sufficient to guarantee operational language knowledge.

272. According to the General Council of the Judiciary, 1029 of the 5023 judges and magistrates in Spain have a certified knowledge of Catalan. According to the data from the 2008 Survey, it seems that a large majority (over 75%) of the judicial staff have sufficient knowledge of Catalan to use it as a working language both orally and in writing.

273. Based on the information at the Committee of Experts' disposal and despite some practical difficulties concerning Article 9, paragraph 1. a ii, iii, iv – b ii and iii, c ii and iii, the Committee of Experts concludes that those undertakings are fulfilled. The undertakings under Article 9, paragraph 1. a i; b i; c i; remain partly fulfilled.

***The Committee of Experts strongly urges the authorities:***

- ***to amend the legal framework with a view to making it clear that the criminal, civil and administrative judicial authorities in Catalonia will conduct the proceedings in Catalan at the request of one party;***
- ***to take the necessary measures to ensure, as appropriate, that the parties to a proceeding are specifically informed of the obligation of the judicial authorities in Catalonia to conduct the proceedings in Catalan if one of the parties so requests, in conformity with the undertakings entered into by Spain under Article 9 para. 1.a.i, 1.b.i and 1.c.i of the Charter;***
- ***to take the necessary measures to increase the proportion of judicial staff in Catalonia at all levels and particularly among judges and prosecutors, who are able to use Catalan as a working language in courts.***

**Paragraph 3**

***The Parties undertake to make available in the regional or minority languages the most important national statutory texts and those relating particularly to users of these languages, unless they are otherwise provided.***

274. In its previous two evaluation reports, the Committee of Experts considered this undertaking only partly fulfilled. In the view of the Committee of Experts, the absence of a Catalan version of the most relevant pre-1998 legislation and the delay in the publication of the Catalan version of the Official State Gazette (BOE) represented serious obstacles to an effective use of the Catalan language in the field of justice in Catalonia. A systematic translation of the relevant legal texts into Catalan is a crucial part of the context for the fulfilment of the undertakings that Spain entered into under Article 9 of the Charter.

275. According to the third periodical report (pages 289 and 290), the Catalan version of the Official State Gazette (BOE) now appears half a week later than the Spanish version, meaning that translations are now published in a timely fashion.

276. According to information received from a judge and from representatives of the Regional Ministry for Justice of Catalonia during the on-the-spot visit, in the last two years, all laws adopted between 1977 and 1998 have been officially translated. The consolidated versions are not official.

277. The Committee of Experts welcomes these developments and considers that the undertaking is fulfilled.

## **Article 10 – Administrative authorities and public services**

### ***Paragraph 1***

*Within the administrative districts of the State in which the number of residents who are users of regional or minority languages justifies the measures specified below and according to the situation of each language, the Parties undertake, as far as this is reasonably possible:*

*a i to ensure that the administrative authorities use the regional or minority languages;*

278. In its second evaluation report (paragraphs 256 - 261), the Committee of Experts considered this undertaking remained partly fulfilled, despite some progress made, and urged the Spanish authorities to substantially increase the proportion of Catalan-speaking staff in the competent State administration offices and to develop adequate training schemes. The Committee of Experts also looked forward to receiving information in the next periodical report on how the State authorities had applied the provisions of the new Statute of Autonomy of Catalonia of 2006.

279. The third periodical report (pages 290 – 350) outlines in detail the extent to which Catalan is used in the different state ministries, local state administration bodies and dependent institutes with regard to standardised forms, exterior and interior signage in buildings, information brochures, publicity campaigns, accessibility of webpages, requests and answers received in Catalan, institutional printed material and staff with knowledge of Catalan. Despite the volume of pages, information is not always complete for each of these points from each individual body or ministry, which renders the evaluation more difficult.

280. With respect to visibility, from the information provided, signage on the buildings of these offices seems to be good overall. As for accessibility of webpages of the ministries or state administration bodies, static information and first level navigation is usually available in Catalan, and is possible up to third or fourth level of navigation on a number of websites.

281. Concerning staff with a knowledge of Catalan, on average approximately 50% of the staff have a sufficient knowledge of Catalan. The percentage can range from none to 100%, depending on the type and location of the local state administration body. For example, in some offices in Girona, the entire staff is proficient in Catalan, whereas in Tarragona, this is the case only for a much smaller percentage.

282. In contrast with this at least partially satisfactory situation, based on the data provided in the third periodical report, the average percentage of requests submitted in Catalan to these bodies is strikingly low. The number of replies given in Catalan is even smaller, and in some offices non-existent.

283. According to representatives of the Catalan Government whom the Committee of Experts met during the on-the-spot visit, improvements have been made with regard to face-to-face service. This was also confirmed by representatives of the speakers during the on-the-spot visit.

284. Language training for civil servants continues to be carried out by the National Institute of Public Administration together with the Government of Catalonia.

285. While it seems that some progress has been achieved since the previous monitoring round, the use of Catalan is not guaranteed systematically, but rather depends on the location and type of office. Partial translation and publication of information furthermore means that the provision of Catalan remains patchy. The data on the written and oral use of Catalan in dealings with these bodies suggest that speakers are either not aware of their rights, discouraged from using Catalan, or not accustomed to addressing offices in Catalan.

There does not seem to be an overall policy or strategic approach to analyse the overall current state of affairs and plan a more systematic provision of documents and sufficient staff with an adequate knowledge of Catalan. The Committee of Experts encourages the authorities to provide sufficient resources to the Council of Official Languages in the General State Administration to carry out this task.

286. While acknowledging some positive developments, the Committee of Experts is of the view that this does not yet lead to fulfilment of this undertaking and therefore maintains its previous conclusion that the undertaking is still partly fulfilled.

*b to make available widely used administrative texts and forms for the population in the regional or minority languages or in bilingual versions;*

287. In its second evaluation report (paragraphs 262 - 265), the Committee of Experts, while recognising the improvements achieved since the first monitoring cycle, considered this undertaking remained partly fulfilled.

288. From the detailed information provided in the third periodical report (pages 290 – 350), it seems that the number of administrative texts and forms available in Catalan or in bilingual form, continues to vary greatly, depending on the respective state ministry and its dependent institutes. It appears that approximately 50% of forms are available in Catalan.

289. As already stated in the second periodical report and repeated in the third, many texts and forms are exclusively in Castilian, for example, some tax forms (except the form for personal income and wealth tax) and some documents of the National Statistical and Social Security Institutes. Many central government documents and forms available on the Internet exist in Castilian only, including some relating to citizens' everyday concerns. In some cases, citizens requesting a bilingual form are faced with delays.

290. During the on-the-spot visit, representatives of the Catalan-speakers complained that tax forms are not fully available in Catalan. Driver's licenses are now bilingual, as are identity cards. According to the Catalan Government, forms on the internet are still only available in Castilian.

291. Based on this information, the Committee of Experts concludes that the undertaking remains partly fulfilled.

*c to allow the administrative authorities to draft documents in a regional or minority language.*

292. In its second evaluation report (paragraphs 266 – 269), the Committee of Experts considered this undertaking partly fulfilled. It asked the authorities to clarify whether civil registers draft documents in Catalan.

293. According to the information received from the Catalan authorities during the on-the-spot visit, Article 37 of the Law 20/2011 of 20 July on Civil Registers has been amended so that the internal registrations (and not only the certificates) are drawn up in the official language chosen by the citizen.

294. The Committee of Experts welcomes this information and considers that the undertaking is now fulfilled.

### **Paragraph 3**

*With regard to public services provided by the administrative authorities or other persons acting on their behalf, the Parties undertake, within the territory in which regional or minority languages are used, in accordance with the situation of each language and as far as this is reasonably possible:*

*a to ensure that the regional or minority languages are used in the provision of the service;*

295. In its second evaluation report (paragraphs 278 – 282), the Committee of Experts maintained its previous conclusion that the undertaking was partly fulfilled, as problems remained regarding the State public services. It invited the authorities to report on the measures taken in their next periodical report on the withdrawal of bilingual signs by the State postal service (*Correos*) and the RENFE (State rail network) in regions with a co-official language. On the basis of the observations made by the Committee of Experts in its second evaluation report, the Committee of Ministers recommended that the Spanish authorities “**ensure the presence of all regional or minority languages in state owned public services.**” [RecChL(2008)5].

296. No specific information in this respect is contained in the third periodical report.

297. According to evidence submitted by a non-governmental organisation, public services run by private enterprises on behalf of the authorities generally do not take regional or minority languages into account in recruitment, service provision, customer services, web pages or correspondence. As far as the public services depending on the Autonomous Community are concerned, in practice Catalan is the normal language of communication with the public. With regard to services under the competence of the state authorities, the situation does not seem to have improved. The Committee of Experts invites the authorities to provide more specific information in that respect in their next periodical report.

298. The Committee of Experts maintains its previous conclusions that the undertaking is partly fulfilled.

#### **Paragraph 4**

***With a view to putting into effect those provisions of paragraphs 1, 2 and 3 accepted by them, the Parties undertake to take one or more of the following measures:***

***a translation or interpretation as may be required.***

299. In its second evaluation report (paragraph 283 – 287) the Committee of Experts considered the undertaking partly fulfilled as the State had not set up a translation unit to provide such translations between Castilian and the other official languages as may be required by the State Administration. It invited the authorities to clarify whether this would be one of the tasks of the new Office for Official Languages that would be set up in the General State Administration.

300. During the on-the-spot visit, the Committee of Experts was informed that the Office for Official Languages serves as an inter-ministerial body (see paragraphs 29 to 31 above), and that translation services do not lie within its remit.

301. Based on the conclusions under Article 10, paragraphs 1 - 3, the Committee of Experts maintains its previous conclusion and considers the undertaking partly fulfilled for state administration and public services under its competence. It is fulfilled for regional and local authorities and public services under regional competence.

***b recruitment and, where necessary, training of the officials and other public service employees required;***

302. In the second monitoring round (paragraphs 288 – 293 of the second evaluation report), the Committee of Experts received complaints that the Order of 20 July 1990 of the Ministry for Public Administration according to which knowledge of languages other than Castilian can be required for the filling of certain posts in the Peripheral State Administration, had been respected only fairly irregularly and only for some posts. It considered the undertaking fulfilled as far as the Autonomous Community and local authorities were concerned but only partly fulfilled as far as the State administration offices were concerned. It urged the Spanish authorities to review the career and training structure in the State public administration with a view to ensuring that an adequate share of the staff posted in the State administration offices located in Catalonia have the necessary command of the Catalan language to use it as a working language. On the basis of the observations made by the Committee of Experts in its second evaluation report, the Committee of Ministers recommended that the Spanish authorities “**review the recruitment, career and training schemes for the staff of the State administration offices with a view to ensuring that an adequate proportion of the staff posted in the autonomous communities have a working knowledge of the relevant language**” [RecChL(2008)5].

303. According to the information provided in the third periodical report, language training for civil servants continues to be carried out by the National Institute of Public Administration together with the Government of Catalonia. During the on-the-spot visit, it was confirmed to the Committee of Experts that language courses are offered within the General State Administration.

304. At the level of State administration the Committee of Experts observes that the State has the legal possibility through State Law 7/2007 of 12 April on the Basic Statute of Public Employees to ensure that an adequate proportion of state administration staff located in the autonomous communities have a working knowledge of the regional or minority language in question. However, the Committee of Experts observes that there still is an inadequate proportion of State administration staff mastering Catalan due to a lack of systematic policy on recruiting and training of personnel in this respect.

305. The Committee of Experts therefore concludes that the undertaking remains partly fulfilled as far as State administration bodies are concerned.

- c compliance as far as possible with requests from public service employees having a knowledge of a regional or minority language to be appointed in the territory in which that language is used.*

306. In its second evaluation report, the Committee of Experts was not in a position to conclude on this undertaking due to lack of information. It urged the Spanish authorities to comment on all four fields concerned (branches of the State administration in Catalonia, administration of the Autonomous Community, local authorities and public services) in their next periodical report.

307. No relevant information is provided in the third periodical report.

308. Nevertheless, as the Committee of Experts has not received any complaints with regard to this undertaking, it considers the undertaking fulfilled.

## **Article 11 – Media**

### **Paragraph 1**

*The Parties undertake, for the users of the regional or minority languages within the territories in which those languages are spoken, according to the situation of each language, to the extent that the public authorities, directly or indirectly, are competent, have power or play a role in this field, and respecting the principle of the independence and autonomy of the media:*

- b i to encourage and/or facilitate the creation of at least one radio station in the regional or minority languages;*
- c i to encourage and/or facilitate the creation of at least one television channel in the regional or minority languages;*

309. In its second evaluation report (paragraphs 294 – 301), the Committee of Experts considered the undertakings fulfilled, although it was still unclear how the authorities supported in practice private radio and television, other than through licensing.

310. According to the third periodical report (pages 370 - 371), the Government of Catalonia, through its Department of Culture and Media, subsidises privately owned radio and digital terrestrial television channels that broadcast in Catalan, through structural funding and funding of projects.

311. The Committee of Experts welcomes the authorities' support and considers that the undertakings remain fulfilled.

- f ii to apply existing measures for financial assistance also to audiovisual productions in the regional or minority languages;*

312. In its second evaluation report (paragraphs 306 - 307), the Committee of Experts again was not able to conclude on this undertaking due to lack of information and urged the Spanish authorities to clarify this point in the next periodical report.

313. According to the third periodical report (pages 374 – 375), Royal Decree 526/2002 of 14 December establishes facilities for obtaining subsidies for films in co-official languages. Furthermore, the report states that Article 36 and the Additional Sixth Stipulation of Law 55/2007 of 28 December on Film, regulated by Royal Decree 2062/2008 of 12 December, stipulate that funding from the State for films and audiovisual media produced in the co-official languages of Spain, will be provided for each year in the General State Budgets. This funding, provided by the Film and Audiovisual Arts Institute (ICAA) through the State Ministry of Culture, matches the funding of the autonomous community for the promotion of audiovisual productions. In the year 2008, a subsidy of approximately €1.5 million was transferred to Catalonia for this purpose.

314. The Committee of Experts welcomes this information and considers the undertaking fulfilled.

- g to support the training of journalists and other staff for media using regional or minority languages.*

315. In its second evaluation report (paragraphs 308 - 309), the Committee of Experts considered that the undertaking was not fulfilled and urged the Spanish authorities to comment on this undertaking, referring in

particular to measures to support the specific linguistic and technical training required by journalists and other staff for media using regional or minority languages.

316. According to the information received during the on-the-spot visit, there is no need for additional journalist training as future journalists can obtain a regular degree in Journalism through the medium of Catalan at universities in Catalonia.

317. The Committee of Experts therefore revises its previous conclusion and considers the undertaking fulfilled.

## **Article 13 – Economic and social life**

### ***Paragraph 2***

*With regard to economic and social activities, the Parties undertake, in so far as the public authorities are competent, within the territory in which the regional or minority languages are used, and as far as this is reasonably possible:*

- c to ensure that social care facilities such as hospitals, retirement homes and hostels offer the possibility of receiving and treating in their own language persons using a regional or minority language who are in need of care on grounds of ill-health, old age or for other reasons;*

318. In its second evaluation report (paragraphs 332 - 334), the Committee of Experts considered the undertaking fulfilled.

319. Nevertheless, during this monitoring round the representatives of the speakers drew the attention of the Committee of Experts to the fact that in some sectors, services in Catalan are still unavailable. The Committee of Experts reminds the authorities that this undertaking requires constant efforts to maintain the provision of services at a satisfactory level due to its importance to the speakers, and encourages the authorities to comment on this in the next periodical report.

- "d to ensure by appropriate means that safety instructions are also drawn up in regional or minority languages;"*

320. In the second monitoring round (paragraphs 335 - 337), the Committee of Experts had received complaints that the use of Catalan in practice remained unsatisfactory and neither the legal framework nor the favourable opinion of consumers and entrepreneurs had led to any positive results in this field. It therefore considered that the undertaking was partly fulfilled and it urged the relevant authorities to comment on other safety instructions in the forthcoming report.

321. The third periodical report (page 422) again only provides information on the labelling of general consumer products, but not about other safety instructions. During the on-the-spot visit the Committee of Experts received complaints that instructions concerning medicines and drugs are only in Castilian.

322. The Committee of Experts concludes that the undertaking remains partly fulfilled and asks the authorities for more information on safety instructions in Catalan.

## **Article 14 – Transfrontier exchanges**

*The Parties undertake:*

- a to apply existing bilateral and multilateral agreements which bind them with the States in which the same language is used in identical or similar form, or if necessary to seek to conclude such agreements, in such a way as to foster contacts between the users of the same language in the States concerned in the fields of culture, education, information, vocational training and permanent education;*

323. In its second evaluation report (paragraphs 338 - 343), the Committee of Experts considered that the undertaking was partly fulfilled due to the limited role of the Catalan language in the bilateral agreements with Andorra. It furthermore requested information on whether the conclusion of a bilateral treaty was also being sought with Italy with regard to the Catalan language spoken in the Sardinian city of Alghero.

324. The Spanish authorities have not provided any further information on the promotion of Catalan through multilateral or bilateral agreements at State level in their third periodical report. The Committee of Experts understands the difficulties in including regional or minority languages in bilateral treaties with countries that have not ratified the Charter. Nevertheless, the Committee of Experts is aware of the efforts undertaken by the Spanish authorities in the context of the European Union where co-official languages gained a special status based on agreements concluded with various European institutions. Speakers of all co-official languages may use their languages in the communication with the EU institutions (see paragraph 183 of the first evaluation report and paragraph 190 of the second evaluation report). The Committee of Experts commends the authorities for this promotional approach.

325. In view of the overall available information the Committee of Experts considers that the undertaking is fulfilled. The Committee of Experts encourages the authorities to pursue bilateral agreements with the countries in which the same or similar languages are spoken.

***b for the benefit of regional or minority languages, to facilitate and/or promote co-operation across borders, in particular between regional or local authorities in whose territory the same language is used in identical or similar form.***

326. In its second evaluation report (paragraphs 344 - 349), the Committee of Experts considered this undertaking was fulfilled in a rather exemplary manner. It asked for more information on the competence to conclude agreements, conventions and treaties granted by the new Statute of Autonomy of Catalonia.

327. As stated in the third periodical report (pages 423), Article 6.4. of the Statute of Autonomy of Catalonia establishes that “the Catalan Government must promote communication and co-operation with other communities and territories which share language heritage with Catalonia. To this end, the Government of Catalonia and the State, where applicable, may sign agreements, pacts and other mechanisms for the promotion and overseas divulgation of Catalan.” A similar provision is contained in the Law on Language Policy.

328. According to the third periodical report (page 71), the Ramón Llull Foundation was created on 31 March 2008, with headquarters in Andorra, by the Government of Catalonia through the Ramón Llull Institute and the Government of Andorra, in order to intensify the study, promotion and defence of the Catalan language and to foster the Catalan language and culture outside Catalonia. The presidency of the Foundation also includes representatives of the Principality of Andorra and the City of Alghero in Sardinia.

329. The Committee of Experts welcomes this information. The undertaking remains fulfilled.

### 3.2.2 Basque in the “Basque-speaking zone” of Navarre

#### General comments:

330. In the first monitoring round, the Committee of Ministers made the recommendation to consider the possibility of applying an appropriate form of Part III protection to the Basque language within the "Mixed zone" as defined by the legislation of Navarre. The authorities had made several attempts to change the 'Foral' Legislation on language zone but no results were noted in the second monitoring round. The authorities also tried out flexible solutions for the benefit of the Basque language in the “Mixed area”, in particular in the field of education.

331. In this third monitoring round, the Committee of Experts was informed by *Euskarabidea*, the Institute for Basque Language of Navarre of the Regional Government, of Law of Navarre 2/2010 that extended the “Mixed zone” stating that the municipalities of Noain, Aranguren, Belascoain and Galar could join the “Mixed zone” if their respective city council agreed to it by a vote of the absolute majority of their members. Noain was the only municipality which did not join the “Mixed zone”. Nevertheless the Committee of Experts is pleased to hear that Model D education is available in Noain at pre-school and primary school. Public signs are also in Basque in Noain. The Committee of Experts welcomes this development.

332. In the two previous monitoring rounds, the Committee of Experts noted that the Navarre authorities reported on both the “Basque-speaking zone” and the "Mixed zone" under several undertakings. Accordingly, the Committee of Experts has included this information under the relevant provisions.

#### Article 8 – Education

##### Paragraph 1

*With regard to education, the Parties undertake, within the territory in which such languages are used, according to the situation of each of these languages, and without prejudice to the teaching of the official language(s) of the State:*

- a i to make available pre-school education in the relevant regional or minority languages;*
- b i to make available primary education in the relevant regional or minority languages;*
- c i to make available secondary education in the relevant regional or minority languages;*

333. In its second evaluation report (paragraphs 354 – 357), the Committee of Experts considered these undertakings fulfilled. It had been informed that a new model had been introduced by the Department of Education and that English was used as the language of instruction in 30% or 40% of classes. The Spanish authorities were invited to clarify whether this might have negative consequences for the Basque language.

334. According to the information provided in the third periodical report (pages 814 – 815), the multilingual model with Basque as the basic teaching language has been offered since the academic year 2009/ 2010, beside the existing teaching models. The hours of English taught in the Basque model are fewer than in Castilian-medium education (5 hours as opposed to 10 in pre-school, and 8 hours as opposed to 10 in primary school).

335. The Committee of Experts asks the Spanish authorities to provide information in their next periodical report on the number of traditional Basque-medium schools in which the multilingual model is currently applied.

336. According to the authorities, the demand for Basque-medium education is met in the “Basque-speaking zone” and the “Mixed zone”. Non-governmental organisations however argue that this is not the case in the “Mixed zone” because Basque-medium education is not always available in the school of the choice of the family. The authorities on the other hand argue that pupils could attend the next closest Basque-medium education school, and the authorities will cover the cost for transport.

337. The NGOs furthermore claim that the introduction of English will also influence the choices made by parents to the detriment of Basque-medium education, also due to the fact that it receives more support by the authorities than Model D does (i.e. they are new, well-equipped, supported by public media campaigns, etc.). According to them, the budget dedicated to Basque education dropped from € 758 531 in 2007 to € 139 886 in 2011. According to the third periodical report (page 832), “Model Br”, the English teaching model (which seems to be present only in the “Mixed zone”), accounts for 2.33% of the students in Navarre in the academic year 2007/2008.

338. Non-governmental sources have also brought the Committee of Experts’ attention to the adoption of ‘Foral’ Decree 89/2010 (BON n. 78, 28 June 2010), allowing pupils to opt out of Basque as a subject in favour of a second European language (French or German), or in cases where pupils have general learning difficulties at school.

339. The Committee of Experts still considers the undertaking fulfilled. Nevertheless, it encourages the authorities to ensure that a sufficient offer of Basque-medium education is secured in the future.

**d i to make available technical and vocational education in the relevant regional or minority languages;**

340. In its second evaluation report (paragraphs 358 – 362), the Committee of Experts observed that Basque-medium education was not offered in vocational training and there were only three vocational training centres in the “Basque-speaking area”, in which teachers could communicate with their pupils to some extent both in Basque and in Castilian. The Committee of Experts therefore considered the undertaking not fulfilled and encouraged the authorities to take measures to ensure that education in Basque was provided at that level.

341. In the third periodical report (page 843) the Spanish authorities seem to imply that the offer of teaching in Basque cannot be increased due to low enrolment numbers and the diversity of subjects. This information was confirmed by *Euskarabidea* during the on-the-spot visit. Apart from the three centres mentioned in the previous report, there are two vocational centres in the “Mixed zone” where certain professions are taught in Basque (i.e. for administrative management, administration and finance and pre-school education). According to non-governmental sources, 1.21% of pupils attend Basque-medium technical and vocational education.

342. While acknowledging the substantial efforts it takes to offer technical and vocational education in Basque, due to the relatively low number of pupils and the diversity of subjects, the Committee of Experts nevertheless reminds the authorities of their obligation under this undertaking and encourages them to gradually increase the offer of Basque-medium education in technical and vocational education.

343. In the meantime, the Committee of Experts concludes that the undertaking is partly fulfilled.

**e i to make available university and other higher education in regional or minority languages; or**

**ii to provide facilities for the study of these languages as university and higher education subjects; or**

**iii if, by reason of the role of the State in relation to higher education institutions, sub-paragraphs i and ii cannot be applied, to encourage and/or allow the provision of university or other forms of higher education in regional or minority languages or of facilities for the study of these languages as university or higher education subjects;**

344. In its second evaluation report (paragraphs 363 – 368), the Committee of Experts maintained its previous conclusion that the undertaking was fulfilled. It asked the authorities to provide information as to whether there were scholarship schemes available to students who would like to pursue their studies in Basque even outside the Autonomous Community (e.g. in the Basque Autonomous Community).

345. The third periodical report (pages 845 - 847) states that the Public University of Navarre (NUP) increased the number of subjects in Basque for the academic year 2009/2010 by 50%. According to non-governmental sources, two degrees can be studied entirely through the medium of Basque at NUP, namely teachers’ courses for pre-school and primary school education.

346. As to the scholarship schemes, the periodical report states that all Navarrese students who wish to begin or continue their university studies in a speciality which is not offered in the 'Foral' Community are eligible for a scholarship through the call for application by the Department of Education of the Government of Navarre. The Committee of Experts understands that this scheme also covers subjects that are not offered in Basque.

347. The Committee of Experts underlines that the chosen undertaking obliges the authorities of Navarre to take into account the needs of the speakers for an offer of higher education studies in Basque.

348. The Committee of Experts maintains its previous conclusion that the undertaking is fulfilled.

**g to make arrangements to ensure the teaching of the history and the culture which is reflected by the regional or minority language;**

349. In its second evaluation report (paragraphs 372 - 375), the Committee of Experts considered that the undertaking was only partly fulfilled as it lacked information on how the role of Basque in Navarre history was included in the curriculum, including education about the specific history and traditions of the regional or minority languages spoken in the relevant territory for non-speakers of Basque. The Committee of Experts urged the authorities to take measures to ensure that the present undertaking would be fulfilled.

350. According to the third periodical report (pages 849 – 853), the teaching of the history and culture reflected by the Basque language is guaranteed at all schools in Navarre by the 'Foral' decrees. The curriculum sets as a goal in all stages "knowledge of the geography and history of Navarre and the diversity of languages, cultures and customs which make it unique". This goal is to be accomplished through several different subjects. Textbooks have been published and approved by the Government of Navarre.

351. The Committee of Experts received complaints from representatives of the speakers that the teaching of the history and culture reflected by Basque was not adequately taught at schools and that a number of textbooks on the subject were not approved by the authorities. It invites the Navarre authorities to comment on these complaints in their next periodical report.

352. The Committee of Experts nevertheless considers the undertaking fulfilled.

**h to provide the basic and further training of the teachers required to implement those of paragraphs a to g accepted by the Party;**

353. In its second evaluation report (paragraphs 376 - 380), the Committee of Experts considered that the undertaking was fulfilled. However, it lacked information on whether the scheme of the Basque training plan met the needs of teacher training. It invited the authorities to comment in the next periodical report on the 30% decrease in the financial support granted by the Navarre authorities for further teacher training over the last ten years.

354. The authorities have not provided the requested information. As for further training, the Navarrese Government financially supports the Resource Centre for Teacher Training EIBZ.

355. While the Committee of Experts still considers the undertaking fulfilled, it asks the authorities to provide the requested information in the next periodical report.

**i to set up a supervisory body or bodies responsible for monitoring the measures taken and progress achieved in establishing or developing the teaching of regional or minority languages and for drawing up periodic reports of their findings, which will be made public.**

356. In its second evaluation report (paragraphs 381 – 383) the Committee of Experts considered that the undertaking remained fulfilled. It nevertheless invited the authorities to clarify whether the Navarre School Council was indeed charged with the specific task under this undertaking.

357. The Spanish authorities have not reacted to this specific request for information in their third periodical report. During the present monitoring round, however, non-governmental organisations alerted the Committee to the fact that the Navarre School Council does not deal with the quality of teaching and the progress achieved in Basque-medium education.

358. The Committee of Experts points out that the current undertaking does not necessarily require the setting up of a new body to carry out the monitoring envisaged under this undertaking. It is for example possible for existing supervisory bodies to carry out these functions and be integrated into existing administrative structures. In that case, there would be a need for a single body to co-ordinate, analyse and present the work carried out by the other bodies. This task could in turn be carried out by one of the already existing bodies.

359. This undertaking goes beyond the inspection and reporting of mainstream education. It requires evaluating and analysing the measures taken and the progress achieved with regard to regional or minority language education. The report should, among other things, contain information on the extent and availability of Basque language education together with developments in language proficiency, teacher supply and the provision of teaching materials. This could for example be the task of the Navarre School Council.

360. The drafting of comprehensive periodic reports need not depend on major resources, if the existing supervisory work on the ground is already extensive. A comprehensive report would be the logically consistent and tangible conclusion of the concerted supervisory work. Finally these periodic reports should be made public (see the Committee of Experts' third report on the evaluation on Germany ECRML (2008) 4, paragraphs 77 – 79).

361. The Committee of Experts is therefore not in a position to maintain its previous conclusion and invites the authorities to comment on these statements in the next periodical report.

#### **Paragraph 2**

*With regard to education and in respect of territories other than those in which the regional or minority languages are traditionally used, the Parties undertake, if the number of users of a regional or minority language justifies it, to allow, encourage or provide teaching in or of the regional or minority language at all the appropriate stages of education.*

362. In the second evaluation report (paragraphs 384 – 393), the Committee of Experts considered this undertaking fulfilled. The Government of Navarre had clarified the legal situation of *Ikastolas* in the “non Basque-speaking zone”, and supported them economically. It nevertheless encouraged the authorities to report on the following issues in the next periodical report:

- to clarify the situation in the “non Basque-speaking zone” regarding requests for Model D education or *Ikastolas* other than in the municipalities Noain and Aranguren;
- concerning the “Mixed zone”, for secondary education, the Committee of Experts was informed that in some cases, parents had to pay for their children’s transport to a school in Pamplona.

363. The authorities have not responded to the request for information in the third periodical report.

364. As regards the “non Basque-speaking zone”, *Euskarabidea* informed the Committee of Experts during the on-the-spot visit that a new school for Model D education was being built.

365. As mentioned in paragraph 331 above, since the previous monitoring round, Aranguren Galar and Belascoain municipalities have been included in the “Mixed zone”. Noain municipality which has the right to join the “Mixed zone” but is at present in the “non Basque-speaking zone”, offers Model D education.

366. During the on-the-visit, the Committee was informed that the status of *Ikastolas* has been settled. Since the previous monitoring round, four *Ikastola* have been legalised in the “non Basque-speaking zone”, bringing the total number to six.

367. Elsewhere in the “non Basque-speaking zone”, Basque is offered as a subject at public schools.

368. As for transport costs to a school in Pamplona, *Euskarabidea* informed the Committee of Experts that transport costs of the pupils are covered.

369. The Committee of Experts commends the Navarrese authorities for their efforts taken to support Basque-medium education in the “non Basque-speaking zone” and concludes that the undertaking remains fulfilled.

## Article 9 – Judicial authorities

### Paragraph 1

*The Parties undertake, in respect of those judicial districts in which the number of residents using the regional or minority languages justifies the measures specified below, according to the situation of each of these languages and on condition that the use of the facilities afforded by the present paragraph is not considered by the judge to hamper the proper administration of justice:*

- a in criminal proceedings:*
  - i to provide that the courts, at the request of one of the parties, shall conduct the proceedings in the regional or minority languages; and/or*
  - ii to guarantee the accused the right to use his/her regional or minority language; and/or*
  - iii to provide that requests and evidence, whether written or oral, shall not be considered inadmissible solely because they are formulated in a regional or minority language; and/or*
  - iv to produce, on request, documents connected with legal proceedings in the relevant regional or minority language,*  
*if necessary by the use of interpreters and translations involving no extra expense for the persons concerned;*
- b in civil proceedings:*
  - i to provide that the courts, at the request of one of the parties, shall conduct the proceedings in the regional or minority languages; and/or*
  - ii to allow, whenever a litigant has to appear in person before a court, that he or she may use his or her regional or minority language without thereby incurring additional expense; and/or*
  - iii to allow documents and evidence to be produced in the regional or minority languages,*  
*if necessary by the use of interpreters and translations;*
- c in proceedings before courts concerning administrative matters:*
  - i to provide that the courts, at the request of one of the parties, shall conduct the proceedings in the regional or minority languages; and/or*
  - ii to allow, whenever a litigant has to appear in person before a court, that he or she may use his or her regional or minority language without thereby incurring additional expense; and/or*
  - iii to allow documents and evidence to be produced in the regional or minority languages,*  
*if necessary by the use of interpreters and translations;*

370. In its second evaluation report (paragraphs 395 - 399), the Committee of Experts considered that these undertakings were partly fulfilled and again urged the Spanish authorities:

- to amend the legal framework with a view to making it clear that the criminal, civil and administrative judicial authorities in Navarre will conduct the proceedings in Basque at the request of one party;
- to take the necessary measures to ensure, as appropriate, that the parties to a proceeding are specifically informed of the obligation of the judicial authorities in Navarre to conduct the proceedings in Basque if one of the parties so requests, in conformity with the undertakings entered into by Spain under Article 9 paragraph. 1.a.i, 1.b.i and 1.c.i of the Charter;
- to take the necessary measures to increase the proportion of judicial staff in Navarre, at all levels and particularly among judges and prosecutors, who are able to use Basque as a working language in courts;
- to develop adequate training schemes for the judicial staff as well as for lawyers.

371. On the basis of the observations made by the Committee of Experts in its second evaluation report, the Committee of Ministers recommended that the Spanish authorities “**take the necessary legal and practical measures to ensure that an adequate proportion of the judicial staff posted in the**

**autonomous communities concerned by the application of Article 9 of the Charter have a working knowledge of the relevant language” [RecChL(2008)5].**

372. The Committee of Experts refers to paragraphs 72 to 81 above for its general evaluation of the implementation of Article 9.

373. No information has been provided by the authorities as to whether Basque-speakers in Navarre are informed about their language rights in the field of the judiciary in conformity with the undertakings entered into by Spain in this respect. According to non-governmental sources, no such awareness campaigns have been carried out in Navarre.

374. According to the General Council of the Judiciary, 17 out of 5023 judges and magistrates in Spain have a certified knowledge of Basque although according to the members of the General Council of the Judiciary the low figure can be misleading, because this does not mean that there are not more judges who are proficient in the language.

375. According to representatives of the speakers, written replies from the court are always in Castilian. They are not aware of any trial in Navarre having been held entirely in Basque. In general, all procedures take place in Castilian, be it subpoenas, documentation, notifications, records of proceedings, internal paperwork, ruling, judicial decrees, etc.

376. Furthermore, one of the reasons why Basque-speakers feel discouraged to use Basque in court, is that interpreters are required to interpret from Basque into Castilian, even if this has not been requested by any party.

377. The Spanish authorities state in their third periodical report (pages 857 – 861) that the Government of Navarre has contracted a translation and interpretation service to provide assistance to judicial bodies to ensure compliance with the undertakings entered into under Article 9. They remark at the same time that the intervention of a translator/ interpreter leads to the loss of immediacy in oral proceedings and lengthier proceedings with regard to written material. Representatives of the speakers criticise this outsourcing because the contracted interpretation service sometimes lacks the understanding of law.

378. As for recruitment and training of civil servants in Navarre, general legislation considers Basque language knowledge as one of the merits used for hiring and assigning staff. It is rated at 6% with respect to the total points assigned to all merits for all positions in the “Basque-speaking zone”, whenever knowledge of the said language is not a job requirement. In the “Mixed zone”, where 80% of the positions are located, the minimum rating is 3%. For those positions requiring more public attendance, such as administrative and auxiliary positions, the percentage rises to 10% and 5% respectively. In the future, Basque language knowledge will be valued at 5% in more than half the positions in justice administration, and at 10% in the “Basque-speaking zone”.

379. As regards language training for existing staff in justice administration, the Navarrese Institute of Public Administration continues to offer Basque language courses of different types. Despite the language training courses for court staff, the majority of staff still lack the skills needed to perform their work and communicate with the public in Basque.

380. Based on the information received, it seems to the Committee of Experts that there are not only legal but also practical and attitudinal obstacles that hamper the use of Basque in court proceedings. The Committee of Experts urges the relevant authorities to take measures within their competence to encourage and facilitate the use of Basque in courts.

381. Based on the information at the Committee of Experts’ disposal and despite some practical difficulties concerning Article, 9. paragraph 1. a ii, iii, iv – b ii and iii, c ii and iii, the Committee of Experts concludes that those undertakings are fulfilled. The undertakings under Article 9. paragraph 1. a i; b i; c i; remain partly fulfilled.

***The Committee of Experts urges the Spanish authorities:***

- ***to amend the legal framework with a view to making it clear that the criminal, civil and administrative judicial authorities in Navarre will conduct the proceedings in Basque at the request of one party;***
- ***to take the necessary measures to ensure, as appropriate, that the parties to a proceeding are specifically informed of the obligation of the judicial authorities in Navarre to conduct the proceedings in Basque if one of the parties so requests, in conformity with the undertakings entered into by Spain under Article 9 paragraph. 1.a.i, 1.b.i and 1.c.i of the Charter;***
- ***to take the necessary measures to increase the proportion of judicial staff in Navarre, at all levels and particularly among judges and prosecutors, who are able to use Basque as a working language in courts;***
- ***to develop adequate training schemes for the judicial staff as well as for lawyers.***

**Paragraph 3**

***The Parties undertake to make available in the regional or minority languages the most important national statutory texts and those relating particularly to users of these languages, unless they are otherwise provided.***

382. In its second evaluation report (paragraphs 400 – 403) the Committee of Experts considered that this undertaking was only partly fulfilled as problems identified in the first monitoring cycle still prevailed. It urged the authorities to continue their efforts to improve the situation.

383. According to the information provided in the third periodical report (pages 861 – 862), the Government of Navarre publishes the Official Gazette of Navarre (BON) simultaneously in Castilian and Basque. This is a regulation laid down in Article 7 of the 'Foral' Law on Basque.

384. No information is provided in the report concerning the other issues raised by the Committee of Experts in its last evaluation report (i.e. contribution of the Spanish government to the Gazette, lack of Basque version of pre-1998 legislation). The Committee of Experts was informed that the authorities of the Basque Autonomous Community signed an agreement with the State authorities regarding the publication of the State Official Gazette in Basque. This also has implications for Navarre, which will benefit from this agreement.

385. According to representatives of a bar association, the Spanish authorities have not made an official translation of the most important statutory texts into Basque. It seems that legal texts are translated by Basque institutions and universities.

386. With regard to pre-1998 legislation, the Committee of Experts encourages the Navarrese Government to co-operate with the Basque Autonomous Community as this legislation is by and large translated by the Basque authorities.

387. Based on the information received, and taking the measures carried out by the Basque Autonomous Community and the state authorities into consideration, the Committee of Experts considers the undertaking is fulfilled.

**Article 10 – Administrative authorities and public services**

**Paragraph 1**

***Within the administrative districts of the State in which the number of residents who are users of regional or minority languages justifies the measures specified below and according to the situation of each language, the Parties undertake, as far as this is reasonably possible:***

- a i to ensure that the administrative authorities use the regional or minority languages;***

388. In its second evaluation report (paragraphs 405 – 410), the Committee of Experts considered that this undertaking was not fulfilled and urged the Spanish authorities to substantially increase the

Basque-speaking staff in the competent State administration offices and to develop adequate training schemes.

389. The third periodical report (pages 862 – 905) lists the extent of use of Basque in various state ministries, with regard to websites, forms, and brochures, translations of documents and language training of staff. It seems that Basque is used to a very varying degree. However, no comprehensive overview is provided on the numbers of Basque-speaking staff within the relevant state administration offices, or on whether the language training has led to an increase in the number of staff with Basque language knowledge.

390. As for signage on the buildings of these offices, from the information provided, this seems to be generally satisfactory. Static information and first level navigation on the ministries' central websites are usually available in Basque. Representatives of the speakers complained during their meeting with the Committee of Experts about the lack of translations on some of the websites and the fact that many documents are only available in Castilian. According to them, the most frequently used documents have not been made available in Basque.

391. As to staff with knowledge of Basque, hardly any information is provided in the third periodical report. According to the evidence provided by non-governmental sources, the number of Basque-speaking staff is “appallingly low”, especially with the view to ensuring that staff can provide services to the citizens in that language.

392. Based on the data provided in the third periodical report, the average percentage of requests submitted in Basque is lower than 1%. The number of replies given in Basque is even smaller, and in some offices non-existent.

393. The overall picture is that the use of Basque in State administration bodies is still patchy. The Committee of Experts is of the view that the authorities should take a proactive attitude and adopt a structured policy in order to ensure that the administrative authorities use Basque on a more regular and systematic basis.

394. While it seems that some progress has been achieved since the previous monitoring round, the use of Basque is not guaranteed systematically. Partial translation and publication of information further means that the provision of Basque remains very patchy. The data on the written and oral use of Basque suggest that speakers are either not aware of their rights, discouraged from using Basque, or not accustomed to addressing offices in Basque. There does not seem to be an overall policy or strategic approach to analyse the current state of affairs and plan a more systematic provision of documents and sufficient staff with an adequate knowledge of Basque. In this regard it is important that the State administration offices of the same State body located in both Autonomous Communities where Basque is spoken co-operate more closely. The Committee of Experts encourages the authorities to provide sufficient resources to the Council of Official Languages in the General State Administration to carry out this task.

395. The Committee of Experts concludes that the undertaking is formally fulfilled.

***The Committee of Experts urges the Spanish authorities to substantially increase the number of Basque-speaking staff in the competent State administration offices and to develop adequate training schemes.***

***b to make available widely used administrative texts and forms for the population in the regional or minority languages or in bilingual versions;***

396. In its second evaluation report (paragraphs 411 – 414), the Committee of Experts considered this undertaking not fulfilled as there were no standardised bilingual forms available to citizens in Basque. It urged the Spanish authorities to take the necessary measures to ensure that bilingual versions of widely used administrative texts and forms are made available in all the competent State administration offices.

397. As mentioned above, it seems that less than a third of administrative texts and forms are used in Basque by State administration offices, although this depends on the State ministry. According to the information provided in the periodical report, however, some other forms are available in Basque. As

mentioned in paragraphs 389-390 above, it seems that Basque is used to a very varying degree, including forms and documents.

398. According to the information received from representatives of Basque-speakers during the on-the-spot visit, the State administration only uses forms in Castilian, or asks people to use the Castilian form arguing that they need to be sent to Madrid. The most frequently used documents are not available in Basque.

399. Based on the information available, the Committee of Experts considers that the undertaking is partly fulfilled.

**c to allow the administrative authorities to draft documents in a regional or minority language.**

400. In its second evaluation report (paragraphs 415 - 417), the Committee of Experts considered that this undertaking was not fulfilled and urged the Spanish authorities to clarify whether bilingual documents (such as driving licences or identity cards) were issued for persons living in the “Basque-speaking zone”.

401. According to the third periodical report (page 892), driving licences and national identity cards are issued in bilingual versions. In 2009, 273 579 identity cards were issued in Basque. However, during the on-the-spot visit, the Committee of Experts received contradictory evidence on the use of Basque on driving licences, European health insurance cards and the new electronic identity cards, at least in the “Basque-speaking zone”.

402. The Committee of Experts cannot draw a conclusion on this undertaking and asks for clarification whether State administration authorities covering the “Basque-speaking zone” issue documents in Basque.

**Paragraph 2**

***In respect of the local and regional authorities on whose territory the number of residents who are users of regional or minority languages is such as to justify the measures specified below, the Parties undertake to allow and/or encourage:***

**a the use of regional or minority languages within the framework of the regional or local authority;**

403. In its second evaluation report (paragraphs 419 - 422), the Committee of Experts considered that the undertaking was not fulfilled as far as the regional authorities were concerned and urged the relevant authorities to take the necessary measures to ensure that Basque is used in the Navarre administration dealing with residents of the “Basque-speaking zone”. It also invited the authorities to comment on the fact that the authorities do not feel obliged to issue bilingual documents when the administration is located in the “Mixed zone”.

404. According to the third periodical report (page 905), Article 15.1 of ‘Foral’ Decree 29/2003 which determined that communications issued by Public Administrations of Navarre located in the “Mixed zone” should be in Castilian, including those addressed to citizens in the “Basque-speaking zone”, has been abolished due to several rulings of the High Court of Justice of Navarre and the Supreme Court which finally denied the Navarrese Government's appeal against these rulings in May 2009. The ruling confirmed the right of the citizens to communicate in the official language of their choice in communications with the regional authorities even if they are located in the “Mixed zone”.

405. It is unclear to the Committee of Experts to what extent the situation has changed in practice after the court rulings with regard to the “Mixed zone”. According to non-governmental sources, the situation has not substantially changed since the previous monitoring round.

406. As mentioned in paragraph 378 above, ‘Foral’ Decree 55/2009 of 15 June of the Government of Navarre establishes that Basque is considered in the merit system for all job positions within the administration of the Navarre Government with a rating of 6% vis-à-vis the total points assigned for all positions located in the “Basque-speaking zone”, 10% for those dealing with the public and 3% in the “Mixed zone”. Representatives of the speakers however claimed that in job announcements, the Navarrese authorities do not announce the location of the position in Navarre.

407. The Director of *Euskarabidea* informed the Committee of Experts during the on-the-spot visit that forms and documents must be issued also in Basque, although it was acknowledged that this is not fully complied with in practice, for example in some tourist offices.

408. The Committee of Experts concludes that the undertaking is partly fulfilled.

**b the possibility for users of regional or minority languages to submit oral or written applications in these languages;**

409. In its second evaluation report (paragraphs 423 – 427) the Committee of Experts considered that this undertaking was fulfilled as far as the local authorities located in the “Basque-speaking zone” were concerned but only formally fulfilled as regards the Navarre administration. Therefore, it urged the competent authorities to take the necessary steps to enable the applications submitted in Basque to the Navarre administration to be treated in due time.

410. The Committee also lacked information concerning the following points :

- number of staff within the Navarre administration located in Pamplona/Iruña with an adequate command of the Basque language;
- whether a Basque-speaking member of staff within the said administration is regularly available to receive oral petitions in Basque;
- what is the average delay for dealing with written petitions or documents received in Basque compared to that concerning written petitions or documents submitted in Castilian.

411. The authorities have not responded to these points in their third periodical report. According to the report, however, the number of applications submitted in Basque remains very low, on average less than 1%. The Committee of Experts finds that more pro-active measures are needed in order to encourage citizens to use Basque in their communication with the Navarre administration.

412. With regard to the “Basque-speaking zone”, the legal right exists to receive services in Basque. The Committee of Experts however received some complaints regarding the practical implementation of this right. This was confirmed by *Euskarabidea* during the on-the-spot visit.

413. The Committee of Experts considers the undertaking is partly fulfilled as far as the regional authorities are concerned. The Committee of Experts encourages the authorities to take measures to encourage the use of Basque with administrative bodies.

**g the use or adoption, if necessary in conjunction with the name in the official language(s), of traditional and correct forms of place-names in regional or minority languages."**

414. In its second evaluation report (paragraphs 433 – 437), the Committee of Experts considered that this undertaking remained fulfilled. It commended the Navarre authorities for approving the Basque names of five municipalities located in the “Mixed zone”. At the same time, it had received complaints related to the removal of bilingual signs in municipalities located in the “Mixed zone” and the “non Basque-speaking zone” including the municipality of Zizur Mayor. It asked the authorities to comment on this and on the signposting in Basque on road signs in the “Mixed zone” with official bilingual names.

415. According to the information provided in the third periodical report (pages 908 – 909), the Government of Navarre, through *Euskarabidea*, carried out a campaign in 2008 encouraging all municipalities in Navarre to officialise their Basque name. Approximately 15 municipalities submitted such requests, which were approved by the government, including some municipalities located in the “non Basque-speaking zone”, such as Cirauqui/ Zirauki, Olite/ Erriberri, Peralta/ Azkoien and Ancin/ Ancin. The Committee of Experts welcomes this initiative. According to the periodical report, *Euskarabidea* plans to carry out a similar campaign with regard to the council districts (*concejos*). The Committee of Experts asks the Spanish authorities to report on further developments in this respect in the next periodical report.

416. With regard to the High Court ruling concerning the bilingual naming of the municipality Zizur Mayor/ Zizur Nagusia, the Spanish authorities report that this was implemented on 18 February 2008.

417. As regards motorway signage, Article 1.b. of the Government Agreement dated 25 September 2006 specifies that:

"The place names and names of territories, population centres and interurban roads whose official name is bilingual in Castilian and Basque shall be used as follows:

- in Castilian and Basque in road sections in the "Basque-speaking zone";
- in Castilian and Basque in road sections in the "Mixed zone";
- in Castilian in the road sections in the "non-Basque zone"."

418. According to representatives of the speakers whom the Committee of Experts met during the on-the-spot visit, it is not always possible in practice to register births in Basque. It asks the authorities to comment on this in the next periodical report.

419. The Committee of Experts welcomes all other information and considers that the undertaking continues to be fulfilled.

### **Paragraph 3**

*With regard to public services provided by the administrative authorities or other persons acting on their behalf, the Parties undertake, within the territory in which regional or minority languages are used, in accordance with the situation of each language and as far as this is reasonably possible:*

- a to ensure that the regional or minority languages are used in the provision of the service; or"*

420. In its second evaluation report (paragraphs 438 – 441), the Committee of Experts considered that the undertaking was not fulfilled and urged the authorities to provide answers to the questions in the next periodical report on the absence of use of Basque in practice in public services, in particular regarding private companies providing a public service. It asked about the result of a survey carried out in 2006 on the use of Basque in the office of the General State Administration. On the basis of the observations made by the Committee of Experts in its second evaluation report, the Committee of Ministers recommended that the Spanish authorities "**ensure the presence of all regional or minority languages in state owned public services.**" [RecChL(2008)5].

421. The third periodical report (page 910) provides little information with regard to this undertaking and refers to the availability of Basque forms at the post office and the new bilingual youth card of the transport system. According to information received during the on-the-spot visit, public utilities do not guarantee the use of Basque to a high degree. Public services run by private enterprises on behalf of the authorities generally do not take regional or minority languages into account in recruitment, service provision, customer services, web pages or correspondence. The same applies to post offices. *Euskarabidea* acknowledged that public companies are less advanced in this respect.

422. Based on the information received, the Committee of Experts considers that the undertaking remains not fulfilled.

### **Paragraph 4**

*With a view to putting into effect those provisions of paragraphs 1, 2 and 3 accepted by them, the Parties undertake to take one or more of the following measures:*

- a translation or interpretation as may be required;*

423. In its second evaluation report (paragraphs 442 to 445), the Committee of Experts considered that the undertaking was only partly fulfilled. It urged the authorities to provide more specific information in line with the questions raised by the Committee of Experts in its first monitoring report.

424. According to the third periodical report (pages 910 – 912), as regards the Government of Navarre, the Department of the Presidency, Justice and Interior has a translation section of 14 translators and four translators/ interpreters. The Department of Education has four translators. The Department of the Presidency as well as the Department of Justice also subcontracts translation services. The amount of time to conduct the translation varies, depending on the different needs.

425. Based on its findings under paragraphs 1, 2 and 3 above, the Committee of Experts concludes that the undertaking is fulfilled with respect to paragraph 1 and remains partly fulfilled as regards paragraphs 2 and 3.

**b recruitment and, where necessary, training of the officials and other public service employees required;**

426. In its second evaluation report (paragraphs 446 – 452), the Committee of Experts considered that the undertaking was not fulfilled as far as the State administration and the public services were concerned, and partly fulfilled as regards the Navarre administration. It therefore urged the Spanish authorities to review the career and training structure in the State public administration with a view to ensuring that an adequate proportion of the staff posted in the State administration offices located in Navarre have the necessary command of the Basque language to be able to use it as a working language. It also encouraged the Spanish authorities to take further measures to increase the proportion of Basque-speaking staff in the Navarre administration. On the basis of the observations made by the Committee of Experts in its second evaluation report, the Committee of Ministers recommended that the Spanish authorities “**review the recruitment, career and training schemes for the staff of the State administration offices with a view to ensuring that an adequate proportion of the staff posted in the autonomous communities have a working knowledge of the relevant language**” [RecChL(2008)5].

427. During the on-the-spot visit, *Euskarabidea* informed the Committee of Experts that it is responsible for training of civil servants which is carried out by the *Euskaltegi* in Pamplona/Iruña (=Autonomous Institute for Adult Literacy). They offer crash courses during working hours or distance learning for civil servants working in state, regional and local authorities. Evaluation of the progress of teaching and language level of the civil servants only began in 2010.

428. ‘Foral’ Decree 55/2009 of 15 June of the Government of Navarre establishes that Basque is considered in the merit system for recruitment to all job positions within the administration of the Navarrese Government with a rating of 6% for positions located in the “Basque-speaking zone”, 10% for those dealing with the public and 3% in the “Mixed zone”. The Committee of Experts commends the Navarrese authorities for taking these steps and asks them to provide information regarding the practical effect of this Decree in the next periodical report.

429. However, as also already mentioned above, according to the evidence provided by non-governmental sources, the number of Basque-speaking staff is “appalling low”, especially with the view to ensuring that staff can provide services to the citizens in that language.

430. On the level of State administration the Committee of Experts observes that the State has the legal possibility through State Law 7/2007 of 12 April on the Basic Statute of Public Employees to ensure that an adequate proportion of State administration staff located in the autonomous communities have a working knowledge of the regional or minority language in question. However, the Committee of Experts observes that there still is an inadequate proportion of State administration staff mastering Basque due to a lack of systematic policy on recruiting and training of personnel in this respect.

431. While welcoming the approach of the Navarre authorities with regard to the recruitment system, the Committee of Experts still considers the undertaking not fulfilled as far as state administration and public services are concerned. With regard to the Navarrese authorities the Committee of Experts considers that the undertaking is partly fulfilled.

**c compliance as far as possible with requests from public service employees having a knowledge of a regional or minority language to be appointed in the territory in which that language is used.**

432. In its second evaluation report (paragraphs 453-454), the Committee of Experts was again not able to conclude on this undertaking due to the lack of information from the Spanish authorities and urged the authorities to come back to this undertaking in the next periodical report.

433. No information with regard to the application of this undertaking is provided in the third periodical report. During the on-the-spot visit, *Euskarabidea* informed the Committee of Experts that in principle it is not possible to request to be appointed to a post in the sense of this undertaking.

434. Nevertheless, given the circumstance that the Committee of Experts has not received any complaints with regard to this undertaking, it considers the undertaking fulfilled.

## Article 11 – Media

### Paragraph 1

*The Parties undertake, for the users of the regional or minority languages within the territories in which those languages are spoken, according to the situation of each language, to the extent that the public authorities, directly or indirectly, are competent, have power or play a role in this field, and respecting the principle of the independence and autonomy of the media:*

- a to the extent that radio and television carry out a public service mission:*
  - i to ensure the creation of at least one radio station and one television channel in the regional or minority languages;*

435. The Committee of Experts considered in its second evaluation report (paragraphs 457-462) that the undertaking remained not fulfilled. It considered that co-operation between Communities sharing the same language would be the best way forward to facilitate the fulfilment of the undertaking (and to support the diffusion of media located in the Basque Autonomous Community, namely the radio station “Euskadi Irratia” and the television channel “Euskal Irrati Telebista” (EITB)).

436. As regards the creation of a public radio station in Basque, no new developments have been reported. According to *Euskarabidea*, the EITB radio station can be listened to throughout Navarre.

437. According to non-governmental sources, the new State Audiovisual Act of 2010 states that “the cases of radios in a situation of involuntary irregularity” should be reviewed.

438. As regards television broadcasting, the Committee of Experts understands that, despite the fact that the technological conditions have been made available to rebroadcast EITB through a new DTT (digital terrestrial television) complex, recommendations from the Navarrese Parliament and central government, and the signing of the General Collaboration Protocol in 2009 by the governments of Navarre and the Basque Autonomous Community which included this issue (see paragraph 87 above), EITB is still not available in Navarre in DTT. The Committee of Experts understands that it is connected to the dispute about the expenses for the new DTT system, because the Navarrese authorities are not willing to cover the costs of the necessary technological support.

439. The Committee of Experts understands that if the Government of Navarre refuses to cover the costs incurred for the reception of EITB in DTT, it will no longer be available once analogue broadcasting disappears. If regional television in Navarre is inadequate or non-existent, the Navarrese authorities are nevertheless obliged to ensure the creation of a new Basque language television channel. In this sense, the authorities of Navarre should regard the retransmission of EITB as being not only the sole interest of the Basque authorities but also as their own obligation, which implies covering the retransmission costs.

440. The Committee of Experts concludes that the undertaking remains not fulfilled. It urges the Navarrese authorities to ensure the creation of at least one radio station and one television channel in the regional or minority language, or, alternatively, to ensure the reception of digital programmes from the Basque Autonomous Community of public television and radio channels.

***The Committee of Experts urges the authorities to ensure the availability of at least one radio station and one television channel in Basque, if necessary, in co-operation with the Basque Autonomous Community.***

- b i to encourage and/or facilitate the creation of at least one radio station in the regional or minority languages;*

441. In its second evaluation report (paragraphs 463 – 467), the Committee of Experts noted that the only private radio station broadcasting entirely in Basque, “Euskalerrria Irratia”, had been excluded from licensing processes several times as well as from annual subsidies applications. Therefore, the Committee of Experts asked for information related to this case, and considered that the undertaking

was not fulfilled. It urged the competent authorities to encourage and/or facilitate the creation or the maintenance of a private radio station broadcasting in Basque in Navarre.

442. The third periodical report (pages 917 – 919) contains detailed information on one local private radio station “Xorroxin Irratia” which broadcasts entirely in Basque. Furthermore, four private local channels in Navarre broadcast 3 – 5 hours daily of their own local programming in Basque. These receive some government aid, which, as far as the Committee of Experts understands, is unstable.

443. As far as “Euskalerrria Irratia” is concerned, a radio station located in the “Mixed zone”, its representative informed the Committee of Experts during the on-the-spot visit that it still operates without a licence. A fine of €30 000 was imposed by the Ministry of Industry. The representatives of the radio appealed against this and at the time of the on-the-spot visit, the case was pending before the Courts. The Committee of Experts encourages the authorities to take a more positive attitude towards facilitating the activity of the sole radio station of Navarre that offers programmes fully in Basque for the whole community of Basque speakers in Navarre.

444. Given that this is the only Basque language radio station in an urban area in Navarre, where a significant number of Basque speakers live, and the only radio station that covers the entire area where Basque-speakers traditionally live in Navarre, the Committee of Experts invites the authorities to reconsider their decision on granting a licence for this station.

445. In the meantime the Committee of Experts concludes that the undertaking is partly fulfilled.

*c i to encourage and/or facilitate the creation of at least one television channel in the regional or minority languages;*

446. In its second evaluation report (paragraphs 471-472), the Committee of Experts asked the authorities to comment on the on-going digitalisation process in Navarre and to clarify to what extent the Basque language in broadcast media would be protected. It considered that the undertaking was not fulfilled and urged the competent authorities to take the necessary measures to encourage and/or facilitate the creation of at least one private television channel broadcasting in Basque in Navarre.

447. According to the third periodical report (pages 919 – 921), the “Basque-speaking zone” is excluded from local DTT service. To date, two local private television stations have been broadcasting in Basque in Navarre and have received some support from the Government of Navarre. According to non-governmental sources, one of these television stations shut down in 2009, and the other one does not have a legal status.

448. According to information received from *Euskarabidea* during the on-the-spot visit, the local television channel “Xaloea Telebista<sup>7</sup>” participated in a call for tenders and was granted direct subsidies of €10 000 in 2010 and €15 000 in 2011. From the information received from representatives of the speakers, the channel only has a small audience. It broadcasts 24 hours per day, however many programmes are repeated.

449. Based on the information received, the undertaking seems to be fulfilled. However, the Committee of Experts encourages the authorities to increase their support for private television broadcasting in Basque in order to adequately cover the entire zone where Basque-speakers mostly live.

*d to encourage and/or facilitate the production and distribution of audio and audiovisual works in the regional or minority languages;*

450. In its second evaluation report (paragraphs 473-476), the Committee of Experts considered that the undertaking was not fulfilled and urged the competent authorities to take measures with a view to applying this undertaking.

451. According to the third periodical report (page 921), *Euskarabidea* has provided financial aid towards the production of one Basque language film. It is not clear to the Committee of Experts whether other audiovisual productions in Basque have been supported by this aid. Nevertheless, there seems to be a system in place to support the production of audiovisual works in Basque.

---

<sup>7</sup> <http://tokiko.tv/kanalak/xaloea>

452. The Committee of Experts welcomes this information and considers the undertaking fulfilled under the given circumstances. It encourages the authorities to report on any further recent audio and audiovisual productions in Basque in the next periodical report.

***e i to encourage and/or facilitate the creation and/or maintenance of at least one newspaper in the regional or minority languages; or***

453. In its second evaluation report (paragraphs 477 – 480), the Committee of Experts considered that the undertaking was not fulfilled and urged the authorities to take measures to implement this undertaking in practice and provide information in the next periodical report.

454. According to the third periodical report, since 2008, the call for applications for aid for Basque language media has allowed newspapers from other communities to receive subsidies from the Government of Navarre, including the daily newspaper “Berria” with its headquarters in the Basque Autonomous Community. However, “Berria” did not apply for such a subsidy. Although the Committee of Experts welcomes this initiative, it is unclear whether the authorities would create a support scheme for a newspaper in Basque. The Committee of Experts encourages the Navarre authorities to pursue the matter further, if necessary in co-operation with the Basque authorities.

455. The Committee of Experts concludes that the undertaking is partly fulfilled.

***f ii to apply existing measures for financial assistance also to audiovisual productions in the regional or minority languages;***

456. In its second evaluation report (paragraphs 481-483), the Committee of Experts considered that the undertaking was not fulfilled as according to the information gathered, no financial measures had been taken to support audiovisual productions in Basque.

457. According to the third periodical report (pages 374 – 375), Royal Decree 526/2002 of 14 December establishes facilities for obtaining subsidies for films in co-official languages. Furthermore, the report states that Article 36 and the Additional Sixth Stipulation of Law 55/2007 of 28 December on Film, regulated by Royal Decree 2062/2008 of 12 December, stipulate that funding from the State for films and audiovisual media produced in the co-official languages of Spain, will be provided for each year in the General State Budgets. This funding, provided by the Film and Audiovisual Arts Institute (ICAA) through the State Ministry of Culture, matches the funding of the autonomous community for the promotion of audiovisual productions. The Committee of Experts understands that for this purpose €100 000 were transferred to Navarre in 2009 (pages 935 – 936 of the third periodical report).

458. According to the information available to the Committee of Experts, the Navarre Institute of Film and Audiovisual Arts (INAAC)<sup>8</sup> has supported some productions that were filmed wholly or partly in Basque.

459. In the light of this new information, the Committee of Experts revises its previous conclusion and considers that the undertaking is now fulfilled.

***g to support the training of journalists and other staff for media using regional or minority languages.***

460. In its second evaluation report (paragraphs 484 – 487), the Committee of Experts considered that the undertaking was not fulfilled and encouraged the relevant authorities to provide specific information on how the training was ensured in practice.

461. The third periodical report (page 922) states that graduates and students in the last academic year of Journalism or Audiovisual Communication can apply for journalism training subsidies within the budget approved by the Managing Director of *Euskarabidea*. It seems that the funds were given to the local radio “Xorroxin Irratia” only.

462. There are no possibilities to study journalism through Basque at the universities in Navarre. According to non-governmental sources, the Basque language media largely carry the costs of training of their journalists themselves.

---

<sup>8</sup> [http://www.navarrafilm.com/es/rodajes\\_navarra.asp](http://www.navarrafilm.com/es/rodajes_navarra.asp)

463. The Committee of Experts welcomes the initiative of *Euskarabidea*. The Committee of Experts considers the undertaking fulfilled, but asks the authorities to report upon further applications in the next periodical report. The Committee of Experts also invites the authorities to provide information on whether these grants can be used to study journalism in Basque at the University of the Basque Country.

### **Paragraph 3**

*The Parties undertake to ensure that the interests of the users of regional or minority languages are represented or taken into account within such bodies as may be established in accordance with the law with responsibility for guaranteeing the freedom and pluralism of the media.*

464. In the second evaluation report (paragraphs 490-491), non-governmental sources informed the Committee of Experts that the Parliament and the Government of Navarre appointed seven members to the Audiovisual Board of Navarre but none of them represented the interests of the Basque speakers. The Committee of Experts concluded that the undertaking was not fulfilled.

465. The Committee of Experts notes with disappointment that for the third time no concrete information in this respect is provided. The Committee of Experts must therefore conclude that the undertaking remains not fulfilled. It urges the authorities to provide the pertinent information in the next periodical report.

## **Article 12 – Cultural activities and facilities**

### **Paragraph 1**

*With regard to cultural activities and facilities – especially libraries, video libraries, cultural centres, museums, archives, academies, theatres and cinemas, as well as literary work and film production, vernacular forms of cultural expression, festivals and the culture industries, including inter alia the use of new technologies – the Parties undertake, within the territory in which such languages are used and to the extent that the public authorities are competent, have power or play a role in this field:*

- b to foster the different means of access in other languages to works produced in regional or minority languages by aiding and developing translation, dubbing, post-synchronisation and subtitling activities;*
- c to foster access in regional or minority languages to works produced in other languages by aiding and developing translation, dubbing, post-synchronisation and subtitling activities;*

466. In its second evaluation report (paragraphs 492-495), the Committee of Experts concluded that these undertakings were partly fulfilled and encouraged the authorities to provide more specific information in the next monitoring round.

467. From the information provided in their third periodical report (page 928), it is not clear to what extent the Spanish authorities have provided any concrete aid to the translation, dubbing and/or subtitling from and into Basque within the approved budget of *Euskarabidea* for Basque language cultural activities.

468. The Committee of Experts therefore considers that the undertakings remain partly fulfilled and urges the authorities to provide more specific information in the next monitoring round.

- d to ensure that the bodies responsible for organising or supporting cultural activities of various kinds make appropriate allowance for incorporating the knowledge and use of regional or minority languages and cultures in the undertakings which they initiate or for which they provide backing;*

469. In its second evaluation report (paragraphs 497-499), the Committee of Experts concluded that the undertaking was only partly fulfilled and invited the authorities to clarify whether the grants cover the actual needs of these cultural bodies and asked for the percentage of the activities carried out in Basque and in Castilian to properly evaluate the situation.

470. In their third periodical report (pages 929 – 936), the authorities state that *Euskarabidea* grants aids to cultural bodies. Financial aid was provided to a number of art-related and cultural bodies that carry out activities in a Basque language context. In 2008, four bodies received a total of €118 650.

471. Based on this information, the Committee of Experts considers that the undertaking is now fulfilled.

- e** *to promote measures to ensure that the bodies responsible for organising or supporting cultural activities have at their disposal staff who have a full command of the regional or minority language concerned, as well as of the language(s) of the rest of the population;*

472. In its second evaluation report (paragraphs 501-502) the Committee of Experts concluded that the undertaking was partly fulfilled and urged the Spanish authorities to provide more information in the forthcoming report.

473. According to the third periodical report, the authorities offer Basque language courses and training to all staff with responsibilities in the area of culture if such knowledge is required. This is also in accordance with the 'Foral' Decree 55/2009 that gives merit to the knowledge of Basque in the recruitment of public employees (see paragraph 428 above). The Committee of Experts welcomes this initiative taken by the authorities and asks for information on the practical effects of this Decree in the next periodical report.

474. In the meantime the Committee of Experts concludes that the undertaking is still partly fulfilled.

- f** *to encourage direct participation by representatives of the users of a given regional or minority language in providing facilities and planning cultural activities;*

475. In its second evaluation report (paragraphs 504-505), the Committee of Experts was again not able to conclude on this undertaking as no concrete information had been provided on how representatives of the Basque language in the "Basque-speaking zone" were encouraged to directly participate in providing facilities and planning cultural activities. Therefore, the Committee of Experts urged the Spanish authorities to include specific comments on this point in their next periodical report.

476. According to the information contained in the third periodical report, *Euskarabidea* is the public body in charge of, among other things, the planning and financing of cultural activities linked to the Basque language. Closely linked to this body is the Navarre Basque Language Council of which representatives of the Academy of the Basque Language and the University of Navarre and cultural associations are members.

477. Furthermore according to the report (pages 937 – 938), *Euskarabidea* collaborates with *Topagunea*<sup>9</sup>, a body that groups various Basque language cultural associations in Navarre, and receives subsidies from them.

478. The Committee of Experts concludes that the undertaking is fulfilled.

- g** *to encourage and/or facilitate the creation of a body or bodies responsible for collecting, keeping a copy of and presenting or publishing works produced in the regional or minority languages;*

479. In its second evaluation report (paragraph 509), the Committee of Experts concluded that this undertaking was fulfilled as far as literature and books were concerned but it encouraged the authorities to provide information in the next evaluation round on the audio, audiovisual and other works in Basque.

480. In their third periodical report (pages 938 – 940), the authorities explain that the Navarre General Library also contains audio and audiovisual works in Basque.

481. In addition, the *Filmoteka Navarra*<sup>10</sup> keeps works that were produced in Navarre. Some of them were produced in Basque or partly in Basque.

---

<sup>9</sup> <http://www.topagunea.org/>

<sup>10</sup> <http://www.inaac.es/indexEN.asp>

482. The Committee of Experts concludes that the undertaking is fulfilled.

### **Paragraph 3**

*The Parties undertake to make appropriate provision, in pursuing their cultural policy abroad, for regional or minority languages and the cultures they reflect.*

483. In its second evaluation report (paragraphs 517-519), the Committee of Experts considered that the undertaking was fulfilled although it invited the authorities to comment on the complaints received concerning Expolangue 2006 where there was no mention of Basque.

484. The authorities respond in their third periodical report (pages 943 – 945) that at least since 2007, Basque is the only language promoted by the Navarre authorities at language fairs, including recent Expolingua fairs. In future *Euskarabidea* will seek collaboration with the Basque Autonomous Community, or the Cervantes Institute for such ventures.

485. In this vein, *Euskarabidea* and the Cervantes Institute signed a collaboration agreement in March 2009 with a view to setting up a framework for institutional co-operation to promote the Basque language and culture abroad via the Cervantes Institute centres. During the on-the-spot visit, the Committee of Experts was informed by a representative of the Cervantes Institute that they offer courses in the co-official languages, mainly in Europe and the USA. It promotes these languages in co-operation with the language institutes of the respective autonomous community.

486. The Committee of Experts welcomes the information and considers that the undertaking remains fulfilled.

## **Article 13 – Economic and social life**

### **Paragraph 1**

*With regard to economic and social activities, the Parties undertake, within the whole country:*

- b to prohibit the insertion in internal regulations of companies and private documents of any clauses excluding or restricting the use of regional or minority languages, at least between users of the same language;*

487. Due to the lack of information regarding the situation in Navarre, the Committee of Experts was unable to conclude on this undertaking during its two previous monitoring rounds. In its second evaluation report (paragraph 521), the Government of Navarre informed the Committee of Experts that it had no legal provisions prohibiting or restricting the use of Basque in drafting technical documents, employment contracts or instructions on the use of products or services.

488. From the information provided in the third periodical report (page 946) the Navarre authorities have not taken any legal action explicitly prohibiting the insertion of clauses excluding or restricting the use of Basque in internal regulations of companies.

489. The Committee of Experts understands that the ‘foral’ law 18/1986 of 15 December on the Basque language lays down the main rules for the use of Basque in social and economic life. No reference is made to a specific provision that would prohibit the insertion of clauses restricting the use of regional or minority languages but the purpose of these laws is the promotion of the use of Basque in this sphere.

490. The Committee of Experts concludes that the undertaking is fulfilled.

- c to oppose practices designed to discourage the use of regional or minority languages in connection with economic or social activities;*

491. In the two previous evaluation rounds, the Committee of Experts was not in a position to conclude on this undertaking due to lack of information. Even though the authorities stated that they had not taken any action to forbid the inclusion of clauses prohibiting or restricting the use of Basque in the internal regulations of enterprises and private documents, the Committee of Experts asked for clarification whether using Basque was a common practice in those enterprises and if there were

practices designed to discourage the use of Basque in this field. The Committee of Experts urged the Spanish authorities to provide the relevant information in the next round.

492. According to the third periodical report (pages 947 – 948), the use of Basque in enterprises depends on its social use. The Committee of Experts understands that a programme was or is to be drawn up to promote social responsibility of businesses in Navarre. This includes actions to promote Basque, e.g. aid for implementing language plans addressed to companies.

493. Nonetheless, in the absence of any complaints received on practices designed to discourage the use of Basque in connection with economic and social activities, the Committee of Experts considers the undertaking fulfilled.

**d to facilitate and/or encourage the use of regional or minority languages by means other than those specified in the above sub-paragraphs.**

494. In its second evaluation report (paragraphs 527-529), the Committee of Experts concluded that this undertaking was not fulfilled as even if there was a widespread use of Basque in many businesses, shops and enterprises established in Navarre, the authorities had not adopted any measures to facilitate or encourage the use of Basque and remained passive in the socio-economic sector. The Navarre Law 7/2006 of 20<sup>th</sup> June on the Defence of Consumer and Users did not include the language rights of the speakers even for those in the “Basque-speaking zone”. The Committee encouraged the Spanish authorities to clarify the current situation in their next periodical report.

495. The third periodical report provides examples of campaigns carried out among other things in health promotion activities and other social fields, as well as in the economic fields, for example a plan for social responsibility of companies that includes reference to promotion of Basque.

496. The Committee of Experts considers that the undertaking is fulfilled.

## **Paragraph 2**

**With regard to economic and social activities, the Parties undertake, in so far as the public authorities are competent, within the territory in which the regional or minority languages are used, and as far as this is reasonably possible:**

**a to include in their financial and banking regulations provisions which allow, by means of procedures compatible with commercial practice, the use of regional or minority languages in drawing up payment orders (cheques, drafts, etc.) or other financial documents, or, where appropriate, to ensure the implementation of such provisions;**

497. In its second evaluation report (paragraphs 530-531), the Committee of Experts was again not in a position to conclude on this undertaking due to lack of information. According to non-governmental sources, the Government of Navarre had no regulations on the use of Basque in drafting financial documents.

498. In their third periodical report (pages 950 – 951), the authorities mention *Caja Navarra*, a credit institution. Its website is available in Basque, and client service in the “Basque-speaking zone” is possible in Basque.

499. The Committee of Experts therefore concludes that the undertaking is partly fulfilled.

**b in the economic and social sectors directly under their control (public sector), to organise activities to promote the use of regional or minority languages;**

500. In its second evaluation report (paragraphs 532-533), the Committee of Experts was again not in a position to conclude on this undertaking due to lack of information and urged the Spanish authorities to clarify:

- the economic and social sectors directly under the central and Navarre authorities’ control;
- concrete activities organised to promote the use of Basque in the “Basque-speaking zone” in each of these sectors.

501. In their third periodical report (pages 950 – 951), the authorities provide one example of a public sector, namely the Association of Municipalities (*Mancomunidad*) of the *Comarca* of Pamplona, a local entity which provides certain public services to citizens. At *Mancomunidad*, just as in other public service

communities located in the “Mixed zone”, according to the report, 50% of the customer attendance staff speak Basque, and the communities' invoices, communications, documentation for public outreach, maps and brochures are in Castilian and Basque.

502. Taking also the economic and social activities described under Article 13.1.d.) into consideration, as well as other campaigns and promotional activities mentioned in the third periodical report, the Committee of Experts considers that the undertaking is fulfilled.

- c to ensure that social care facilities such as hospitals, retirement homes and hostels offer the possibility of receiving and treating in their own language persons using a regional or minority language who are in need of care on grounds of ill-health, old age or for other reasons;**

503. In its second evaluation report (paragraphs 534 – 536), the Committee of Experts noted the lack of public medical information in Basque, even in the “Basque-speaking zone” and that in practice, the knowledge of Basque is required for only 0.7% of posts in this sector. It considered that the undertaking was not fulfilled, and it urged the authorities to:

- take a specific and documented position on the fulfilment of the present undertaking;
- comment on the complaints received by the Committee of Experts in the second monitoring round;
- provide concrete examples of how the use of Basque is ensured in the social care facilities.

504. According to the third periodical report (pages 951 – 956), the Navarre Public Administration Institute offers various types of Basque language courses to staff providing services in hospitals, homes for the elderly and asylums etc. Apart from that and the fact that some public medical information is issued also in Basque, it does not seem that the social care facilities have adopted a human resources policy that would ensure the use of Basque with those in need of care.

505. Non-governmental sources informed the Committee of Experts of the 2010 rulings of the Pamplona Court, the Court of Administrative Disputes of the High Court of Justice in Navarre concerning *Osasunbide*, the public health service, in favour of Basque. In a call for job applications for registered nurses, the Basque language had not been taken into consideration, despite the fact that some of these positions were in the “Basque-speaking zone”. The Committee of Experts would like to know whether these rulings have created a precedent for the relevant job announcements in the health sector to include the requirement of the knowledge of Basque.

506. Given that this undertaking obliges the authorities to *ensure* that social care facilities offer the possibility of receiving and treating persons in Basque, the Committee of Experts maintains its previous conclusion that the undertaking is not fulfilled.

***The Committee of Experts urges the authorities to ensure the use of Basque in social care facilities.***

- d to ensure by appropriate means that safety instructions are also drawn up in regional or minority languages;**

507. In its second evaluation report (paragraphs 538-539), the Committee of Experts considered that the undertaking was not fulfilled as there was no regulation for writing safety instructions in Basque in Navarre and the authorities' position was that safety was fully guaranteed since all regional or minority language speakers have a command of Castilian as well.

508. In their third periodical report (pages 956 – 961), the authorities provide examples of bilingual publications, brochures and catalogues on the planning of preventive activities, or regarding health matters. The Committee of Experts welcomes this, but it is not clear whether these safety instructions are displayed systematically.

509. Based on this information, the Committee of Experts considers the undertaking is partly fulfilled.

- e to arrange for information provided by the competent public authorities concerning the rights of consumers to be made available in regional or minority languages.**

510. In its second evaluation report (paragraphs 540 - 542) the Committee of Experts considered that the undertaking was not fulfilled as the legislation adopted in Navarre in the field of consumer protection in 2006 was disseminated throughout Navarre only in Castilian.

511. According to the third periodical report (pages 961 – 962) the 'Foral' Law on Consumer and User Protection is available in the Basque language. The staff of the Consumer Service are also able to carry out services in Basque. Forms and the Service's magazine are available in Basque.

512. Based on this information, the Committee of Experts considers that the undertaking is now fulfilled.

## **Article 14 – Transfrontier exchanges**

### ***The Parties undertake:***

- a to apply existing bilateral and multilateral agreements which bind them with the States in which the same language is used in identical or similar form, or if necessary to seek to conclude such agreements, in such a way as to foster contacts between the users of the same language in the States concerned in the fields of culture, education, information, vocational training and permanent education;***

513. In its two previous evaluation reports, the Committee of Experts asked the authorities to provide further information on bilateral treaties with France aimed at fostering contacts between Basque-speakers across the Spanish-French border in the sector of Navarre in the fields of culture, education, information, vocational training and permanent education. It was not in a position to conclude on this undertaking.

514. According to the third periodical report (page 962), the 2005 Framework Agreement signed by the Government of the Kingdom of Spain and the Government of the French Republic on education, language and culture programmes at school institutions in the two States refers exclusively to the Spanish and French languages and makes no reference whatsoever to the co-official languages. The Committee of Experts expresses its regret that regional or minority languages have not been included in this treaty. The Committee of Experts understands the difficulties in including regional or minority languages in bilateral treaties with countries that have not ratified the Charter. .

515. Nevertheless, the Committee of Experts is aware of the efforts undertaken by the Spanish authorities in the context of the European Union where co-official languages gained a special status based on agreements concluded with various European institutions. Speakers of all co-official languages may use their languages in the communication with the EU institutions. The Committee of Experts commends the authorities for this promotional approach (see paragraph 183 of the first evaluation report and paragraph 193 of the second evaluation report).

516. In view of the overall available information the Committee of Experts considers the undertaking fulfilled. The Committee of Experts encourages the authorities to pursue bilateral agreements with the countries in which the same or similar languages are spoken.

### 3.2.3 Basque in the Basque Country

#### Article 8 – Education

##### Paragraph 1

*With regard to education, the Parties undertake, within the territory in which such languages are used, according to the situation of each of these languages, and without prejudice to the teaching of the official language(s) of the State:*

- a i to make available pre-school education in the relevant regional or minority languages;*
- b i to make available primary education in the relevant regional or minority languages;*
- c i to make available secondary education in the relevant regional or minority languages;*

517. In its second evaluation report (paragraphs 552-554), the Committee of Experts considered these undertakings fulfilled.

518. While the Committee of Experts still considers the undertakings fulfilled in this third monitoring round, it encourages the authorities to ensure that a sufficient offer of Basque-medium education is secured in the future in the framework of the trilingual education model.

- d i to make available technical and vocational education in the relevant regional or minority languages;*

519. In its second evaluation report (paragraphs 555-557), the Committee of Experts considered that progress was achieved concerning the availability of Model D education but that it was still insufficient. It therefore considered the undertaking partly fulfilled.

520. According to the third periodical report (pages 700 – 701), in the academic year 2008/ 09, 22.08% of all pupils in technical and vocational education were enrolled in a Model D programme. This is a progress compared to 2006 (18%). As far as the Committee of Experts is aware, the offer of Model D in technical and vocational education is widely available and covers different professions.

521. Based on this information and taking into consideration the substantial efforts it takes to offer technical and vocational education in Basque, the Committee of Experts revises its previous conclusion and now concludes that the undertaking is fulfilled. It encourages the authorities to continue their efforts in maintaining and increasing the availability of technical and vocational education in Basque.

- f i to arrange for the provision of adult and continuing education courses which are taught mainly or wholly in the regional or minority languages;*

522. In its second evaluation report (paragraphs 558-560), the Committee of Experts again did not conclude on this undertaking due to the lack of information, and urged the authorities to comment on this undertaking in the next periodical report.

523. In their third periodical report (pages 704 – 707) the authorities again refer to the activities of the Autonomous Institute for Adult Literacy and “Euskaldunización” (HABE) which is a body responsible for teaching Basque. While welcoming the information, the Committee of Experts underlines that the chosen level of this undertaking requires Basque to be the language of instruction in adult education courses.

524. According to the information at the disposal of the Committee of Experts, the Basque employment service *Lanbide* and the Foundation for Lifelong Learning *Hobetuz* both offer courses in Basque. *Hobetuz* offers courses through the medium of Basque, besides the courses to learn Basque, in private companies founded by Basque authorities. The authorities claim that only few companies apply for grants to offer courses of training in Basque and that most are interested only in courses of Basque.

525. The Committee of Experts concludes that the undertaking is fulfilled.

- h to provide the basic and further training of the teachers required to implement those of paragraphs a to g accepted by the Party;*

526. In its second evaluation report (paragraphs 565 - 567), the Committee of Experts considered this undertaking fulfilled, but encouraged the Basque authorities to increase their efforts to improve the quality of teacher training.

527. Apart from an update on the data of the number of teachers in training, the third periodical report (pages 708 – 710) repeats the information contained in the second report. The data shows that the percentage of trained teachers teaching Basque as a subject or through the medium of Basque has increased and in 2007/2008 reached 78.8 % at private and public schools.

528. The Committee of Experts maintains its previous conclusion that the undertaking is fulfilled.

- i to set up a supervisory body or bodies responsible for monitoring the measures taken and progress achieved in establishing or developing the teaching of regional or minority languages and for drawing up periodic reports of their findings, which will be made public.*

529. In its second evaluation report (paragraphs 568 – 569), the Committee of Experts was again not in a position to conclude on this undertaking and invited the relevant authorities to provide further information on the periodicity and publicity of the reports of the Department for Education, Universities and Research or other administrative bodies.

530. In their third periodical report (pages 710 – 712), the authorities refer to the report of the Basque School Council of the Basque Country that inspects the schools, including linguistic aspects and quality of teaching. These reports are available to the public on the website of the Basque School Council.

531. The Committee of Experts concludes that the undertaking is fulfilled.

## **Article 9 – Judicial authorities**

### **Paragraph 1**

*The Parties undertake, in respect of those judicial districts in which the number of residents using the regional or minority languages justifies the measures specified below, according to the situation of each of these languages and on condition that the use of the facilities afforded by the present paragraph is not considered by the judge to hamper the proper administration of justice:*

*a in criminal proceedings:*

- i to provide that the courts, at the request of one of the parties, shall conduct the proceedings in the regional or minority languages; and/or*
- ii to guarantee the accused the right to use his/her regional or minority language; and/or*
- iii to provide that requests and evidence, whether written or oral, shall not be considered inadmissible solely because they are formulated in a regional or minority language; and/or*

*if necessary by the use of interpreters and translations involving no extra expense for the persons concerned;*

*b in civil proceedings:*

- i to provide that the courts, at the request of one of the parties, shall conduct the proceedings in the regional or minority languages; and/or*
  - ii to allow, whenever a litigant has to appear in person before a court, that he or she may use his or her regional or minority language without thereby incurring additional expense; and/or*
  - iii to allow documents and evidence to be produced in the regional or minority languages,*
- if necessary by the use of interpreters and translations;*

*c in proceedings before courts concerning administrative matters:*

- i to provide that the courts, at the request of one of the parties, shall conduct the proceedings in the regional or minority languages; and/or*

- ii to allow, whenever a litigant has to appear in person before a court, that he or she may use his or her regional or minority language without thereby incurring additional expense; and/or*
- iii to allow documents and evidence to be produced in the regional or minority languages, if necessary by the use of interpreters and translations;*

532. In its second evaluation report (paragraphs 575-585) the Committee of Experts considered the undertakings only partly fulfilled. The Committee encouraged the Spanish authorities:

- to amend the legal framework with a view to making it clear that the criminal, civil and administrative judicial authorities in the Basque Country will conduct the proceedings in Basque at the request of one party;

- to take the necessary measures to ensure, as appropriate, that the parties to a proceeding are specifically informed of the obligation of the judicial authorities in the Basque Country to conduct the proceedings in Basque if one of the parties so requests, in conformity with the undertakings entered into by Spain under Article 9 para. 1.a.i, 1.b.i and 1.c.i of the Charter;

- to take the necessary measures to increase, where appropriate, the proportion of judicial staff in the Basque Country, at all levels and particularly among judges and prosecutors, who are able to use Basque as a working language in courts.

533. On the basis of the observations made by the Committee of Experts in its second evaluation report, the Committee of Ministers recommended that the Spanish authorities **“take the necessary legal and practical measures to ensure that an adequate proportion of the judicial staff posted in the autonomous communities concerned by the application of Article 9 of the Charter have a working knowledge of the relevant language” [RecChL(2008)5].**

534. The Committee of Experts refers to paragraphs 72 to 81 above for its general evaluation of the implementation of Article 9.

535. According to the Basque authorities whom the Committee of Experts met during the on-the-spot visit, not much progress has been made in this field since the previous monitoring round.

536. According to evidence received from a Basque bar association, the Justice Department of the Basque Government has carried out awareness campaigns on the possibility to use Basque in court proceedings. In their estimation however, it seems that citizens who prefer to use Basque in their dealings with the justice administration or to request the use of Basque in court proceedings are still often perceived as troublemakers.

537. At present six judges are proficient in Basque. There are currently 35 judges, 16 secretaries and 18 civil servants who have the linguistic capacity to work in Basque. 25% of the judges speak Basque and can carry out a procedure in Basque in the Basque Autonomous Community. In Gipuzkoa 50% of the judges could do so. According to the General Council of the Judiciary, there are 5023 judges and magistrates in Spain. 17 of them have a certified knowledge of Basque. According to them, the low figure can be misleading, because it does not mean that there are not more judges who are proficient in the language.

538. According to the third periodical report (pages 76 – 77), the implementation of Decree 152/2008 of 29 July regulating the process of language normalisation in the Judicial Administration in the Basque Autonomous Community was completed with the approval of a Plan to normalise the use of Basque in the Judicial Administration in the Basque Country.

539. According to the representatives of the Basque judicial authorities whom the Committee of Experts met during the on-the-spot visit, progress has been made in bilingualism. New professionals are linguistically trained in the 14 offices of the judicial field. All members of staff receive training. 20% of the judicial staff are bilingual and there are resources for training them. Some positions involving contacts with civil society require a specific language profile. All documents that are submitted in Basque are accepted. There is an agreement with private and public universities to translate documents, with priority given to those documents that are really used, although the percentage is low. In June 2011, 50% of the documents used were bilingual. 93% of the communication is in Castilian. The Basque judicial

authorities further state that the computer software for civil servants is bilingual, and appears on screen by default in Basque.

540. The Basque authorities claim that there is a structural problem to ensure the implementation of these undertakings.

541. 256 speakers have requested court proceedings to be conducted in Basque. The appeals do not have to involve any delay because everything is done bilingually anyway.

542. Furthermore, one reason why Basque-speakers feel discouraged to use Basque in court is the fact that interpreters are required to interpret from Basque into Castilian, even if this has not been requested by any party. The number of requests from speakers to use Basque is very low despite the fact that more prosecutors and lawyers are now proficient in Basque. The conditions and resources have never been better.

543. The Committee of Experts notes with interest the introduction of the figure of the *trebatzaile* (assistant in language matters) in courtrooms. The Basque Government is also developing pilot schemes at certain courts for proceedings to be held entirely in Basque.

544. The Committee of Experts commends the efforts undertaken by the Basque administrative authorities and by the judicial authorities of the Basque Country to improve the opportunities to use Basque in the judiciary.

545. Despite the efforts made by the Basque authorities and encouraging signs that the number of staff with Basque language proficiency in the justice administration is generally increasing, Basque is still very seldom used in judicial proceedings. Few judges, senior judges, clerks of the court and public prosecutors have sufficient language skills to conduct judicial proceedings entirely in Basque, and those that are able to use Basque in proceedings are not used to doing so. Furthermore, this practice continues to be hampered by the systematic translation of Basque into Castilian, even if no party has requested it.

546. According to representatives of the speakers, written replies from the court are always in Castilian. In general, all procedures take place in Castilian, be it subpoenas, documentation, notifications, records of proceedings, internal paperwork, ruling, judicial decrees, etc.

547. Based on the information at the Committee of Experts' disposal and despite some practical difficulties concerning Article, 9. paragraph 1. a ii, iii, iv – b ii and iii, c ii and iii, the Committee of Experts concludes that those undertakings are fulfilled. The undertakings under Article 9. paragraph 1. a i; b i; c i; remain partly fulfilled.

***The Committee of Experts urges the Spanish authorities:***

***- to amend the legal framework with a view to making it clear that the criminal, civil and administrative judicial authorities in the Basque Country will conduct the proceedings in Basque at the request of one party;***

***- to take the necessary measures to ensure, as appropriate, that the parties to a proceeding are specifically informed of the obligation of the judicial authorities in the Basque Country to conduct the proceedings in Basque if one of the parties so requests, in conformity with the undertakings entered into by Spain under Article 9 para. 1.a.i, 1.b.i and 1.c.i of the Charter;***

***- to take the necessary measures to increase, where appropriate, the proportion of judicial staff in the Basque Country, at all levels and particularly among judges and prosecutors, who are able to use Basque as a working language in courts.***

### **Paragraph 3**

*The Parties undertake to make available in the regional or minority languages the most important national statutory texts and those relating particularly to users of these languages, unless they are otherwise provided.*

548. In its second evaluation report (paragraphs 586 - 591) the Committee of Experts considered that the undertaking remained partly fulfilled. Three points were underlined: the lack of sharing translation costs of legal texts, the lack of collaboration agreement between the Basque authorities and the Spanish government concerning the translation, publication and distribution of the Gazette publications and the lack of standardised legal terminology. It encouraged the authorities to continue their efforts to improve the current situation.

549. The third periodical report (page 714) lists a number of national legal texts that have been translated into Basque. The authorities do not respond to the points mentioned above. According to representatives of a bar association that the Committee of Experts met during its on-the-spot visit, the Spanish authorities have not carried out an official translation of the most important statutory texts into Basque. It seems that legal texts are translated by Basque institutions and universities.

550. The Committee of Experts was informed that the authorities of the Basque Autonomous Community signed an agreement with the State authorities regarding the publication of the State Official Gazette in Basque. This also has implications for Navarre, which will benefit from this agreement.

551. Standardised legal terminology is, in the view of the above-mentioned bar association, more highly developed and unified than ever before, also with the help of IT tools.

552. The Committee of Experts concludes that the undertaking is fulfilled.

## **Article 10 – Administrative authorities and public services**

### **Paragraph 1**

*Within the administrative districts of the State in which the number of residents who are users of regional or minority languages justifies the measures specified below and according to the situation of each language, the Parties undertake, as far as this is reasonably possible:*

- a i to ensure that the administrative authorities use the regional or minority languages;*

553. In its second evaluation report (paragraphs 593-596), the Committee of Experts considered this undertaking partly fulfilled.

554. The third periodical report (pages 862 – 905) indicates the extent to which Basque is used in various state ministries, with regard to websites, forms, brochures, translations of documents and language training of staff. It seems that Basque is used to a very varying degree. However, no comprehensive overview is provided on the numbers of Basque-speaking staff within the relevant State administration offices, or whether the language training has led to an increase in staff with Basque language knowledge.

555. As for signage on the buildings of these offices, from the information provided, this seems to be overall satisfactory. As for accessibility of webpages of the ministries or State administration bodies, static information and first level navigation is usually available in Basque. Representatives of the speakers complained during their meeting with the Committee of Experts about the lack of translations on some of the websites State ministries. Often the static information and first level navigation is translated into Basque, but many documents are only available in Castilian. According to them, the most frequently used documents have not been made available in Basque.

556. As to staff with knowledge of Basque, from those ministries that submitted information, an average of 15 – 25% have knowledge of Basque. Only a small percentage have an advanced command of Basque. According to the evidence provided by non-governmental sources, the number of Basque-speaking staff is “appallingly low”, especially with the view to ensuring that staff can provide services to the citizens in that language.

557. Based on the data provided in the third periodical report, the average percentage of requests submitted in Basque is low. The number of replies given in Basque is even smaller, and in some offices non-existent.

558. Language training for civil servants continues to be carried out by the National Institute of Public Administration.

559. While it seems that some progress has been achieved since the previous monitoring round, the use of Basque is not guaranteed systematically. Partial translation and publication of information further means that the provision of Basque remains very patchy. The data on the written and oral use of Basque suggest that speakers are either not aware of their rights, discouraged from using Basque, or not accustomed to addressing offices in Basque. There does not seem to be an overall policy or strategic approach to analyse the overall current state of affairs and plan a more systematic provision of documents and sufficient staff with an adequate knowledge of Basque. In this regard it is important that the State administration offices of the same state body in both Autonomous Communities where Basque is spoken co-operate more closely. The Committee of Experts encourages the authorities to provide sufficient resources to the Council of Official Languages in the General State Administration to carry out this task.

560. The overall picture is that the use of Basque in State administration bodies is still patchy. The Committee of Experts is of the view that the authorities should take a proactive attitude and adopt a structured policy in order to ensure that the administrative authorities use Basque on a more regular and systematic basis.

561. The Committee of Experts concludes that the undertaking remains partly fulfilled.

***b to make available widely used administrative texts and forms for the population in the regional or minority languages or in bilingual versions;***

562. In its second evaluation report (paragraphs 597-600), the Committee of Experts noted that of the 782 forms available in the Basque Country, 168 were bilingual. The Committee of Experts was not able to identify which of these forms could be considered as widely used, and therefore considered the undertaking as partly fulfilled.

563. According to the information provided in the third periodical report, it seems that on average approximately one third of the forms are generally available to citizens in State administrative offices located in the Autonomous Community. As mentioned in paragraph 289 above, according to representatives of the speakers many documents are only available in Castilian. According to them, the most frequently used documents have not been made available in Basque.

564. The Committee of Experts concludes that the undertaking remains partly fulfilled.

***c to allow the administrative authorities to draft documents in a regional or minority language.***

565. In its second evaluation report (paragraphs 601 - 605), the Committee of Experts considered that this undertaking was only partly fulfilled.

566. From the information provided in the third periodical report (page 764), civil registries in Basque occur in practice.

567. Based on this information, the Committee of Experts concludes that the undertaking is fulfilled.

## **Paragraph 2**

***In respect of the local and regional authorities on whose territory the number of residents who are users of regional or minority languages is such as to justify the measures specified below, the Parties undertake to allow and/or encourage:***

***a the use of regional or minority languages within the framework of the regional or local authority;***

568. In its second evaluation report (paragraphs 607-611), the Committee of Experts considered that, with respect to the regional authorities, there was room for improvement, especially concerning the autonomy police force (*Ertzaintza*) and the health service (*Osakidetza*), despite the efforts made

by the Basque authorities. As far as the local authorities were concerned, the Committee of Experts observed that some problems raised in the first round prevailed, such as the shortcomings to provide oral services to Basque-speaking citizens in some municipalities. Therefore, the Committee of Experts considered that the undertaking was partly fulfilled.

569. According to the third periodical report (pages 766 – 767), at the regional level, the Basque authorities recognise that there are persisting shortcomings in the use of Basque in the police force of the *Ertzaintza* and the health service *Osakidetza*, mostly due to the lack of language proficiency of staff. The Basque authorities offer language training courses.

570. According to the Basque authorities that the Committee of Experts met during the on-the-spot visit, 50% of the staff at the health department speak Basque but work mainly in Castilian. As for the local municipalities, the problems detected in the previous monitoring rounds seem to prevail.

571. The Committee of Experts therefore maintains its previous conclusion that the undertaking is partly fulfilled.

*b the possibility for users of regional or minority languages to submit oral or written applications in these languages;*

572. In its second evaluation report (paragraphs 612-614), the Committee of Experts considered that this undertaking was still partly fulfilled as regards local authorities.

573. The third periodical report does not provide any new information with regard to this undertaking.

574. Therefore the Committee of Experts maintains its previous conclusion that the undertaking is partly fulfilled.

### **Paragraph 3**

*With regard to public services provided by the administrative authorities or other persons acting on their behalf, the Parties undertake, within the territory in which regional or minority languages are used, in accordance with the situation of each language and as far as this is reasonably possible:*

*a to ensure that the regional or minority languages are used in the provision of the service;*

575. In its second evaluation report (paragraphs 620-623), the Committee of Experts considered that the undertaking was formally fulfilled. It encouraged the Basque authorities to adopt the relevant decree to implement the existing legal framework regarding Law 6/2003 on the status of consumers and users that obliges the presence of Castilian and Basque when a service is provided. On the basis of the observations made by the Committee of Experts in its second evaluation report, the Committee of Ministers recommended that the Spanish authorities “**ensure the presence of all regional or minority languages in state owned public services**” [RecChL(2008)5].

576. According to the third periodical report (page 770), Decree 123/2008 was approved in July 2008 to guarantee the language rights of consumers and users. The Committee of Experts has also been informed that utility bills are provided in bilingual forms. As for public transport, the services are also provided bilingually. However, according to evidence submitted by non-governmental organisation, public services run by private enterprises on behalf of the authorities generally do not take regional or minority languages into account in recruitment, service provision, customer services, web pages or correspondence. The same applies to post offices.

577. The Committee of experts considers that the undertaking is now partly fulfilled. It encourages the authorities to insert in public tenders also the obligation to use Basque.

### **Paragraph 4**

*With a view to putting into effect those provisions of paragraphs 1, 2 and 3 accepted by them, the Parties undertake to take one or more of the following measures:*

*a translation or interpretation as may be required;*

*b recruitment and, where necessary, training of the officials and other public service employees required;*

578. In its second evaluation report (paragraphs 624-632), the Committee of Experts noted the small number of Basque translators and the fact that the demand of citizens was not met. Even if the language requirement was taken into account for certain posts in the recruitment in the State peripheral administration, the Committee of Experts had not been informed of any significant change in the career and training structure in the State public administration. Furthermore, it had been informed about the exclusion of the courses organised in co-operation with the Basque authorities of the staff of the National Institute of Social Security and the Social Security Treasury, which had their own training resources. It considered these undertakings only partly fulfilled with respect to the peripheral State administration. Regarding regional authorities, the undertaking was fulfilled.

579. Therefore, it urged the Spanish authorities to review the career and training structure in the State public administration with a view to ensuring that an adequate proportion of the staff posted in the State administration offices located in the Basque Country have the necessary command of the Basque language to be able to use it as a working language. On the basis of the observations made by the Committee of Experts in its second evaluation report, the Committee of Ministers recommended that the Spanish authorities “**review the recruitment, career and training schemes for the staff of the State administration offices with a view to ensuring that an adequate proportion of the staff posted in the autonomous communities have a working knowledge of the relevant language**” [RecChL(2008)5].

580. The third periodical report (page 771) mentions Decree 88/2009 of 21 April which regulates the professional authorisation and registration of sworn translators and interpreters from and into Basque.

581. During the on-the-spot, the Committee of Experts was informed about the new project of the Basque authorities which aims to improve automatic translation facilities for public employees.

582. On the level of State administration the Committee of Experts observes that the State has the legal possibility through State Law 7/2007 of 12 April on the Basic Statute of Public Employees to ensure that an adequate proportion of State administration staff located in the autonomous communities have a working knowledge of the regional or minority language in question. However, the Committee of Experts observes that there still is an inadequate proportion of state administration staff mastering Basque due to a lack of systematic policy on recruiting and training of personnel in this respect.

583. The Committee of Experts concludes that the undertakings remain fulfilled with regard to the regional authorities and partly fulfilled with respect to local State administration bodies.

*c compliance as far as possible with requests from public service employees having a knowledge of a regional or minority language to be appointed in the territory in which that language is used.*

584. In its second evaluation report (paragraphs 633-635), the Committee of Experts urged the relevant authorities to provide information on State authorities and public services in the third periodical report.

585. The third periodical report does not provide any information with regard to the State authorities and public services.

586. Nevertheless, as the Committee of Experts has not received any complaints with regard to this undertaking, it considers the undertaking fulfilled.

## Article 11 – Media

### Paragraph 1

*The Parties undertake, for the users of the regional or minority languages within the territories in which those languages are spoken, according to the situation of each language, to the extent that the public authorities, directly or indirectly, are competent, have power or play a role in this field, and respecting the principle of the independence and autonomy of the media:*

*c i to encourage and/or facilitate the creation of at least one television channel in the regional or minority languages;*

587. In its second evaluation report (paragraphs 642-646), the Committee of Experts considered this undertaking not fulfilled and urged the authorities to provide information on private television in Basque in the Basque Country.

588. According to the information in the third periodical report (pages 776 - 778), the new media legislation of the Basque Autonomous Community provides that both publicly and privately run channels are required to provide a minimum broadcasting time in Basque. The regulatory arrangement ensures that in future there will be local private television channels broadcasting entirely in Basque in all areas in the Basque Autonomous Community.

589. Based on the information received, the Committee of Experts concludes that the undertaking is fulfilled.

**g to support the training of journalists and other staff for media using regional or minority languages.**

590. In its second evaluation report (paragraphs 655-658), the Committee of Experts considered that this undertaking was not fulfilled and encouraged the relevant authorities to provide specific information on how the training is ensured in practice.

591. According to the third periodical report (page 781), the University of the Basque Country offers journalism courses entirely in Basque. There are also training programmes for other media staff in Basque supported by the Basque authorities.

592. The Committee of Experts considers that the undertaking is fulfilled.

### **Paragraph 3**

***The Parties undertake to ensure that the interests of the users of regional or minority languages are represented or taken into account within such bodies as may be established in accordance with the law with responsibility for guaranteeing the freedom and pluralism of the media.***

593. No relevant and specific information was given in the two previous periodical reports. Therefore, the Committee of Experts urged the authorities to provide the relevant information in the third periodical report.

594. According to the information at the Committee of Experts' disposal, there is no Audiovisual Council in the Basque Autonomous Community. However, at the Council of EITB, different sectors of society are represented, including from the Royal Academy of Basque language.

595. Based on this information, the Committee of Experts considers the undertaking fulfilled.

## **Article 12 – Cultural activities and facilities**

### **Paragraph 1**

***With regard to cultural activities and facilities – especially libraries, video libraries, cultural centres, museums, archives, academies, theatres and cinemas, as well as literary work and film production, vernacular forms of cultural expression, festivals and the culture industries, including inter alia the use of new technologies – the Parties undertake, within the territory in which such languages are used and to the extent that the public authorities are competent, have power or play a role in this field:***

**e to promote measures to ensure that the bodies responsible for organising or supporting cultural activities have at their disposal staff who have a full command of the regional or minority language concerned, as well as of the language(s) of the rest of the population;**

596. In its second evaluation report (paragraphs 666-668), the Committee of Experts considered that the undertaking was fulfilled but that there was room for improvement since the majority of cultural agents operating in the Basque Country did not have a command of Basque.

597. From the information provided in the third periodical report (page 792), it seems that Basque language proficiency is required to some extent for posts within such cultural bodies.

598. The Committee of Experts concludes that the undertaking remains fulfilled.

### **Paragraph 3**

*The Parties undertake to make appropriate provision, in pursuing their cultural policy abroad, for regional or minority languages and the cultures they reflect.*

599. This undertaking was considered fulfilled by the Committee of Experts in its first evaluation report (see paragraphs 594-596). According to the third periodical report (page 74), Basque Law 3/2007 of 20 April created the public *Etxepare Euskal Institutua*<sup>11</sup> (Basque Institute). *Etxepare's* aim is to disseminate and promote the Basque language and culture all over the world, therefore taking on the linguistic and cultural work previously carried out in the field by different Basque Government authorities while working on new programmes and activities compliant to its mission. The Committee of Experts commends the authorities for this initiative.

600. During the on-the-spot visit, the Committee of Experts was informed by a representative of the Cervantes Institute that they offer courses in the co-official languages, mainly in Europe and the USA. It promotes these languages in co-operation with the language institutes of the respective autonomous community.

601. The Committee of Experts concludes that undertaking remains fulfilled.

## **Article 13 – Economic and social life**

### **Paragraph 1**

*With regard to economic and social activities, the Parties undertake, within the whole country:*

*c to oppose practices designed to discourage the use of regional or minority languages in connection with economic or social activities;*

602. In its second evaluation report (paragraphs 686-689), the Committee of Experts considered that the undertaking was fulfilled but encouraged the authorities to pursue their efforts in this field and to report in the third periodical report on the progress achieved.

603. The third periodical report does not contain any new information in this respect.

604. Nonetheless, in the absence of any complaints received on practices designed to discourage the use of Basque in connection with economic and social activities, the Committee of Experts considers the undertaking fulfilled.

### **Paragraph 2**

*With regard to economic and social activities, the Parties undertake, in so far as the public authorities are competent, within the territory in which the regional or minority languages are used, and as far as this is reasonably possible:*

*a to include in their financial and banking regulations provisions which allow, by means of procedures compatible with commercial practice, the use of regional or minority languages in drawing up payment orders (cheques, drafts, etc.) or other financial documents, or, where appropriate, to ensure the implementation of such provisions;*

605. In the second evaluation report (paragraphs 690-693), the Committee of Experts was once more not in a position to conclude due to conflicting information between sources. It urged the authorities to clarify to what extent the Law No. 6/2003 on the Status of Consumers and Users applied to banking.

606. Since the previous monitoring round, the Basque Government passed Decree 123/2008 on the language rights of consumers and users. Relevant to this undertaking, its Article 10 stipulates that:

1.- Financial and credit entities with branches open to the public in the Autonomous Community of the Basque Country must be able to provide customers with cheques, promissory notes, cheque books, debit and credit cards, as well as any other similar documents offered to them, in Basque and Spanish;

---

<sup>11</sup> <http://www.etxepareinstitutua.net/>

2.- Whenever these entities allow consumers and users to request the documents referred to in the previous paragraph by electronic means, they must be in a position to issue them in Spanish and Basque;

3.- Notwithstanding the provisions established in paragraph 1, when financial and credit entities comply with any of the requirements established in Article 2.3, they shall be subject to the other obligations established in this Decree.

607. According to the third periodical report (page 806), several banks received financial aid for the development of the language rights of consumers and users. In addition, the Basque Government signed a Collaboration Framework Agreement to promote the use of Basque in three main Basque banks.

608. Based on this information and in the absence of any complaints, the Committee of Experts considers the undertaking fulfilled.

***b in the economic and social sectors directly under their control (public sector), to organise activities to promote the use of regional or minority languages;***

609. In its second evaluation report (paragraphs 694 - 697) the Committee of Experts noted that an implementing regulation was still needed for Law No. 6/2003 on the Status of Consumers and Users and requested the authorities to report on any measures taken to implement these provisions, providing concrete examples.

610. As mentioned in the preceding undertaking, Decree 123/2008 on the language rights of consumers and users entered into force. In order to facilitate the implementation of this Decree, according to the third periodical report (pages 807 – 808), the Basque Government granted €600 000 to 26 applicant entities in 2008, and €556 952 in 2009.

611. During the on-the-spot visit, the Basque authorities informed the Committee of Experts of a Decree, developing the Law 6/2003 that was passed in Parliament in 2010 to impose sanctions on companies and commercial establishments that did not comply with the language obligations. The Law is at present at a standstill, and the new Basque Government plans to abolish the section on sanctions. In any case, according to non-governmental sources, the Basque Government acknowledges that the Decree is limited in scope, since only 5% of businesses would be obliged to comply with the legislation (this is based on certain criteria, i.e. minimum number of employees, minimum turnover, square metres, percentage of speakers in the area).

612. According to the third periodical report (page 77), Decree 53/2009, of 3 March created the *Sello de Compromiso Lingüístico-Bikain* (Commitment to Language Seal) and the Language Management Quality Certificate (Bikain) to certify and recognise the degree of normalisation of the use, presence and management of Basque in the socio-economic sphere. It is open to public and private entities and business units or official work centres operating in the Basque Autonomous Community.

613. The Committee of Experts commends the authorities for the adoption of the Decrees and the facilitation of their implementation. It considers the undertaking fulfilled.

***c to ensure that social care facilities such as hospitals, retirement homes and hostels offer the possibility of receiving and treating in their own language persons using a regional or minority language who are in need of care on grounds of ill-health, old age or for other reasons;***

614. In the second evaluation report (paragraphs 698 – 702), the Committee of Experts considered that this undertaking was still only partly fulfilled.

615. The third periodical report does not contain any new information with regard to this undertaking.

616. The Basque authorities informed the Committee of Experts during the on-the-spot visit that they had received several complaints through *Elebide* with regard to the use of Basque in social care facilities in this respect. *Elebide* is a service that was set up by the Vice-Ministry of Language Policy in 2006, in order to channel complaints, enquiries and suggestions from citizens on the use of Basque.

617. The authorities also informed the Committee of Experts during the on-the-spot visit that the criteria for appointing staff in the health system are the same as in the administration, meaning it is vital

to have a good command of written Basque. Doctors are required to know the language to a high level, i.e. including written competence although oral command is more important.

618. In the view of the representatives of the speakers, the language proficiency amongst staff particularly within the health service is insufficient.

619. The Committee of Experts considers that the undertaking remains partly fulfilled.

*d to ensure by appropriate means that safety instructions are also drawn up in regional or minority languages;*

620. In its second evaluation report (paragraphs 703 - 705), the Committee of Experts considered that the undertaking was formally fulfilled and requested more information on the practice regarding safety instructions and concrete examples in the third periodical report.

621. The authorities state in their third periodical report (page 809) that there is currently no specific regulation governing the use of language in safety instructions, although regulations governing language rights of consumers and users indirectly apply in this respect.

622. Without having received any concrete examples of implementation of these regulations relevant to this undertaking, the Committee of Experts maintains its previous conclusion that the undertaking is formally fulfilled.

#### **Article 14 – Transfrontier exchanges**

*The Parties undertake:*

*a to apply existing bilateral and multilateral agreements which bind them with the States in which the same language is used in identical or similar form, or if necessary to seek to conclude such agreements, in such a way as to foster contacts between the users of the same language in the States concerned in the fields of culture, education, information, vocational training and permanent education;*

623. In its second evaluation report (paragraphs 706 - 709) the Committee of Experts was unable to conclude on this undertaking in the absence of specific information and requested more information on bilateral treaties with France concerning contacts between Basque-speakers across the border.

624. The third periodical report does not contain any information in this respect, nor has the Committee of Experts received any information from other sources.

625. The Committee of Experts expresses its regret that regional or minority languages have not been included in this treaty. The Committee of Experts understands the difficulties in including regional or minority languages in bilateral treaties with countries that have not ratified the Charter.

626. Nevertheless, the Committee of Experts is aware of the efforts undertaken by the Spanish authorities in the context of the European Union where co-official languages gained a special status based on agreements concluded with various European institutions. Speakers of all co-official languages may use their languages in the communication with the EU institutions. The Committee of Experts commends the authorities for this promotional approach (see paragraph 183 of the first evaluation report and paragraph 193 of the second evaluation report).

627. In view of the overall available information the Committee of Experts considers the undertaking fulfilled. The Committee of Experts encourages the authorities to pursue bilateral agreements with the countries in which the same or similar languages are spoken.

### 3.2.4 Catalan in the Balearic Islands

## Article 8 – Education

### Paragraph 1

*With regard to education, the Parties undertake, within the territory in which such languages are used, according to the situation of each of these languages, and without prejudice to the teaching of the official language(s) of the State:*

- a i to make available pre-school education in the relevant regional or minority languages;*
- b i to make available primary education in the relevant regional or minority languages;*
- c i to make available secondary education in the relevant regional or minority languages;*

628. In its second evaluation report (paragraphs 717 – 722), the Committee of Experts observed that as a result of Decree 52/2006 the teaching in Catalan had decreased from 50% to 33%. The Committee of Experts considered the undertakings not fulfilled and urged the competent authorities to develop educational models essentially in Catalan for pre-school, primary school and secondary school in the Balearic Islands, in conformity with the specific undertakings entered into in these areas by Spain.

629. According to the third periodical report (pages 427 – 431), Decree 52/2006 on Trilingualism was revoked by Decree 67/2008 of 6 June on pre-school, primary and lower secondary education.

630. With regard to pre-school education, Decree 71/2008 of 27 June referring to the curriculum in pre-school education prescribes a minimum number of hours for subjects taught in Catalan. Its Article 6 states that Catalan language will be used as the language of teaching, learning and communication with the aim that at the end of this level of education pupils are able to communicate with other children and with teachers in Catalan and, when they start primary school, are able to follow the subjects that are taught in this language. According to the representatives of the speakers, most schools comply with the Decree, although the agreed private schools comply to a lesser degree.

631. With regard to primary and secondary education, the third periodical report (page 87) mentions Decree 72/2008 of 27 June, establishing the primary education curriculum in the Balearic Islands; Decree 73/2008 of 27 June, establishing the compulsory secondary education curriculum in the Balearic Islands; Decree 82/2008 of 25 July, establishing the structure and curriculum of Baccalaureate education in the Balearic Islands. No information is provided on the content of these Decrees.

632. According to non-governmental sources, some schools, especially in Palma and Calvià, teach less than the prescribed 50% of the subjects in Catalan. It seems that this is due to the high number of non-speakers arriving in the Balearic Islands. In their view, teachers need more support in this respect, including teaching material. Each school council decides on the share of Catalan subjects. In Palma there are no entirely Catalan-medium schools. Entire Catalan-medium education is more widespread in pre-school and primary schools, and in some rural areas. At some schools, Catalan is only taught as a subject.

633. The Committee of Experts concludes that Article 8.1. a.i is fulfilled and Article 8.1. b.i and c.i. are partly fulfilled.

***The Committee of Experts urges the authorities to make available Catalan-medium primary and secondary education in the Balearic Islands.***

- d i to make available technical and vocational education in the relevant regional or minority languages;*

634. In the two previous monitoring rounds, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking due to lack of information and urged the Spanish authorities to provide specific information in their forthcoming report.

635. From the information provided in the third periodical report (page 432), it does not seem that vocational Catalan-medium education is made available in the Balearic Islands. During the on-the-spot

visit, representatives of the speakers informed the Committee of Experts that Catalan is mainly offered as a subject.

636. Considering the highest level of commitment taken by Spain under this undertaking the Committee of Experts concludes that the undertaking is not fulfilled.

***The Committee of Experts encourages the authorities to make available technical and vocational education in Catalan.***

- e i to make available university and other higher education in regional or minority languages; or
- ii to provide facilities for the study of these languages as university and higher education subjects; or
- iii ***if, by reason of the role of the State in relation to higher education institutions, sub-paragraphs i and ii cannot be applied, to encourage and/or allow the provision of university or other forms of higher education in regional or minority languages or of facilities for the study of these languages as university or higher education subjects;***

637. In its second evaluation report (paragraphs 726 – 728), the Committee of Experts considered that the undertaking was fulfilled. It nevertheless encouraged the Spanish authorities to maintain the financial support provided for research activities. It also urged the authorities to provide information on the proportion of subjects taught in Catalan at University level.

638. No such information is provided in the third periodical report.

639. While the undertaking remains fulfilled, the Committee of Experts again urges the authorities to provide information on the proportion of subjects taught in Catalan at University level.

- h to provide the basic and further training of the teachers required to implement those of paragraphs a to g accepted by the Party;***

640. In its second evaluation report (paragraphs 732 – 735), the Committee of Experts once more lacked information to reach a conclusion on this undertaking and urged the competent authorities to provide specific information on how the basic training of teachers and further training were concretely organised. It also urged the authorities to clarify whether the arrangements concerning the basic training and the system of re-training were sufficient to meet the demand for teachers teaching in Catalan, with regard to the various subjects concerned.

641. According to the third periodical report (page 438), the plan for further training and linguistic and cultural education in the ruling of the Ministry of Education and Culture of 20 August 2008, and the qualifications required, determine the teaching of classes in and of the Catalan language of the Balearic Islands.

642. During the on-the-spot visit, the Committee of Experts was informed by representatives of the speakers that all teaching positions are classified as bilingual and teachers must therefore receive a training certificate and reach C1 proficiency level, as they must master all subjects in both languages. The initial teacher training in Catalan is no longer obligatory for all students and Catalan is now offered as an optional subject. The Faculty of Pedagogy offers subjects in Catalan in the curriculum for teacher training.

643. Based on this information, the Committee of Experts concludes that the undertaking is fulfilled.

- i to set up a supervisory body or bodies responsible for monitoring the measures taken and progress achieved in establishing or developing the teaching of regional or minority languages and for drawing up periodic reports of their findings, which will be made public.***

644. In its second evaluation report (paragraphs 736 – 737), the Committee of Experts was again unable to conclude on this undertaking, since it was not aware of any drafting of periodic reports by the Educational inspection which were made public. It urged the Spanish authorities to provide further elements in the next periodical report.

645. No information with regard to the application of this undertaking is provided in the third periodical report. The representatives of the speakers whom the Committee of Experts met during the on-the-spot visit were not aware of any reports by the Inspectorate or the School Council of the Balearic Islands that were made public. They claimed that the Inspectorate only examined the school planning.

646. The Committee of Experts points out that the current undertaking does not necessarily require the setting up of a new body to carry out the monitoring envisaged under this undertaking. It is for example possible for existing supervisory bodies to carry out these functions and be integrated into existing administrative structures. In that case, there would be a need for a single body to co-ordinate, analyse and present the work carried out by the other bodies. This task could in turn be carried out by one of the already existing bodies.

647. This undertaking goes beyond the inspection and reporting of mainstream education. It requires evaluating and analysing the measures taken and the progress achieved with regard to regional or minority language education. The report should, among other things, contain information on the extent and availability of Catalan language education together with developments in language proficiency, teacher supply and the provision of teaching materials.

648. The drafting of comprehensive periodic reports need not depend on major resources, if the existing supervisory work on the ground is already extensive. A comprehensive report would be the logically consistent and tangible conclusion of the concerted supervisory work. Finally these periodic reports should be made public (see the Committee of Experts' third report on the evaluation on Germany ECRML (2008) 4, paragraphs 77 – 79).

649. The Committee of Experts must conclude that the undertaking is not fulfilled.

## **Article 9 – Judicial authorities**

### **Paragraph 1**

*The Parties undertake, in respect of those judicial districts in which the number of residents using the regional or minority languages justifies the measures specified below, according to the situation of each of these languages and on condition that the use of the facilities afforded by the present paragraph is not considered by the judge to hamper the proper administration of justice:*

**a** *in criminal proceedings:*

- i to provide that the courts, at the request of one of the parties, shall conduct the proceedings in the regional or minority languages; and/or*
- ii to guarantee the accused the right to use his/her regional or minority language; and/or*
- iii to provide that requests and evidence, whether written or oral, shall not be considered inadmissible solely because they are formulated in a regional or minority language; and/or*
- iv to produce, on request, documents connected with legal proceedings in the relevant regional or minority language,*  
*if necessary by the use of interpreters and translations involving no extra expense for the persons concerned;*

**b** *in civil proceedings:*

- i to provide that the courts, at the request of one of the parties, shall conduct the proceedings in the regional or minority languages; and/or*
- ii to allow, whenever a litigant has to appear in person before a court, that he or she may use his or her regional or minority language without thereby incurring additional expense; and/or*
- iii to allow documents and evidence to be produced in the regional or minority languages,*  
*if necessary by the use of interpreters and translations;*

**c** *in proceedings before courts concerning administrative matters:*

- i to provide that the courts, at the request of one of the parties, shall conduct the proceedings in the regional or minority languages; and/or*

- ii *to allow, whenever a litigant has to appear in person before a court, that he or she may use his or her regional or minority language without thereby incurring additional expense; and/or*
- iii *to allow documents and evidence to be produced in the regional or minority languages,*  
*if necessary by the use of interpreters and translations;*

650. In the second monitoring round (paragraphs 744 – 747 of the second evaluation report), the Committee of Experts had been informed about negative attitudes of judges towards citizens who wanted to use Catalan in proceedings. It considered the undertakings not fulfilled and, as in the first monitoring cycle, urged the Spanish authorities to take the following measures with a view to complying with Article 9 :

- to amend the legal framework with a view to making it clear that the criminal, civil and administrative judicial authorities in the Balearic Islands will conduct the proceedings in Catalan at the request of one party;
- to take the necessary measures to ensure, as appropriate, that the parties to a proceeding are specifically informed of the obligation of the judicial authorities in the Balearic Islands to conduct the proceedings in Catalan if one of the parties so requests, in conformity with the undertakings entered into by Spain under Article 9 para. 1.a.i, 1.b.i and 1.c.i of the Charter;
- to take the necessary measures to increase the proportion of judicial staff in the Balearic Islands, at all levels and particularly among judges and prosecutors, able to use Catalan as a working language in courts;
- to develop adequate training schemes for the judicial staff as well as for lawyers.

651. On the basis of the observations made by the Committee of Experts in its second evaluation report, the Committee of Ministers recommended that the Spanish authorities “**take the necessary legal and practical measures to ensure that an adequate proportion of the judicial staff posted in the autonomous communities concerned by the application of Article 9 of the Charter have a working knowledge of the relevant language**” [RecChL(2008)5].

652. The Committee of Experts refers to paragraphs 72 to 81 above for its general evaluation of the implementation of Article 9.

653. The third periodical report (page 440) merely states that the Chamber for Contentious Administrative Cases of the Higher Court of the Balearic Islands uses both Castilian and Catalan (sentences, resolutions and orders). During the on-the-spot visit, the Committee of Experts received contradictory information on whether this is the case in practice.

654. According to the information received from non-governmental associations and from a representative of the High Court of the Balearic Islands during the on-the-spot visit, parties are not informed about their right to use Catalan in court proceedings, let alone to conduct a proceeding in Catalan.

655. Furthermore, according to the information received from representatives of speakers, in criminal cases, the use of Catalan is almost non-existent in all of the Balearic Islands, whereas the situation seems slightly better with respect to civil proceedings. Court users encounter obstacles when addressing courts in Catalan. A few lawyers use Catalan, although professionals usually communicate in Castilian, apparently because they lack vocabulary in Catalan needed in the judicial field and are not used to using Catalan in the professional context. Most of the judges in the Balearic Islands are in fact Catalan. However, there is a certain amount of reluctance to use Catalan. In criminal cases, it is apparently looked upon badly if a request is made to use Catalan. One recent case was reported to the Committee of Experts of a judge who refused to conduct a trial in Catalan, giving the reason that the attorney would not understand Catalan.

656. The attitude of the justice administration towards the Catalan language is also disappointing, according to the representatives of the speakers. In their estimation (there do not seem to be any statistical records), the majority of administrative staff are Castilian-speaking. In Ibiza, court staff respond

in Catalan, in Mallorca it depends. Some reports are issued in Catalan. Catalan court interpreters are not available in the Balearic Islands.

657. According to the General Council of the Judiciary, 1029 out of the 5023 judges and magistrates in Spain have a certified knowledge of Catalan.

658. Based on the information at the Committee of Experts' disposal and despite some practical difficulties concerning Article, 9. paragraph 1. a ii, iii, iv – b ii and iii, c ii and iii, the Committee of Experts concludes that those undertakings are fulfilled. The undertakings under Article 9. paragraph 1. a i; b i; c i; are partly fulfilled.

***The Committee of Experts urges the Spanish authorities to take the following measures with a view to complying with Article 9 :***

***- amend the legal framework with a view to making it clear that the criminal, civil and administrative judicial authorities in the Balearic Islands will conduct the proceedings in Catalan at the request of one party;***

***- take the necessary measures to ensure, as appropriate, that the parties to a proceeding are specifically informed of the obligation of the judicial authorities in the Balearic Islands to conduct the proceedings in Catalan if one of the parties so requests, in conformity with the undertakings entered into by Spain under Article 9 para. 1.a.i, 1.b.i and 1.c.i of the Charter;***

***- take the necessary measures to increase the proportion of judicial staff in the Balearic Islands, at all levels and particularly among judges and prosecutors, able to use Catalan as a working language in courts;***

***- develop adequate training schemes for the judicial staff as well as for lawyers.***

### **Paragraph 3**

***The Parties undertake to make available in the regional or minority languages the most important national statutory texts and those relating particularly to users of these languages, unless they are otherwise provided.***

659. In its second evaluation report (paragraphs 748 – 753), the Committee of Experts considered that the undertaking remained only partly fulfilled and urged the Spanish authorities to provide specific information on a Catalan version of pre-1998 legislation and the delay in the publication of the Catalan version of the Official Gazette.

660. According to the third periodical report (page 440), the Official State Gazette has signed a collaborative agreement with the Autonomous Community of the Balearic Islands for free distribution to subscribers who wish to receive the supplements with legal stipulations translated into Catalan.

661. As noted in the context of Catalan in Catalonia (see paragraph 275 above), the Catalan version of the Official State Gazette (BOE) now appears half a week later than the Spanish version, so translations are now published in a timely fashion. Furthermore, in the last two years, all the laws from 1977 to 1998 have been officially translated. The consolidated versions are not official.

662. In the lights of these developments, the Committee of Experts concludes that the undertaking is now fulfilled.

## Article 10 – Administrative authorities and public services

### Paragraph 1

*Within the administrative districts of the State in which the number of residents who are users of regional or minority languages justifies the measures specified below and according to the situation of each language, the Parties undertake, as far as this is reasonably possible:*

*a i to ensure that the administrative authorities use the regional or minority languages;*

663. In the second evaluation report (paragraphs 755 – 758), the Committee of Experts considered that this undertaking was only partly fulfilled as, in competition examinations, knowledge of Catalan was only considered as an advantage and not a pre-requisite. In addition, staff were mostly Castilian-speaking and there was a lack of training. The Committee of Experts urged the authorities to comment on the then pending case where the Police (Guardia Civil) had not allowed an interpreter from Arabic and Tamazight to use Catalan. The interpreter was fined for not having spoken a language that the civil servants understood.

664. According to the third periodical report (page 427), the above-mentioned case has still not been brought to trial.

665. The third periodical report (pages 441ff.) outlines in detail the extent to which Catalan is used in the different state ministries, local state administration bodies and dependent institutes with regard to standardised forms, exterior and interior signage in buildings, information brochures, publicity campaigns, accessibility of webpages, requests and answers received in Catalan, institutional printed material and staff with knowledge of the Catalan. Nevertheless, information is not always provided for each of these points from each body or ministry, which renders the evaluation more difficult.

666. As for signage on the buildings of these offices, from the information provided, this seems to be overall satisfactory. As for accessibility of webpages of the ministries, static information and first level navigation is usually available in Catalan, and is possible up to the third or fourth level of navigation on a number of websites.

667. As to staff with knowledge of Catalan, on average about 50% of the staff have sufficient knowledge of Catalan, although this varies depending on the type of local state administration body.

668. In contrast with this at least partially satisfactory situation, based on the data provided in the third periodical report, the average percentage of requests submitted in Catalan to these bodies is strikingly low. The number of replies given in Catalan is even smaller, or in some offices non-existent. According to the information received from representatives of the speakers during the on-the-spot visit, the State administration offices located in the Balearic Islands rarely use Catalan.

669. Language training for civil servants continues to be carried out by the National Institute of Public Administration and the Government of the Balearic Islands.

670. While it seems that some progress has been achieved since the previous monitoring round, the use of Catalan is not guaranteed systematically, but rather depends on the location and type of office. Partial translation and publication of information further means that the provision of Catalan remains patchy. The data on the written and oral use of Catalan suggest that speakers are either not aware of their rights, discouraged from using Catalan, or not accustomed to addressing offices in Catalan. There does not seem to be an overall policy or strategic approach to analyse the overall current state of affairs and plan a more systematic provision of documents and sufficient staff with an adequate knowledge of Catalan. There is a need for the state administration offices of the same state body located in those Autonomous Communities where the same or a similar language is spoken to co-operate closely. The Committee of Experts encourages the authorities to provide sufficient resources to the Council of Official Languages in the General State Administration to carry out this task.

671. While acknowledging some positive developments, the Committee of Experts is of the view that it does not yet lead to fulfilment of this undertaking and therefore maintains its previous conclusion that the undertaking is still partly fulfilled.

***b to make available widely used administrative texts and forms for the population in the regional or minority languages or in bilingual versions;***

672. In its second evaluation report (paragraphs 759 – 761), the Committee of Experts considered the undertaking was not fulfilled due to the lack of information about the availability of standardised forms in Catalan in the Balearic Islands and urged the Spanish authorities to provide information in the next periodical report.

673. From the information contained in the third periodical report, the production or translation of administrative texts and documents in Catalan varies depending on the ministry or institute in question. In general not many administrative forms are available.

674. The Committee of Experts considers the undertaking partly fulfilled.

***c to allow the administrative authorities to draft documents in a regional or minority language.***

675. In its second evaluation report (paragraphs 762 – 765), the Committee of Experts considered the undertaking fulfilled on the basis of the adoption of the law 12/2005 on Civil Registry and of the removal of the legal obstacles to the use of Catalan in the Balearic Islands in the field of the civil registers.

676. According to the figures contained in the third periodical report, from 2007 to 2009 only 39 registrations were made in Catalan in the Balearic Islands in civil registries. National identity cards are issued in bilingual format (145 642 in 2009).

677. Based on this information, the Committee of Experts considers the undertaking fulfilled.

## **Paragraph 2**

***In respect of the local and regional authorities on whose territory the number of residents who are users of regional or minority languages is such as to justify the measures specified below, the Parties undertake to allow and/or encourage:***

***a the use of regional or minority languages within the framework of the regional or local authority;***

678. In its second evaluation report (paragraphs 766 – 768), the Committee of Experts considered the undertaking formally fulfilled with regard to the Island Councils and the local authorities, due to lack of information.

679. The third periodical report cites the provisions of Law 3/2003 of 26 March of the Legal System of the Administration of the Autonomous Community of the Balearic Islands (Official Gazette of the Balearic Islands BOIB nº 44, of 3 April 2003). Its articles 43 and 44 instruct the administration at regional level to use Catalan in their internal procedures and in the relations between them. It must also use Catalan in a normal manner in the communications and notifications to individuals or legal entities resident in the Catalan linguistic area without adversely affecting the right of the persons interested in receiving them in Castilian, if they have requested this. The report also refers to Law 3/1986 of 29 April on the Language Standardisation of the Balearic Islands that established the official uses of Catalan at all levels of regional and local administration (Article 6).

680. According to the representatives of the speakers whom the Committee of Experts met during its on-the-spot visit, it is in general possible to use Catalan in dealings with regional and local administration, although in some cases this depends on the individual civil servant. The working language of administration is Catalan, except for the area of urban planning. At Palma City Council, approximately 90% of the staff speak and write in Catalan.

681. Based on the information received, the Committee of Experts considers the undertaking fulfilled.

***d the publication by local authorities of their official documents also in the relevant regional or minority languages;***

682. In its second evaluation report (paragraphs 769 – 770), the Committee of Experts was again unable to reach a conclusion on this undertaking due to a lack of information and urged the Spanish authorities to come back to this undertaking in their next periodical report.

683. The third periodical report refers again to Article 6 of Law 3/1986 of 29 April on the Language Standardisation of the Balearic Islands that established the official uses of Catalan at all levels of regional and local administration. The information provided by the speakers' representatives confirms that local administration uses Catalan in their work.

684. The Committee of Experts concludes that the undertaking is fulfilled.

*f the use by local authorities of regional or minority languages in debates in their assemblies, without excluding, however, the use of the official language(s) of the State;*

685. In the absence of relevant concrete information on the practical use of Catalan, as provided by the Royal Decree, the Committee of Experts was again not in a position to conclude on this undertaking in its second evaluation report (paragraphs 771 – 772) and urged the Spanish authorities to provide further information in their next periodical report.

686. The third periodical report does not contain any information with regard to the application of this undertaking other than the relevant legislation. According to the information received from representatives of the speakers during the on-the-spot visit, Catalan is generally used in public debates. The minutes of these meetings are published in Catalan and Castilian.

687. Based on this information, the Committee of Experts considers that the undertaking is fulfilled.

### **Paragraph 3**

*With regard to public services provided by the administrative authorities or other persons acting on their behalf, the Parties undertake, within the territory in which regional or minority languages are used, in accordance with the situation of each language and as far as this is reasonably possible:*

*a to ensure that the regional or minority languages are used in the provision of the service;*

688. In its second evaluation report (paragraphs 773 – 777), the Committee of Experts concluded that the undertaking was partly fulfilled since it had only received information concerning the use of Catalan regarding public transport, but not with regard to other public services. It urged the Spanish authorities to return to the question of the unfavourable language policy of the municipality of Palma de Mallorca, and, as was requested in its first report, to further elaborate on:

- the public services concerned by this undertaking in the Balearic Islands;
- the share of staff in the public services serving in the Balearic Islands who have an adequate command of Catalan;
- the language used in written communications between the public services and the speakers (for example telephone and electricity bills and the like);
- the services provided by private companies under licence and in this case what linguistic clauses are included in the licence.

689. On the basis of the observations made by the Committee of Experts in its second evaluation report, the Committee of Ministers recommended that the Spanish authorities “**ensure the presence of all regional or minority languages in state owned public services.**” [RecChL(2008)5].

690. The Spanish authorities have not reacted to these requests in their third periodical report. According to information received from representatives of the speakers during the on-the-spot visit, it is possible to receive public services in Catalan upon request. However, according to evidence submitted by a non-governmental organisation, public services run by private enterprises on behalf of the authorities generally do not take regional or minority languages into account in recruitment, service provision, customer services, web pages or correspondence. The same applies to post offices.

691. The Committee of Experts concludes that the undertaking is partly fulfilled.

#### **Paragraph 4**

**With a view to putting into effect those provisions of paragraphs 1, 2 and 3 accepted by them, the Parties undertake to take one or more of the following measures:**

**a translation or interpretation as may be required;**

692. In its second evaluation report (paragraphs 778 – 781), the Committee of Experts urged the Spanish authorities to provide information on the practical implementation of Articles 36.1 and 36.3 of the State Law 10/1992 on the legal regime of public administration and the common administrative procedure in the Balearic Islands in their next periodical report.

693. No information with regard to this undertaking is provided in the third periodical report. However, based on the information available regarding the provision of administrative services in Catalan, the Committee of Experts concludes that this undertaking is fulfilled at regional and local level and partly fulfilled at state level and with regard to public services.

**b recruitment and, where necessary, training of the officials and other public service employees required;**

694. In its second evaluation report (paragraphs 782 – 788), the Committee of Experts considered the undertaking fulfilled with regard to the Autonomous Community and local authorities and partly fulfilled with regard to State administration offices present in the Balearic Islands. It could not reach a conclusion with regard to the public services due to lack of information and urged the authorities to come back to this issue in the forthcoming report. On the basis of the observations made by the Committee of Experts in its second evaluation report, the Committee of Ministers recommended that the Spanish authorities “**review the recruitment, career and training schemes for the staff of the State administration offices with a view to ensuring that an adequate proportion of the staff posted in the autonomous communities have a working knowledge of the relevant language**” [RecChL(2008)5].

695. In their third periodical report (page 86), the Spanish authorities mention Decree 114/2008 of 17 October, approving the Regulations governing the requirement of knowledge of Catalan in selection procedures for access to civil servant posts and to occupy posts that are announced within the Administration in the Autonomous Community of the Balearic Islands; and Decree 24/2008, regulating the requirement for knowledge of Catalan in selection procedures governing access and mobility, relating to statutory civil servant posts and to occupy posts that are announced in the public health sector in the Autonomous Community of the Balearic Islands.

696. On the level of State administration the Committee of Experts observes that the State has the legal possibility through State Law 7/2007 of 12 April on the Basic Statute of Public Employees to ensure that an adequate proportion of State administration staff located in the autonomous communities have a working knowledge of the regional or minority language in question. However, the Committee of Experts observes that there still is an inadequate proportion of State administration staff mastering Catalan due to a lack of systematic policy on recruiting and training of personnel in this respect.

697. The Committee of Experts maintains its previous conclusion that the undertaking is partly fulfilled with regard to State administration offices present in the Balearic Islands. With respect to public services the undertaking is not fulfilled, as there is no indication of any recruitment or training policy.

**c compliance as far as possible with requests from public service employees having a knowledge of a regional or minority language to be appointed in the territory in which that language is used.**

698. In its second evaluation report (paragraphs 789 – 790), the Committee of Experts was again not in the position to conclude on this undertaking and once more urged the authorities to provide the relevant information in the next periodical report.

699. The third periodical report does not contain any information with regard to this specific undertaking.

700. During the on-the-spot visit, a representative of the local administration in Palma explained that appointment would depend on individual contracts. At the same time, there was no indication that any such request had been denied.

701. Nevertheless, as the Committee of Experts has not received any complaints with regard to this undertaking, it considers the undertaking fulfilled.

## **Article 11 – Media**

### **Paragraph 1**

*The Parties undertake, for the users of the regional or minority languages within the territories in which those languages are spoken, according to the situation of each language, to the extent that the public authorities, directly or indirectly, are competent, have power or play a role in this field, and respecting the principle of the independence and autonomy of the media:*

*a to the extent that radio and television carry out a public service mission:*

*i to ensure the creation of at least one radio station and one television channel in the regional or minority languages;*

702. In its second evaluation report (paragraphs 791 – 797), the Committee of Experts considered the undertaking fulfilled. It was however not clear to the Committee of Experts whether the future reception of the digital terrestrial television (DTT) would be put in place in the Balearic Islands and to what extent broadcasting in the Catalan language would be guaranteed.

703. From the information received from representatives of the speakers during the on-the-spot visit, there do not seem to be any difficulties with DTT. In fact, it allows for the option of viewing programmes in the original, Castilian or Catalan language.

704. At the time of the on-the-spot visit, the Committee of Experts was informed that *Ona Mallorca*, the television station of RTVM, and *Mallorca TV*, a publicly owned television channel of Ràdio i Televisió de Mallorca (RTVM), were preparing to shut down by the end of 2011. In addition, the Balearic Government announced that IB3 would reduce the offer of Catalan programmes significantly.

705. The third periodical report (pages 89 – 90) states that on 16 April 2009, a 5-year agreement was signed between the Governments of the Balearic Islands and Catalonia agreeing the reciprocity of DTT broadcasts between IB3 and TV3. The agreement envisages that this reciprocity may also be applied to a second channel in Catalonia or the Balearic Islands. Both governments also undertook to study the feasibility of creating a joint Internet television channel (IPTV) broadcasting the own productions of Catalonia and the Balearic Islands.

706. The Committee of Experts considers that the undertaking remains fulfilled at present, although the announced closure of the RTVM stations may alter this conclusion. The Committee of Experts encourages the authorities to ensure the existence of at least one television station broadcasting in Catalan in the Balearic Islands.

*b i to encourage and/or facilitate the creation of at least one radio station in the regional or minority languages;*

*c i to encourage and/or facilitate the creation of at least one television channel in the regional or minority languages;*

707. In its second evaluation report (paragraphs 798 - 800), the Committee of Experts considered these undertakings formally fulfilled as it lacked information on measures taken to implement the existing legal framework. It urged the Spanish authorities to give more clarification in their next periodical report.

708. With regard to digital terrestrial television, Decree 31/2006 of 31 March by the Government of the Balearic Islands guarantees that at least 51% of the broadcasting time in each one of the slots of local television must be in Catalan. There are private television channels that broadcast in Catalan, or partly in Catalan, although as representatives of the speakers informed the Committee of Experts during the on-the-spot visit, the number is decreasing.

709. As regards radio broadcasting, some programmes in Catalan seem to be broadcast on "COPE" radio station, with support from the General Directorate of Language Policy.

710. Based on this information, the Committee of Experts considers that Article 11.1.c.i. is fulfilled. Article 11.1.b.i. is partly fulfilled. The Committee of Experts urges the authorities to encourage and/or facilitate the creation of at least one radio station in Catalan in the Balearic Islands.

***d to encourage and/or facilitate the production and distribution of audio and audiovisual works in the regional or minority languages;***

711. In its second evaluation report (paragraphs 801 - 804), the Committee of Experts considered that this undertaking was partly fulfilled.

712. According to the third periodical report (page 457), the production and dissemination of audio and audiovisual works in Catalan is fostered and facilitated through subsidies from the Ramón Llull Institute, the Institute of Balearic Studies and the General Directorate of Culture. This responsibility is also shared with the four island councils.

713. According to the information received during the on-the-spot visit, hardly any audiovisual productions in Catalan stem from the Balearic Islands.

714. Under the above-mentioned Agreement (see paragraph 703) the governments of Catalonia and the Balearic Islands will promote the creation of an association of public radio, television and other audiovisual media entities broadcasting in Catalan to facilitate the production, dubbing, sale-purchase and exchange of audiovisual products in Catalan and to promote the acquisition of rights to broadcast in Catalan for external productions. Under the agreement, both governments created a bilateral commission to share audiovisual policies and actions to promote audiovisual production.

715. The Committee of Experts concludes that the undertaking remains partly fulfilled.

***e i to encourage and/or facilitate the creation and/or maintenance of at least one newspaper in the regional or minority languages;***

716. In its second evaluation report (paragraphs 805 - 806) the Committee of Experts was again not in a position to conclude on this undertaking due to lack of information. It urged the Spanish authorities to provide information in the next periodical report.

717. *Diari de Balears* is the only Catalan language newspaper published in the Balearic Islands. The print run is not high and there are an estimated 23 000 readers. The newspaper has been publishing in Catalan since 1996. It belongs to a multimedia group which helps them sustain the newspaper.

718. According to the third periodical report, the General Directorate of Language Policy signed an annual subsidy agreement with the Press Association of Mallorca which produces 50 publications in Catalan, although it is not clear to the Committee of Experts whether any of these qualify as a newspaper. According to the speakers, there is good coverage in Catalan in the local press. Aid is provided by the municipalities through advertising.

719. The Committee of Experts considers the undertaking fulfilled, and encourages the Spanish authorities to maintain their support for newspapers in Catalan.

***f ii to apply existing measures for financial assistance also to audiovisual productions in the regional or minority languages;***

720. In its second evaluation report (paragraphs 807 - 808), the Committee of Experts was again not in a position to conclude on this undertaking due to the lack of information. It urged the Spanish authorities to provide information in the next periodical report.

721. According to the third periodical report (pages 374 – 375), Royal Decree 526/2002 of 14 December establishes facilities for obtaining subsidies for films in co-official languages. Furthermore, the report states that Article 36 and the Additional Sixth Stipulation of Law 55/2007 of 28 December on Film, regulated by Royal Decree 2062/2008 of 12 December, stipulate that funding from the State for films and audiovisual media produced in the co-official languages of Spain will be provided each year in the General State Budgets. This funding, provided by the Film and Audiovisual Arts Institute (ICAA) through the State Ministry of Culture, matches the funding of the autonomous community for the promotion of audiovisual productions. Furthermore, according to the periodical report (page 463), an amount of €29 750 out of the 2008 budget was transferred to the Balearic Islands. During the on-the-spot visit, representatives of the speakers nevertheless expressed their disappointment with the implementation of this Decree in the Balearic Islands.

722. While welcoming this information, it is not clear to the Committee of Experts to what extent these funds have been used in practice to produce films in Catalan in the Balearic Islands, although it is aware that funds have been used and matched by the Catalan authorities to produce films in Catalan.

723. The Committee of Experts considers the undertaking fulfilled and encourages the Spanish authorities to provide concrete examples of audiovisual productions financed by the above-mentioned funds, or other existing measures for financial assistance to audiovisual productions, in the next periodical report.

***g to support the training of journalists and other staff for media using regional or minority languages.***

724. In its second evaluation report (paragraphs 809 - 811), the Committee of Experts considered the undertaking partly fulfilled and urged the authorities to provide more specific information in their next periodical report on the implementation of the journalist training scheme.

725. No information in this respect is provided in the third periodical report. According to information received from journalists during the on-the-spot visit, it seems that it has been possible to study journalism in Catalan and Castilian languages in the Balearic Islands for the last four years<sup>12</sup>. The Committee of Experts has not received information on the training of other media staff in Catalan.

726. The Committee of Experts welcomes this information and considers that the undertaking is now fulfilled for journalist training. Concerning the training of other media staff, the Committee of Experts is not in a position to conclude on this undertaking.

### ***Paragraph 3***

***The Parties undertake to ensure that the interests of the users of regional or minority languages are represented or taken into account within such bodies as may be established in accordance with the law with responsibility for guaranteeing the freedom and pluralism of the media.***

727. In its second evaluation report (paragraphs 812 - 813), the Committee of Experts once more was not in the position to conclude on this undertaking due to the lack of information regarding such bodies, either in the Balearic Islands or at national level. It urged the authorities to submit further information in the next periodical report.

728. No information with regard to this undertaking is provided in the third periodical report. From the information at the disposal of the Committee of Experts, Article 7 of Law 2/2010 of 7 June<sup>13</sup> on the Audiovisual Council of the Balearic Islands states that the members of the Council are appointed by the Parliament by 3/5 of votes, and must be well-known professionals. The Committee of Experts has not received information that the Council has been created yet.

729. The Committee of Experts therefore concludes that the undertaking is not fulfilled.

---

<sup>12</sup> <http://estudis.uib.es/grau/periodisme/GPER-P/> and <http://estudis.uib.es/grau/audiovisual/GCAU-P/>

<sup>13</sup> [http://noticias.juridicas.com/base\\_datos/CCAA/ib-12-2010.html#](http://noticias.juridicas.com/base_datos/CCAA/ib-12-2010.html#)

## Article 12 – Cultural activities and facilities

### Paragraph 1

*With regard to cultural activities and facilities – especially libraries, video libraries, cultural centres, museums, archives, academies, theatres and cinemas, as well as literary work and film production, vernacular forms of cultural expression, festivals and the culture industries, including inter alia the use of new technologies – the Parties undertake, within the territory in which such languages are used and to the extent that the public authorities are competent, have power or play a role in this field:*

- b to foster the different means of access in other languages to works produced in regional or minority languages by aiding and developing translation, dubbing, post-synchronisation and subtitling activities;*
- c to foster access in regional or minority languages to works produced in other languages by aiding and developing translation, dubbing, post-synchronisation and subtitling activities;*

730. In its second evaluation report (paragraphs 818 - 822), the Committee of Experts was informed about a new hub of activity revolving around dubbing of productions for children into Catalan, although none of this took place in the Balearic Islands. The Committee of Experts considered that the undertakings were partly fulfilled and encouraged the authorities to continue with their efforts to provide more programmes in Catalan.

731. According to information received from representatives of the speakers during the on-the-spot visit, hardly any productions are dubbed or subtitled into Catalan in the Balearic Islands, whereas books for example are translated, except for e-books. As for works translated from Catalan into Castilian, these are funded by the Ramón LLull Institute.

732. The Committee of Experts concludes that the undertakings are fulfilled.

- f to encourage direct participation by representatives of the users of a given regional or minority language in providing facilities and planning cultural activities;*

733. In the continuing absence of specific information in its second evaluation report (paragraphs 830 - 831), the Committee of Experts was again not in a position to conclude on this undertaking. It urged the authorities to come back to it in the forthcoming periodical report.

734. No information with regard to the application of this undertaking is provided in the third periodical report, although the Committee of Experts is aware of a number of activities and cultural events organised in Catalan throughout the Balearic Islands. These activities are organised by cultural associations and bodies of Catalan-speakers supported by the authorities of the Balearic Islands.

735. The Committee of Experts asks the authorities to provide more specific information about these cultural activities and the direct participation by Catalan-speakers.

- g to encourage and/or facilitate the creation of a body or bodies responsible for collecting, keeping a copy of and presenting or publishing works produced in the regional or minority languages;*

736. In its second evaluation report (paragraphs 832 - 834), the Committee of Experts considered this undertaking partly fulfilled and asked the authorities to provide information on the audio, audiovisual and other works produced in Catalan in the next periodical report.

737. No information in this respect has been provided in the third periodical report.

738. The Committee of Experts considers that the undertaking remains partly fulfilled and urges the authorities to provide information on the existence of a body or bodies in the Balearic Islands responsible for collecting, keeping a copy of and presenting or publishing audio, audiovisual and other works produced in Catalan in the next periodical report.

- h if necessary, to create and/or promote and finance translation and terminological research services, particularly with a view to maintaining and developing appropriate administrative, commercial, economic, social, technical or legal terminology in each regional or minority language.*

739. In the continuing absence of specific information in its second evaluation report (paragraphs 835 - 836), the Committee of Experts was again not in a position to conclude on this undertaking. It urged the authorities to come back to it in the forthcoming periodical report.

740. No information regarding the compliance of this undertaking is contained in the third periodical report. The Committee of Experts asks the authorities to clarify whether there is adequate co-operation with Catalonia with regard to compliance of this undertaking.

741. In the meantime the Committee of Experts concludes that the undertaking is not fulfilled.

### **Paragraph 3**

*The Parties undertake to make appropriate provision, in pursuing their cultural policy abroad, for regional or minority languages and the cultures they reflect.*

742. In its second evaluation report (paragraphs 840 - 842), the Committee of Experts considered the undertaking partly fulfilled and urged the Spanish authorities to provide information on the extent to which authors or artists from the Balearic Islands benefit from measures carried out by the Cervantes Institute and the Ministry of Foreign Affairs.

743. The Spanish authorities have not provided any information to this request in their third periodical report. However, the authorities do report about the Resolution of the Presidency Advisor of 25 September 2008, ordering the publication of the partnership agreement between the Government and the Autonomous Community of the Balearic Islands to implement the amendment to the Bylaws of the Ramón Llull Institute, the subsequent inclusion of the Autonomous Community of the Balearic Islands in this Institute and its acceptance of the new Bylaws (see page 87 of the third periodical report).<sup>14</sup> The Ramón Llull Institute carries out a number of activities abroad for the benefit of the Catalan language. In October 2011, an Associate Director of the Institute Ramón Llull in the Balearic Islands was appointed.

744. During the on-the-spot visit, the Committee of Experts was informed by a representative of the Cervantes Institute that they offer courses in the co-official languages, mainly in Europe and the USA. It promotes these languages in co-operation with the language institutes of the respective autonomous community.

745. The Committee of Experts welcomes these developments and considers the undertaking is now fulfilled.

### **Article 13 – Economic and social life**

746. In its second evaluation report (paragraphs 843 - 844), the Committee of Experts reminded the Spanish authorities of their duty to report on how undertakings were implemented and urged the competent authorities to seriously consider respecting their commitments.

#### **Paragraph 1**

*With regard to economic and social activities, the Parties undertake, within the whole country:*

- b to prohibit the insertion in internal regulations of companies and private documents of any clauses excluding or restricting the use of regional or minority languages, at least between users of the same language;"*
- c to oppose practices designed to discourage the use of regional or minority languages in connection with economic or social activities;*

747. In its second evaluation report (paragraphs 845 - 846), the Committee of Experts was again not able to draw any conclusion in the absence of specific information on these undertakings. It urged the Spanish authorities to include specific information in this respect in their next periodical report.

---

<sup>14</sup> <http://www.llull.cat/eng/home/index.cfm>

748. The third periodical report does not contain any specific information with regard to these undertakings.

749. Nevertheless, the Committee of Experts is aware that the co-official status of Catalan makes special prohibition clauses redundant and considers that Article 13.1.b) is fulfilled. In the absence of any complaints received on practices designed to discourage the use of Catalan in connection with economic and social activities, the Committee of Experts considers that Article 13.1.c) is fulfilled.

#### **Paragraph 2**

***With regard to economic and social activities, the Parties undertake, in so far as the public authorities are competent, within the territory in which the regional or minority languages are used, and as far as this is reasonably possible:***

- a to include in their financial and banking regulations provisions which allow, by means of procedures compatible with commercial practice, the use of regional or minority languages in drawing up payment orders (cheques, drafts, etc.) or other financial documents, or, where appropriate, to ensure the implementation of such provisions;***
- b in the economic and social sectors directly under their control (public sector), to organise activities to promote the use of regional or minority languages;***
- c to ensure that social care facilities such as hospitals, retirement homes and hostels offer the possibility of receiving and treating in their own language persons using a regional or minority language who are in need of care on grounds of ill-health, old age or for other reasons;***

750. In its second evaluation report (paragraphs 847 - 848), the Committee of Experts was again not able to draw any conclusion in the absence of specific information on these undertakings. It urged the Spanish authorities to include specific information in this respect in their next periodical report.

751. According to information received from representatives of the speakers during the on-the-spot visit, electricity bills etc. in Catalan are only available on request.

752. As for the Health Service, according to the third periodical report (page 86), Decree 24/2008 regulates the requirement of Catalan language knowledge in selection procedures of statutory and employed staff in the Health Sector in the Balearic Islands (see also paragraph 693 above)

753. The Committee of Experts concludes that these undertakings are partly fulfilled.

- d to ensure by appropriate means that safety instructions are also drawn up in regional or minority languages;***

754. In its second evaluation report (paragraphs 849 - 850), the Committee of Experts considered that the undertaking was not fulfilled. It urged the Spanish authorities to further elaborate on this undertaking in their forthcoming report, regarding in particular safety instructions (food, in construction sites and in lifts, fire instructions, etc.).

755. No information in this respect is provided in the third periodical report.

756. The Committee of Experts therefore maintains its previous conclusion that the undertaking is not fulfilled. It strongly urges the Spanish authorities to come back to the above-mentioned issue in their next periodical report.

- e to arrange for information provided by the competent public authorities concerning the rights of consumers to be made available in regional or minority languages.***

757. In its second evaluation report (paragraphs 851 – 853), it was unclear to the Committee of Experts whether apart from the linguistic rights of consumers mentioned in Law 11/2001, information on general consumers' rights was available in Catalan. It therefore considered the undertaking formally fulfilled and urged the authorities to come back to this issue in their next periodical report.

758. No information in this respect is provided in the third periodical report.

759. The Committee of Experts therefore maintains its previous conclusion that the undertaking is formally fulfilled. It strongly urges the Spanish authorities to come back to the above-mentioned issue in their next periodical report.

## Article 14 – Transfrontier exchanges

### *The Parties undertake:*

- a** *to apply existing bilateral and multilateral agreements which bind them with the States in which the same language is used in identical or similar form, or if necessary to seek to conclude such agreements, in such a way as to foster contacts between the users of the same language in the States concerned in the fields of culture, education, information, vocational training and permanent education;*

760. In its second evaluation report (paragraphs 854 - 859), the Committee of Experts concluded that the undertaking was only partly fulfilled.

761. Nevertheless, the Committee of Experts is aware of the efforts undertaken by the Spanish authorities in the context of the European Union where co-official languages gained a special status based on agreements concluded with various European institutions. Speakers of all co-official languages may use their languages in the communication with the EU institutions. The Committee of Experts commends the authorities for this promotional approach (see paragraph 183 of the first evaluation report and paragraph 193 of the second evaluation report). However, the Committee of Experts has not received any information regarding the possible transfrontier co-operation with Andorra or Italy, as requested by the Committee of Experts in the second evaluation report.

762. In view of the overall available information the Committee of Experts considers the undertaking fulfilled. The Committee of Experts encourages the authorities to pursue bilateral agreements with the countries in which the same or similar languages are spoken.

- b** *for the benefit of regional or minority languages, to facilitate and/or promote co-operation across borders, in particular between regional or local authorities in whose territory the same language is used in identical or similar form.*

763. In its second evaluation report (paragraphs 860 - 862), the Committee of Experts considered that the undertaking was fulfilled and requested more information in the next periodical report, with regard to the competence of the Autonomous Community to conclude agreements, conventions and treaties.

764. According to the third periodical report (pages 471 – 472), the Government of the Balearic Islands decided to again be part of the Ramon Llull Institute of which the Principality of Andorra and the City of Alghero also form a part, through the Foundation of the Ramon Llull Institute. The aim is to intensify the study, promotion and defence of the Catalan language and foster the projection of the Catalan language and culture outside the territories in Spain where Catalan is used (see paragraph 328 above).

765. The Committee of Experts welcomes this development and concludes that the undertaking remains fulfilled.

**Preliminary remark**

766. In its second evaluation report (paragraphs 863 – 864) the Committee of Experts lacked information concerning the division between predominantly Valencian-speaking areas and predominantly Castilian-speaking areas and its practical impact. Therefore, it urged the authorities to provide in the forthcoming report, the necessary information and the practical information regarding the division of Valencia into two different zones.

767. The authorities explain in their third periodical report (pages 34 – 35) that the two language zones are defined in Articles 35 and 36 of Law 4/1983 of 23 November on the Use and Teaching of Valencian<sup>15</sup>. The Law ascribes each municipality in Valencia either to the predominantly Valencian- or predominantly Castilian-speaking area. The Valencian-speaking area stretches from north to south along the coastal half of Valencia.

768. The population in the predominantly Castilian-speaking area represents approximately 14% of the total population in the Community of Valencia, based on the data of the 2007 population census. According to the survey carried out in 2010<sup>16</sup>, there is a considerable number of Valencian-speakers in the Castilian-speaking area, however there is no breakdown on whether they are concentrated in particular areas or municipalities. Article 37 of the Law 4/1983 of 23 November states that this division of municipalities can be reviewed.

769. The authorities explain in their third periodical report (page 577) that the linguistic zoning determined by the 1983 Law on the Use and Teaching of Valencian<sup>17</sup> into Valencian and Castilian-speaking areas (based on historical criteria) only refers to the field of education. The aim is to introduce Valencian in the whole territory. Valencian is co-official in the whole territory of Valencia according to the same Law, and in practice local authorities choose their language of preference in line with this zoning (either monolingual Castilian or Valencian, or bilingual). Citizens have the right to use Valencian before authorities in the entire territory of Valencia.

770. The Law on the Use and Teaching of Valencian states that the division into two language areas should not hamper the activity of the Valencian Government to ensure that Valencian is taught in education and the rights of the speakers to use Valencian in the predominantly Castilian-speaking area.

771. As regards the field of education, pursuant to the Law on the Use and Teaching of Valencian, in the territories where Valencian is predominant, the study of Valencian as a subject is compulsory, and education through the medium of Valencian is voluntary. Valencian language will be introduced in education in all education levels. Parents may request for their children to opt out of Valencian-education in the predominantly Valencian-speaking areas, but only on the basis of at least one of the two following reasons: 1. They must demonstrate that they are in Valencia temporarily. 2. The student has just entered into the school system of Valencia and does not master the language.

772. In the territories where Castilian is predominant, the introduction of the Valencian language in education will be done progressively, taking into account the linguistic situation of each territory, according to the administrative regulations. The study of Valencian as a subject is not compulsory, and parents can opt their children out of it.

773. The Committee of Experts understands that Part III of the Charter with respect to Valencian applies to the predominantly Valencian-speaking areas, except for those undertakings that apply to the regional authorities.

---

<sup>15</sup> <http://portales.gva.es/sdg/legislacion/valenciano/Llei%20dus%20i%20ensenyament%20del%20valencia.htm>

<sup>16</sup> [http://www.edu.gva.es/polin/docs/sies\\_docs/encuesta2010/index.html](http://www.edu.gva.es/polin/docs/sies_docs/encuesta2010/index.html)

<sup>17</sup> <http://portales.gva.es/sdg/legislacion/valenciano/Llei%20dus%20i%20ensenyament%20del%20valencia.htm>

## Article 8 – Education

### Paragraph 1

*With regard to education, the Parties undertake, within the territory in which such languages are used, according to the situation of each of these languages, and without prejudice to the teaching of the official language(s) of the State:*

- a i to make available pre-school education in the relevant regional or minority languages;*
- b i to make available primary education in the relevant regional or minority languages;*
- c i to make available secondary education in the relevant regional or minority languages;*

774. As the Committee of Experts outlined in its first evaluation report (paragraphs 740 – 743) there are three existing educational models in the predominantly Valencian-speaking areas:

1. PEV (Programme to Teach in Valencian), which targets Valencian-speaking pupils and uses Valencian as the teaching language;
2. PIL (Programme in Language Immersion), which targets Castilian-speaking pupils and also uses Valencian as the teaching language; and
3. PIP (Progressive Inclusion Programme), which uses Castilian as the teaching language with a gradual integration of Valencian-medium education.

775. In its second evaluation report (paragraphs 866 – 871), the Committee of Experts considered, in the light of the undertakings entered into by Spain, i.e. the highest under Article 8 that these were only partly fulfilled. It urged the competent authorities to develop educational models essentially in Valencian for the whole primary school curriculum as well as for secondary school. The competent authorities were also encouraged to make these models available throughout the territory of Valencia where Valencian is used and to clarify whether this is the case for the existing “full-immersion” model, including where pre-school education is concerned.

776. The Committee of Experts understands that the three educational models in Valencia mentioned above are still currently in place. However, during the on-the-spot visit, the Committee of Experts was informed that the new Valencian Government put forward a draft decree on plurilingualism that would introduce compulsory trilingual education (33% of the classes each in Castilian, Valencian and English) into all schools in Valencia. This draft decree received a critical report from the Valencian Academy of Language and several universities. The Valencian Government has already created a network of plurilingualism by Order 19/2011 of 5 April. The schools that are part of this network introduce trilingual education. The share of subjects taught in each of those languages is at the discretion of each individual school.

777. As regards the present situation, based on the statistics provided by the Valencian authorities and representatives of the speakers, which the Committee of Experts understands as referring to the entire territory of Valencia, 29% of the pupils in Valencia attend Valencian-medium education or bilingual education throughout their school career (PEV and PIL). 35.9% of pre-school children attend Valencian-medium pre-schools, 33.3% primary schools, and 27.3% secondary schools. The Committee of Experts asks the authorities to provide a breakdown of the figures concerning the percentage of pupils attending PEV and PIL in the next periodical report, including, for both models, the share of subjects taught through the medium of Valencian.

778. 71% of all pupils in Valencia are schooled in the Progressive Inclusion Programme (PIP), i.e. 54.2% in the predominantly Valencian-speaking areas.

779. According to the information received during the on-the-spot visit from a Valencian language association, the Valencian authorities have amended the existing legislation to disallow the progressive inclusion of Valencian (PIP), restricting it therefore to only one subject taught in Valencian. The Committee of Experts asks the Spanish authorities to clarify this in their next periodical report. 20% of all pupils attending the PIP programme already receive only one hour of Valencian as a subject. This seems to be especially the practice in the predominantly Castilian-speaking areas.

780. It is ultimately up to each governing board of a school in the Community of Valencia to decide which programme to offer, according to the wishes of parents.

781. According to representatives of the speakers whom the Committee of Experts met during the on-the-spot visit, a pupil seldom receives Valencian-medium education throughout the entire school career. There is a lack of continuity, especially between primary and secondary level. Furthermore, the offer of Valencian-medium education depends on the type of education institution (public or agreed private schools), and on the region. Accordingly, there are fewer offers in the south of Valencia.

782. Furthermore, according to representatives of the speakers, in Elche in the province of Alicante, the demand for Valencian-medium education lies at 50%. However, once the Valencian-medium schools have reached their capacity limits, the pupils only have the option of attending Castilian-medium schools.

783. In the light of the level of undertaking chosen under Article 8, namely the highest, to offer Valencian-medium education, the Committee of Experts is of the view that the current provision is still insufficient, since it does not seem to make available a predominantly Valencian-medium education to all the children who so wish. In this context the Committee of Experts would welcome information in the next periodical report on the measures planned to meet the demand for Valencian-medium education in the future. The Committee of Experts furthermore invites the authorities to take measures so that the introduction of the compulsory trilingual model does not disproportionately affect Valencian-medium education.

784. The Committee of Experts concludes that these undertakings are still partly fulfilled.

***The Committee of Experts strongly urges the authorities to make available Valencian-medium education throughout the territory of Valencia where Valencian is used, and especially to ensure continuity from primary to secondary education.***

*d i to make available technical and vocational education in the relevant regional or minority languages;*

785. In its second evaluation report (paragraphs 872 – 874), the Committee of Experts considered that despite the obligation on all secondary education institutes to carry out one or more bilingual education programme in the predominantly Valencian area according to Article 102 of Decree 234/1997, there was no education model in this field using essentially Valencian. Therefore, the Committee of Experts considered that this undertaking was not fulfilled and encouraged the competent authorities to develop an educational model essentially in Valencian for technical and vocational education and to make it available throughout the relevant territory.

786. The third periodical report (pages 577 – 579) states that the offer of Valencian-medium education depends on each individual education centre and on the availability of qualified teaching staff. According to supplementary information received by the Valencian authorities, 59% of the teachers of vocational education in the Valencian Community are qualified to teach in Valencian.

787. During the on-the-spot visit, the Valencian authorities acknowledged that Valencian-medium vocational education is in need of improvement. Data on the number of pupils or educational model specifically in vocational education is unavailable because vocational training is included in the data of secondary education. According to non-governmental sources, however, 4.6% of the students receive their vocational training through the medium of Valencian.

788. In view of the high level of commitment under this undertaking, the Committee of Experts considers that the predominantly Valencian-medium education should be made available to all the students who so wish. Considering the estimated low numbers of students actually included in this education, the Committee of Experts considers the undertaking only partly fulfilled.

***The Committee of Experts urges the competent authorities to develop an educational model essentially in Valencian for technical and vocational education and to make it available throughout the relevant territory.***

- e i to make available university and other higher education in regional or minority languages; or
- ii to provide facilities for the study of these languages as university and higher education subjects; or
- iii **if, by reason of the role of the State in relation to higher education institutions, sub-paragraphs i and ii cannot be applied, to encourage and/or allow the provision of university or other forms of higher education in regional or minority languages or of facilities for the study of these languages as university or higher education subjects;**

789. In its second evaluation report (paragraphs 875 – 881) the Committee of Experts considered that the undertaking was fulfilled although it encouraged the authorities to step up their measures with a view to increasing the percentage of university subjects taught in Valencian.

790. According to the figures provided in the third periodical report (pages 578 – 579), at the five existing universities in Valencia, the percentage of subjects taught in Valencian varies from 0% to almost 24%, which is a lower percentage than the demand for subjects taught in Valencian.

791. From the information at the disposal of the Committee of Experts, it does not appear that the situation of Valencian at university has changed significantly since the previous monitoring round. In 2011, the Valencian Academy of Language published a comprehensive study on the use of Valencian at public universities (“Els usos lingüístics a les universitats públiques valencianes”<sup>18</sup>). The study reveals that students receive their entire studies in Valencian extremely rarely, namely only 1.8% of them. At the University of Valencia the percentage is 3.8%. 53.7% of all students in Valencia receive all their courses through the medium of Castilian.

792. The above-mentioned study concludes that the teaching in Valencian depends on the individual academy rather than on a policy or regulation of the academic authorities, but also that those willing to lecture in Valencian do not possess the necessary conditions to offer it as normal practice.

793. While the Committee of Experts still considers the undertaking fulfilled, it again encourages the authorities to step up their measures with a view to increasing the percentage of university subjects taught in Valencian.

- h to provide the basic and further training of the teachers required to implement those of paragraphs a to g accepted by the Party;**

794. In its second evaluation report (paragraphs 888 – 892), the Committee of Experts considered the undertaking partly fulfilled and urged the Spanish authorities to provide information regarding the shortage of teachers in training and the recognition of diplomas obtained in Catalonia in the next periodical report.

795. In their third periodical report (pages 581 – 584), the Spanish authorities report that the Order of 5 October 2009 regulates the “Linguistic-Technical Training Plan” in languages for teachers and the obtainment of the necessary administrative qualifications for Valencian-medium education at all levels. The Government of Valencia establishes a system to receive the accreditation to teach in Valencian. In addition, universities of the Autonomous Community of Valencia can accredit the knowledge of Valencian and they accept the certificates from Catalonia or from Balearic Islands. Courts decided that titles on Catalan Philology are valid for Valencian “as the language called Valencian is known, in the academic field, as Catalan”.

796. According to supplementary information received by the Valencian authorities, 71% of the teachers in the Valencian Community are qualified to teach in Valencian, and 59% of the teachers in vocational education.

797. As regards diplomas obtained in Catalonia, the Valencian Government informed the Committee of Experts during the on-the-spot visit that these are recognised in Valencia. The recognition and validation is regulated by regional and state rules. The Valencian universities are those competent to accredit the certificates for teaching.

<sup>18</sup> <http://www.uji.es/bin/serveis/slt/triam/ulupv.pdf>

798. The Committee of Experts concludes that the undertaking is fulfilled.

- i to set up a supervisory body or bodies responsible for monitoring the measures taken and progress achieved in establishing or developing the teaching of regional or minority languages and for drawing up periodic reports of their findings, which will be made public.*

799. In its second evaluation report (paragraphs 893 – 898), the Committee of Experts considered that this undertaking was fulfilled for non-university education, and partly fulfilled for adult and university education as it lacked information on whether the monitoring reports were made public. It invited the Spanish authorities to provide such information in their next periodical report.

800. As regards adult education, according to the third periodical report (page 584), the Technical Co-ordination and Monitoring Committee issues a monitoring report on the programme to promote knowledge of Valencian at Advanced Vocational Training centres. However, no mention is made about whether these reports are made public or about their periodicity.

801. With regard to university education, reports have been made by a university referring to the knowledge of, and teaching in Valencian at Valencian universities (see paragraph 789 above), and these reports have been made public.<sup>19</sup>

802. The Committee of Experts considers the undertaking fulfilled.

## **Paragraph 2**

*With regard to education and in respect of territories other than those in which the regional or minority languages are traditionally used, the Parties undertake, if the number of users of a regional or minority language justifies it, to allow, encourage or provide teaching in or of the regional or minority language at all the appropriate stages of education.*

803. In its second evaluation report (paragraphs 899 - 904), the Committee of Experts considered that the undertaking was fulfilled.

804. As mentioned in paragraphs 770 above, in the predominantly Castilian-speaking areas in Valencia, Valencian is an optional subject, whereby parents may request that their children opt out of Valencian classes.

805. Other educational programmes are also possible in the predominantly Castilian-speaking areas, if parents explicitly request it, according to Article 36 of the Law on the Use and Teaching of Valencian. Furthermore, according to Decree 234/1997 of 2 September on secondary schools including vocational schools, schools situated in these areas that draw pupils mainly from the predominantly Valencian-speaking areas, must carry out a Valencian education programme or progressive inclusion programme (PEV or PIP), if parents so request. Otherwise, these programmes can be introduced by education authorities. In the predominantly Castilian-speaking area, Valencian is not widely fostered, according to non-governmental sources. Apart from a few exceptions, there are no information campaigns.

806. The Committee of Experts considers that the undertaking remains fulfilled.

## **Article 9 – Judicial authorities**

### **Paragraph 1**

*The Parties undertake, in respect of those judicial districts in which the number of residents using the regional or minority languages justifies the measures specified below, according to the situation of each of these languages and on condition that the use of the facilities afforded by the present paragraph is not considered by the judge to hamper the proper administration of justice:*

- a in criminal proceedings:**

---

<sup>19</sup> <http://www.uji.es/bin/serveis/slt/triam/ulupv.pdf> and <http://www.uji.es/bin/serveis/slt/triam/evol0104.pdf>

- i to provide that the courts, at the request of one of the parties, shall conduct the proceedings in the regional or minority languages; and/or*
  - ii to guarantee the accused the right to use his/her regional or minority language; and/or*
  - iii to provide that requests and evidence, whether written or oral, shall not be considered inadmissible solely because they are formulated in a regional or minority language; and/or*
  - iv to produce, on request, documents connected with legal proceedings in the relevant regional or minority language,*
- if necessary by the use of interpreters and translations involving no extra expense for the persons concerned;*
- b in civil proceedings:**
    - i to provide that the courts, at the request of one of the parties, shall conduct the proceedings in the regional or minority languages; and/or*
    - ii to allow, whenever a litigant has to appear in person before a court, that he or she may use his or her regional or minority language without thereby incurring additional expense; and/or*
    - iii to allow documents and evidence to be produced in the regional or minority languages,*

*if necessary by the use of interpreters and translations;*
  - c in proceedings before courts concerning administrative matters:**
    - i to provide that the courts, at the request of one of the parties, shall conduct the proceedings in the regional or minority languages; and/or*
    - ii to allow, whenever a litigant has to appear in person before a court, that he or she may use his or her regional or minority language without thereby incurring additional expense; and/or*
    - iii to allow documents and evidence to be produced in the regional or minority languages,*

*if necessary by the use of interpreters and translations;*

807. In its second evaluation report (paragraphs 906 - 914), the Committee of Experts considered that these undertakings were partly fulfilled and reiterated its recommendation from the first monitoring round, namely to urge the Spanish authorities:

- to amend the legal framework with a view to making it clear that the criminal, civil and administrative judicial authorities in Valencia will conduct the proceedings in Valencian at the request of one party;
- to take the necessary measures to ensure, as appropriate, that the parties to a proceeding are specifically informed of the obligation of the judicial authorities in Valencia to conduct the proceedings in Valencian if one of the parties so requests, in conformity with the undertakings entered into by Spain under Article 9 para. 1.a.i, 1.b.i and 1.c.i of the Charter;
- to take the necessary measures to increase the proportion of judicial staff in Valencia, at all levels and particularly among judges and prosecutors, who are able to use Valencian as a working language in courts;
- to develop adequate training schemes for the judicial staff as well as for lawyers.

808. On the basis of the observations made by the Committee of Experts in its second evaluation report, the Committee of Ministers recommended that the Spanish authorities “**take the necessary legal and practical measures to ensure that an adequate proportion of the judicial staff posted in the autonomous communities concerned by the application of Article 9 of the Charter have a working knowledge of the relevant language**” [RecChL(2008)5].

809. The Committee of Experts refers to paragraphs 72 to 81 above for its general evaluation of the implementation of Article 9.

810. According to the members of the General Council of the Judiciary whom the Committee of Experts met during the on-the-spot visit, 616 of the 5023 judges and magistrates in Spain have a certified knowledge of Valencian.

811. According to the information provided in the third periodical report (pages 587 – 592), the Regional Ministry of Education organises Valencian language courses for judicial administration staff, either directly or through collaboration agreements. The courses are held in the three provincial capitals as well as in the judicial districts. Language training is also offered for judges, magistrates, prosecutors and court clerks.

812. However, according to representatives of the speakers whom the Committee of Experts met during the on-the-spot visit, such language courses for judicial staff are not on judicial issues, which is what is needed the most, but rather aim at gaining a basic knowledge of Valencian.

813. It takes too long for proceedings to be translated into Valencian, according to the representatives of the speakers. According to a judge in Valencia whom the Committee of Experts met, written decisions are drafted in Valencian.

814. According to a member of the General Council of the Judiciary a fast system has been invented in Valencia on translating texts and routine resolutions are available in 24 hours. This has been introduced in the software of the courts.

815. Based on the information at the Committee of Experts' disposal and despite some practical difficulties concerning Article, 9. paragraph 1. a ii, iii, iv – b ii and iii, c ii and iii, the Committee of Experts concludes that those undertakings are fulfilled. The undertakings under Article 9. paragraph 1. a i; b i; c i; remain partly fulfilled.

***The Committee of Experts urges the Spanish authorities:***

- ***to amend the legal framework with a view to making it clear that the criminal, civil and administrative judicial authorities in Valencia will conduct the proceedings in Valencian at the request of one party;***
- ***to take the necessary measures to ensure, as appropriate, that the parties to a proceeding are specifically informed of the obligation of the judicial authorities in Valencia to conduct the proceedings in Valencian if one of the parties so requests, in conformity with the undertakings entered into by Spain under Article 9 para. 1.a.i, 1.b.i and 1.c.i of the Charter;***
- ***to take the necessary measures to increase the proportion of judicial staff in Valencia, at all levels and particularly among judges and prosecutors, who are able to use Valencian as a working language in courts;***
- ***to develop adequate training schemes for the judicial staff as well as for lawyers.***

***Paragraph 3***

***The Parties undertake to make available in the regional or minority languages the most important national statutory texts and those relating particularly to users of these languages, unless they are otherwise provided.***

816. In its second evaluation report (paragraphs 915 - 917), the Committee of Experts considered the undertaking partly fulfilled, as texts pre-dating the collaboration agreement in 2000 between the General State Administration (Official State Gazette BOE) and the Valencian Government had not been published in Valencian. It encouraged the Spanish authorities to publish other "most important national statutory texts" in Valencian regardless of the date of their original publication.

817. As noted in the context of Catalan in Catalonia (see paragraph 275 above), the Catalan version of the Official State Gazette (BOE) now appears half a week later than the Spanish version, so translations are now published in a timely fashion. Furthermore, in the last two years, all the laws from 1977 until 1998 have been officially translated. The consolidated versions are not official.

818. In the light of this information, and based on the proximity of Catalan and Valencian, the Committee of Experts concludes that the undertaking is fulfilled.

## Article 10 – Administrative authorities and public services

### Preliminary remark

819. In its second evaluation report (paragraphs 918 – 921), the Committee of Experts urged the authorities to provide information regarding the linguistic zoning in Valencia and its effects on the application of Article 10.

820. As mentioned in paragraph 765 above, according to the Law on the Use and Teaching of Valencian, all citizens have the right to use Valencian in the whole territory of Valencia. In the territories where Valencian is predominant, public authorities and Administrations have to use Valencian as well as Castilian in their activities. In territories where Castilian is predominant citizens have the right to use Valencian before the authorities. The authorities have to make efforts to extend the use of Valencian language and to introduce its use in Administration.

### **Paragraph 1**

*Within the administrative districts of the State in which the number of residents who are users of regional or minority languages justifies the measures specified below and according to the situation of each language, the Parties undertake, as far as this is reasonably possible:*

*a i to ensure that the administrative authorities use the regional or minority languages; or*

821. In its second evaluation report (paragraphs 922 – 937), the Committee of Experts observed that, despite a growing number of participants in language training courses for State administration civil servants, the use of Valencian in this area remained problematical, especially concerning cases where speakers used Valencian and not Castilian with the Police (Guardia Civil). The Committee of Experts considered this undertaking only partly fulfilled and urged the Spanish authorities to take the necessary measures to substantially increase the State administrative staff in Valencia with an appropriate command of the co-official language.

822. Non-governmental sources reported about more recent problematic incidences with speakers using Valencian with the Guardia Civil. The Valencian authorities explained that this is due to the job rotating system of the Guardia Civil.

823. The third periodical report (page 594ff.) outlines in detail the extent to which Valencian is used in the different state ministries, local state administration bodies and dependent institutes with regard to standardised forms, exterior and interior signage in buildings, information brochures, publicity campaigns, accessibility of webpages, requests and answers received in Valencian, institutional printed material and staff with knowledge of Valencian. Nevertheless, information is not always provided for each of these points from each body or ministry, which renders the evaluation more difficult.

824. As for signage on the buildings of these offices, from the information provided, this seems to be overall patchy. As for accessibility of webpages of the ministries or state administration bodies, static information and first level navigation is usually available in Valencian, and is possible up to third level of navigation on a number of websites.

825. As to staff with knowledge of Valencian, on average about 30 - 40% of the staff have knowledge of Valencian to a varying degree, although in general information on this is lacking. According to the representatives of the speakers, some civil servants speak Valencian, but it is a matter of chance. Documentation is issued in Castilian only.

826. Based on the data provided in the third periodical report, the average percentage of requests submitted in Valencian to these bodies is strikingly low. The number of replies given in Valencian is even smaller, and in some offices non-existent.

827. Language training for civil servants continues to be carried out by the National Institute of Public Administration and with the Government of Valencia, according to information received by the representatives of the Valencian authorities during the on-the-spot visit.

828. While it seems that some progress has been achieved since the previous monitoring round, the use of Valencian is not guaranteed systematically, but rather depends on the location and type of office. Partial translation and publication of information further means that the provision of Valencian remains patchy. The data on the written and oral use of Valencian suggests that speakers are either not aware of their rights, discouraged from using Valencian, or not accustomed to addressing offices in Valencian. There does not seem to be an overall policy or strategic approach to analyse the overall current state of affairs and plan a more systematic provision of documents and sufficient staff with an adequate knowledge of Valencian. In this regard it is important that the administration offices of the same State bodies located in those Autonomous Communities where the same or a similar language is spoken co-operate closely. The Committee of Experts encourages the authorities to provide sufficient resources to the Council of Official Languages in the General State Administration to carry out this task.

829. While acknowledging some positive developments, the Committee of Experts is of the view that it does not yet lead to fulfilment of this undertaking and therefore maintains its previous conclusion that the undertaking is partly fulfilled.

***b to make available widely used administrative texts and forms for the population in the regional or minority languages or in bilingual versions;***

830. In its second evaluation report (paragraphs 927 – 929), the Committee of Experts considered that the undertaking was only partly fulfilled since the number of standardised forms in Valencian seemed to be insufficient.

831. From the information received, the production or translation of administrative texts and documents in Valencian varies depending on the ministry or institute in question. In general not many administrative forms are available.

832. Based on the information received, the Committee of Experts concludes that the undertaking is partly fulfilled.

***c to allow the administrative authorities to draft documents in a regional or minority language.***

833. In its second evaluation report (paragraphs 930 - 933), the Committee of Experts considered that the undertaking was formally fulfilled and urged the Spanish authorities to comment on that undertaking in the next periodical report.

834. From the information available in the third periodical report, documents are drafted in Valencian, including bilingual national identity cards (592 970 in 2009).

835. Based on this information, the Committee of Experts considers the undertaking fulfilled.

## ***Paragraph 2***

***In respect of the local and regional authorities on whose territory the number of residents who are users of regional or minority languages is such as to justify the measures specified below, the Parties undertake to allow and/or encourage:***

***a the use of regional or minority languages within the framework of the regional or local authority;***

836. In its second evaluation report (paragraphs 934 - 937), the Committee of Experts lacked concrete information on the extent to which Valencian was used in practice within the administration of the Autonomous Community, at provincial level and within local authorities. Knowledge of Valencian was not a requirement for administrative posts. The Committee of Experts therefore considered that the undertaking was partly fulfilled and urged the authorities to provide information with regard to this undertaking in the next monitoring round.

837. Pursuant to Article 53.2 of the Valencian Law 10/2010 regarding the public administration and civil servants, in the process of selection of civil servants, persons who wish to be appointed as civil servants must prove their knowledge of Valencian either by means of certificates that have been approved by the Government or by passing a specific exam of Valencian. If such a knowledge of Valencian cannot be proven, the persons in question must take a language course organised by the Government in order to improve their knowledge. Article 56 states that in the exams to select the civil

servants one of the exams can be on the knowledge of Valencian. Article 88 of the same Law states that civil servants have the duty to attend the citizens in the official language they choose. Article 100 stipulates that to be appointed to one post among civil servants that are already in duty, the knowledge of Valencian is one of the merits.

838. The website of the Valencian Government is to a great extent available in Valencian.

839. The Valencian authorities informed the Committee of Experts during the on-the-spot visit that they recently adopted the Plan of Promotion of the Knowledge and Use of Valencian in the regional public administration. It aims at increasing the level of basic competence of civil servants in Valencian as a minimum, including online language courses. Civil servants have the right to choose the language in which they wish to carry out their proceedings at the administration. The current data indicates that 73% of public employees in the regional administration have an official accreditation of Valencian competence, to a greater or lesser degree.

840. According to the information received from the Valencian authorities, during the on-the-spot visit, in practice the provision of services in Valencian is secured, although the representatives of the speakers did not entirely agree.

841. The Committee of Experts still lacks information about the extent to which Valencian is used within the framework of the local authorities.

842. The Committee of Experts concludes that the undertaking is partly fulfilled as regards local authorities and fulfilled as regards regional authorities.

***b the possibility for users of regional or minority languages to submit oral or written applications in these languages;***

843. In its second evaluation report (paragraphs 938 – 940), the Committee of Experts considered the undertaking only formally fulfilled and urged the authorities to provide information on the extent to which Valencian-speakers availed themselves of the right to address the administration of the Autonomous Community or the local authorities in Valencian in practice.

844. According to the third periodical report (page 610ff.) users of Valencian rarely submit applications in Valencian (sometimes less than 1% of all applications) despite a relatively high number of civil servants with competence in Valencian and some information campaigns. In the view of the representatives of the speakers whom the Committee of Experts met during the on-the-spot visit, the campaigns have not been very visible.

845. The Committee of Experts therefore considers that the undertaking remains only formally fulfilled and urges the authorities to continue taking measures of encouragement to increase the use of Valencian.

***c the publication by regional authorities of their official documents also in the relevant regional or minority languages;***

***d the publication by local authorities of their official documents also in the relevant regional or minority languages;***

846. In the second evaluation report (paragraphs 941 – 942), the Committee of Experts was again not in the position to conclude on these undertakings due to lack of information. It urged the Spanish authorities to provide further information including a clarification on whether the collaboration agreement signed in 2000 also covered the publication of the official documents of local authorities.

847. According to the information provided in the third periodical report (pages 638 – 649), the Valencian Government provides all legal texts in bilingual format or in the language preferred by citizens. Furthermore, the Official Gazette of the Autonomous Community of Valencia and the respective official gazettes of the three provinces, are all published in bilingual versions. However, the information about the provinces could not be verified on the respective websites.

848. The publication of documents in Valencian seems to be largely available in local authorities in the predominantly Valencian-speaking areas and in the Valencian Government. The provision of documents by the provinces is less covered.

849. The Committee of Experts concludes that the undertakings are fulfilled.  
*e the use by regional authorities of regional or minority languages in debates in their assemblies, without excluding, however, the use of the official language(s) of the State;*

850. In its second evaluation report (paragraphs 943 – 944), the Committee of Experts urged the authorities to provide information on whether simultaneous interpretation was provided in the Parliament of the Autonomous Community of Valencia.

851. The third periodical report (page 649) states that the use of simultaneous translation is not necessary given the members' knowledge of both languages. According to a recent study carried out on the use of Valencian in the Valencian Parliament from 2007 – 2008, 27% of the members always use Valencian, 28% use both Valencian and Castilian, while 45% always use Castilian.

852. The Committee of Experts considers that the undertaking is fulfilled.

*f the use by local authorities of regional or minority languages in debates in their assemblies, without excluding, however, the use of the official language(s) of the State;*

853. In its second evaluation report (paragraphs 945 – 946), the Committee of Experts was again unable to reach a conclusion on this undertaking and urged the authorities to provide the lacking information in their next periodical report.

854. Again, no information has been provided in the third periodical report with regard to this undertaking.

855. The Committee of Experts must therefore conclude that the undertaking is not fulfilled. It strongly urges the Spanish authorities to provide information on the use of Valencian by local authorities in debates in their assemblies in their next periodical report.

*g the use or adoption, if necessary in conjunction with the name in the official language(s), of traditional and correct forms of place-names in regional or minority languages.*

856. In its second evaluation report (paragraphs 947 – 948), the Committee of Experts was again unable to reach a conclusion on this undertaking and urged the authorities to provide the lacking information in their next periodical report.

857. The periodical report (pages 649 – 650) states that the Valencian Language Academy actively encourages municipalities to adopt bilingual or Valencian only place names and watches over the correct Valencian form of the name. Most municipalities in the Valencian-speaking area have officially adopted only the Valencian name and few have opted for both languages, such as Alicante/ Alacant.

858. The Valencian Language Academy also publishes a collection of booklets on toponyms of Valencian municipalities, in co-operation with these municipalities.

859. The Committee of Experts welcomes this information and considers the undertaking fulfilled.

### **Paragraph 3**

*With regard to public services provided by the administrative authorities or other persons acting on their behalf, the Parties undertake, within the territory in which regional or minority languages are used, in accordance with the situation of each language and as far as this is reasonably possible:*

*a to ensure that the regional or minority languages are used in the provision of the service;*

860. In its second evaluation report (paragraphs 949 – 950), the Committee of Experts was again unable to reach a conclusion on this undertaking and urged the authorities to provide the lacking information in their next periodical report. On the basis of the observations made by the Committee of Experts in its second evaluation report, the Committee of Ministers recommended that the Spanish authorities “**ensure the presence of all regional or minority languages in state owned public services.**” [RecChL(2008)5].

861. The questions raised by the Committee of Experts in its first evaluation report remain largely unanswered in the third periodical report, i.e. - the proportion of staff in the public services serving in Valencia who have an adequate command of Valencian; - the language used in written communications between the public services and the speakers (for example telephone and electricity bills and the like); - which services are provided by private companies under licence and in this case what linguistic clauses are included in the licence.

862. According to evidence submitted by non-governmental organisation, public services run by private enterprises on behalf of the authorities generally do not take regional or minority languages into account in recruitment, service provision, customer services, web pages or correspondence.

863. The Committee of Experts considers the undertaking not fulfilled.

#### **Paragraph 4**

*With a view to putting into effect those provisions of paragraphs 1, 2 and 3 accepted by them, the Parties undertake to take one or more of the following measures:*

*a translation or interpretation as may be required;*

864. In its second evaluation report (paragraphs 951 – 952), the Committee of Experts considered that this undertaking was still partly fulfilled, due to insufficient staff for interpretation or translation and lack of new information. It urged the Spanish authorities to provide specific information in their next periodical report.

865. The third periodical report (page 654) lists the numbers of translators hired within the Public Administration (Government, Parliament, Valencian Language Academy, Town Halls, Provincial Councils and Universities) that carry out translation duties. No information regarding translation service within public services is available.

866. The Committee of Experts considers the undertaking is not fulfilled with regard to public services, and fulfilled in relation to paragraphs 1 and 2.

*b recruitment and, where necessary, training of the officials and other public service employees required;*

867. In its second evaluation report (paragraphs 953 - 957), the Committee of Experts considered the undertaking only partly fulfilled as it had not received any information regarding the training of regional or local officials nor those working for the public services. On the basis of the observations made by the Committee of Experts in its second evaluation report, the Committee of Ministers recommended that the Spanish authorities “**review the recruitment, career and training schemes for the staff of the State administration offices with a view to ensuring that an adequate proportion of the staff posted in the autonomous communities have a working knowledge of the relevant language**” [RecChL(2008)5].

868. As regards the regional authorities, the Spanish authorities state in their third periodical report (page 650 - 653) that language training courses are offered in order to increase the language knowledge of public employees in the Administration of the Valencian Government. In addition, as mentioned above, the Plan of Promotion of the Knowledge and Use of Valencian in the regional public administration aims at increasing the level of basic competence of civil servants in Valencian as a minimum, including online language courses. 73% of public employees in the regional administration have an official accreditation of Valencian knowledge, with varying degrees of knowledge. Furthermore, Valencian Law 10/2010 regarding the public administration and civil servants, requires civil servants to have a knowledge of Valencian.

869. On the level of State administration the Committee of Experts observes that the State has the legal possibility through State Law 7/2007 of 12 April on the Basic Statute of Public Employees to ensure that an adequate proportion of State administration staff located in the autonomous communities have a working knowledge of the regional or minority language in question. However, the Committee of Experts observes that there still is an inadequate proportion of State administration staff mastering Valencian due to a lack of systematic policy on recruiting and training of personnel in this respect.

870. The Committee of Experts concludes that the undertaking is fulfilled with respect to regional authorities. The undertaking is partly fulfilled with respect to State administration bodies. No conclusion can be reached for local authorities and public services. It urges the Spanish authorities to provide information on recruitment and training of civil servants and officials in public services and local authorities in their next periodical report.

- c compliance as far as possible with requests from public service employees having a knowledge of a regional or minority language to be appointed in the territory in which that language is used.*

871. In its second evaluation report (paragraph 958), due to continuous lack of information the Committee of Experts urged the Spanish authorities to come back to this undertaking in the next monitoring round.

872. Again, no information with regard to the application of this undertaking is provided in the third periodical report.

873. Nevertheless, as the Committee of Experts has not received any complaints with regard to this undertaking, it considers the undertaking fulfilled.

## **Article 11 – Media**

### **Paragraph 1**

*The Parties undertake, for the users of the regional or minority languages within the territories in which those languages are spoken, according to the situation of each language, to the extent that the public authorities, directly or indirectly, are competent, have power or play a role in this field, and respecting the principle of the independence and autonomy of the media:*

- a to the extent that radio and television carry out a public service mission:
  - i to ensure the creation of at least one radio station and one television channel in the regional or minority languages;**

874. In its second evaluation report (paragraph 963), the Committee of Experts considered the undertaking fulfilled although it looked forward to an increase of programming in Valencian.

875. Apart from the public channels of the RTVV (Ràdio Televisió Valenciana) group already mentioned in the previous monitoring round, the third periodical report (page 656) states that in February 2009, RTVV launched the news channel “24.9.” which broadcasts in Valencian. RTVV now makes live-streaming and podcasts available on the internet. Its first channel “Canal Nou” broadcasts 30% of its programming in Valencian.

876. During the on-the-spot visit, the Committee of Experts was informed about the dispute over the retransmission of the public channel TV3 of Catalonia in Valencia. For 25 years TV3 was retransmitted in Valencia through privately financed repeaters. A licence had never been granted for this retransmission. According to the NGO, in order to avoid Spanish law that forbids television channels from the autonomous regions from broadcasting beyond their own administrative territory, the retransmission relied on the tacit consent of both regional governments. According to supplementary information received by the Valencian authorities, after switchover from analogue to digital terrestrial technology in April 2010, measures were taken to stop the broadcasting or retransmission of television channels without a license. According to them, the current regulation of television and technical disposition has made it necessary to regulate the control of broadcasting and licences.

877. The Valencian language association “Acció Cultural” has consequently been fined for its rebroadcasting activities. It appealed to the Supreme Court but lost the case and must also pay for closing down the repeaters, which amounts altogether to a fine of €800 000 to be paid to the Valencian government

878. The Committee of Experts expresses its disappointment that the Valencian authorities have not demonstrated more resolute action to facilitate the retransmission of TV3.

879. Shortly after the on-the-spot visit, the Committee of Experts was informed that the Spanish Congress of Deputies has just accepted to discuss the Popular Legislative Initiative (“Televisió sense

Fronteres" / "Televisión sin Fronteras"), promoted by "Acció Cultural", in support of legislation which would ensure that (regional) television channels in co-official languages can be viewed (on DTT) in other regions speaking the same or a similar language.

880. The Committee of Experts considers that the undertaking remains fulfilled. It nevertheless urges the Spanish authorities to find a viable solution for the question of retransmission in the spirit of the Charter. In this respect it underlines the necessity for the Autonomous Communities sharing the same or a similar language to co-operate, for the benefit of the language, respecting the identity of each community.

***b i to encourage and/or facilitate the creation of at least one radio station in the regional or minority languages;***

881. In its second evaluation report (paragraphs 964-967), the Committee of Experts considered that the undertaking was partly fulfilled and encouraged the Spanish authorities to clarify the number of private radio station(s) broadcasting essentially in Valencian in order to properly assess the situation in the forthcoming report.

882. Unfortunately the third periodical report does not contain the concrete information requested. According to non-governmental sources, there are no private radio stations in Valencian.

883. In the meantime the Committee of Experts revises its previous conclusion and considers the undertaking not fulfilled. It urges the authorities to clarify the number of private radio station(s) broadcasting essentially in Valencian in their next periodical report.

***c i to encourage and/or facilitate the creation of at least one television channel in the regional or minority languages;***

884. In its second evaluation report, while commending the authorities for having made the use of Valencian a condition for granting licences in digital television, the Committee of Experts considered that the undertaking was not fulfilled and urged the authorities to provide information on this and on the refusal to grant licences to the transmission of Catalan television programmes in Valencia.

885. The Valencian authorities informed the Committee of Experts during the on-the-spot visit that the regional channels *Tele Elx, Castalia TV, TV4, TV Benicàssim, La meua TV, TVO* and *TVC* and *Esoditel TV* have all been licenced again after the switchover to digital terrestrial broadcasting in April 2010. With digitalisation in several Autonomous Communities in Spain there will be several local television channels. According to the comment submitted by the NGO "Accio Cultural", all the private channels that recently appeared in the regional coverage area broadcast in Castilian. According to other non-governmental sources, some local television channels broadcast partly in Valencian. The Committee of Experts has not received any information that the Valencian authorities have encouraged and/or facilitated the creation of a private television channel broadcasting entirely in Valencian.

886. The Committee of Experts concludes that the undertaking remains not fulfilled.

***e i to encourage and/or facilitate the creation and/or maintenance of at least one newspaper in the regional or minority languages;***

887. In its second evaluation report (paragraphs 977-980), the Committee of Experts observed that apart from the digitalised version of a newspaper, there were no published newspapers in Valencian. It concluded that the undertaking was not fulfilled and urged the Spanish authorities to take the necessary measures to encourage and/or facilitate the creation of at least one newspaper in Valencian.

888. There is still no newspaper in Valencian. This information was confirmed by representatives of the Valencian-speakers and the Valencian authorities during the on-the-spot visit. No new information is provided in the third periodical report apart from the fact that regional newspapers publish pages or articles in Valencian.

889. The Committee of Experts concludes that the undertaking remains not fulfilled.

***The Committee of Experts strongly urges the Spanish authorities to take the necessary measures to encourage and/or facilitate the creation of at least one newspaper in Valencian.***

**f ii to apply existing measures for financial assistance also to audiovisual productions in the regional or minority languages;**

890. In its second evaluation report (paragraphs 981-983), the Committee of Experts considered that the undertaking was formally fulfilled as Article 8.3 of Law 1/2006 created a new type of public aid covering some of the production costs of Valencian films. It invited the authorities to provide concrete information or its practical implementation.

891. According to the third periodical report (pages 661 – 662), the aid made available through Law 1/2006 mentioned in the second evaluation report has not been allocated because the Decree required to implement the Law regulating the aid has not yet been approved.

892. Nevertheless, the authorities also report that the Valencian Government made funds available to subsidise audiovisual productions in Valencian.

893. According to the third periodical report (pages 374 – 375), Royal Decree 526/2002 of 14 December establishes facilities for obtaining subsidies for films in co-official languages. Furthermore, the report states that Article 36 and the Additional Sixth Stipulation of Law 55/2007 of 28 December on Film, regulated by Royal Decree 2062/2008 of 12 December, stipulate that funding from the State for films and audiovisual media produced in the co-official languages of Spain will be provided each year in the General State Budget. This funding, provided by the Film and Audiovisual Arts Institute (ICAA) through the State Ministry of Culture, matches the funding of the autonomous community for the promotion of audiovisual productions.

894. The Valencian authorities informed the Committee of Experts during the on-the-spot visit that the Valencian Institute for Cinema (*Institut Valencià de l'Audiovisual i de la Cinematografia*) makes audiovisual productions in Valencian.

895. The Committee of Experts concludes that the undertaking is fulfilled.

**g to support the training of journalists and other staff for media using regional or minority languages.**

896. In its second evaluation report (paragraphs 984-986), the Committee of Experts considered that the undertaking was fulfilled. It nevertheless urged the Spanish authorities to provide more information as to the percentage of staff trained.

897. No information of this type has been provided in the third periodical report.

898. The Valencian government informed the Committee of Experts during the on-the-spot visit that the Valencian Qualifications Authority (*Junta Qualificadora de Coneixements de Valencià*) gives out certificates of Language and Media.

899. The Committee of Experts considers the undertaking remains nevertheless fulfilled.

**Paragraph 3**

***The Parties undertake to ensure that the interests of the users of regional or minority languages are represented or taken into account within such bodies as may be established in accordance with the law with responsibility for guaranteeing the freedom and pluralism of the media.***

900. In its second evaluation report (paragraph 987), the Committee of Experts was again not in a position to conclude on this undertaking and urged the authorities to submit pertinent information in the next periodical report.

901. According to the information provided in the third periodical report (page 664), the applicable body, the Audiovisual Council of the Community of Valencia, has not been created. There is only a general provision for its creation in the Statute of Autonomy and in Law 1/2006 of 19 April on the audiovisual sector.

902. The Committee of Experts therefore concludes that this undertaking is not fulfilled.

## Article 12 – Cultural activities and facilities

### Paragraph 1

*With regard to cultural activities and facilities – especially libraries, video libraries, cultural centres, museums, archives, academies, theatres and cinemas, as well as literary work and film production, vernacular forms of cultural expression, festivals and the culture industries, including inter alia the use of new technologies – the Parties undertake, within the territory in which such languages are used and to the extent that the public authorities are competent, have power or play a role in this field:*

- b to foster the different means of access in other languages to works produced in regional or minority languages by aiding and developing translation, dubbing, post-synchronisation and subtitling activities;*
- c to foster access in regional or minority languages to works produced in other languages by aiding and developing translation, dubbing, post-synchronisation and subtitling activities;*

903. In its second evaluation report (paragraphs 991-994), the Committee of Experts considered that these undertakings were formally fulfilled. It asked for further information on the concrete implementation of the two orders of 2005 related to subsidies for the translation and publication of literary works into Valencian and grants for dubbing audiovisual productions in Valencian.

904. According to the Valencian authorities, translation works from Valencian into Castilian have been carried out by one of the universities of Valencia.

905. According to the third periodical report (pages 660 and 672 - 674), dubbing of documentaries, films, shorts, television films and other audiovisual products have been facilitated.

906. During the on-the-spot visit, the Committee of Experts was informed that the Area of Language Policy of the Valencian Government and the public broadcaster RTVV have promoted dubbing, particularly of documentaries and films into Valencian.

907. The Committee of Experts considers that the undertakings are fulfilled.

- e to promote measures to ensure that the bodies responsible for organising or supporting cultural activities have at their disposal staff who have a full command of the regional or minority language concerned, as well as of the language(s) of the rest of the population;*

908. In its second evaluation report (paragraphs 998-999), information was again lacking concerning the Valencian-speaking staff at the disposal of the bodies in Valencia responsible for organising or supporting cultural activities. Therefore, the Committee of Experts again could not conclude on this undertaking and urged the Spanish authorities to include specific information in this respect in their next periodical report.

909. The third periodical report (pages 679 – 680) provides examples of four cultural bodies in Valencia that have Valencian-speaking staff at their disposal.

910. Based on this information, the Committee of Experts considers the undertaking fulfilled.

- f to encourage direct participation by representatives of the users of a given regional or minority language in providing facilities and planning cultural activities;*

911. In its second evaluation report (paragraphs 1000-1001), the Committee of Experts was again not in a position to conclude on this undertaking since the Valencian Council of Culture did not appear to have direct responsibilities for providing facilities and planning cultural activities. The Committee urged the Spanish authorities to include specific information in this respect in their next periodical report.

912. The Committee of Experts has been informed that members of the boards of some cultural bodies use Valencian (see third periodical report, pages 680 – 681).

913. The Committee of Experts considers the undertaking partly fulfilled and urges the Spanish authorities to include more specific information on this undertaking in their next periodical report.

- g to encourage and/or facilitate the creation of a body or bodies responsible for collecting, keeping a copy of and presenting or publishing works produced in the regional or minority languages;*

914. The Committee of Experts concluded in its second evaluation report (paragraphs 1002-1005) that this undertaking was only partly fulfilled due to the repeated lack of information concerning the collection of printed works at the Autonomous Community level and the collection of audio or audiovisual works at all levels. It asked the authorities to provide information in the next evaluation round on the audio, audiovisual and other works in Valencian.

915. According to the information received from the Valencian authorities during the on-the-spot visit, the Institute for Cinema has a film archive and keeps copies in Castilian and Valencian of its audiovisual productions. As far as the Committee of Experts is informed, public libraries of the Valencian Government keep copies of works printed in Valencian.

916. The Committee of Experts considers this undertaking now fulfilled.

### **Paragraph 2**

*In respect of territories other than those in which the regional or minority languages are traditionally used, the Parties undertake, if the number of users of a regional or minority language justifies it, to allow, encourage and/or provide appropriate cultural activities and facilities in accordance with the preceding paragraph.*

917. In its second evaluation report (paragraphs 1009-1010), the Committee of Experts was again unable to conclude on this undertaking due to lack of information and urged the Spanish authorities to clarify whether there are any territories outside Valencia where appropriate cultural activities would be necessary.

918. The Spanish authorities provide one example with regard to this undertaking in their third periodical report (page 682).

919. The Committee of Experts considers the undertaking partly fulfilled and looks forward to receiving more specific information from the authorities on the promotion of cultural activities and facilities outside the Valencian-speaking areas in the next periodical report.

### **Paragraph 3**

*The Parties undertake to make appropriate provision, in pursuing their cultural policy abroad, for regional or minority languages and the cultures they reflect.*

920. In its second evaluation report (paragraphs 1011-1013), the Committee of Experts considered that the undertaking was not fulfilled. It encouraged the Spanish authorities to provide information on whether language classes and examinations in the Valencian centres abroad were the only activities developed by the Government of Valencia.

921. The only new and relevant information provided in the third periodical report (page 682 – 683) relates to an exhibition on Valencian writers organised in Brussels in 2006. However, from the information available to the Committee of Experts, it seems that the Valencian centres abroad<sup>20</sup> also organise cultural events from time to time.

922. During the on-the-spot visit, the Committee of Experts was informed by a representative of the Cervantes Institute that they offer courses in the co-official languages, mainly in Europe and the USA. It promotes these languages in co-operation with the language institutes of the respective autonomous community.

923. Based on this information, the Committee of Experts considers that the undertaking is partly fulfilled and asks the authorities to provide more information and updated examples in their next periodical report.

---

<sup>20</sup> <http://www.cevex.gva.es/index.php>

## Article 13 – Economic and social life

### Paragraph 1

*With regard to economic and social activities, the Parties undertake, within the whole country:*

- b to prohibit the insertion in internal regulations of companies and private documents of any clauses excluding or restricting the use of regional or minority languages, at least between users of the same language;*
- c to oppose practices designed to discourage the use of regional or minority languages in connection with economic or social activities;*

924. In the second evaluation report (paragraph 1015), the Committee of Experts was again not able to reach a conclusion on these undertakings due to lack of information. It therefore urged the Spanish authorities to include specific information in their next periodical report.

925. The Committee of Experts is aware that the co-official status of Valencian makes special prohibition clauses redundant and considers that Article 13.1.b) is fulfilled. In the absence of any complaints received on practices designed to discourage the use of Valencian in connection with economic and social activities, the Committee of Experts considers that Article 13.1.c) is fulfilled.

- d to facilitate and/or encourage the use of regional or minority languages by means other than those specified in the above sub-paragraphs.*

926. In its second evaluation report (paragraphs 1016-1019), the Committee of Experts considered that this undertaking was fulfilled and invited the authorities to comment on the implementation of Article 16 of the Law on the Use and Teaching of Valencian in the next monitoring round.

927. The third periodical report (pages 686 – 687) lists campaigns carried out by the Valencian Government to promote the use of Valencian in different sectors, including hotel and catering, festivities, property registers and notaries, and taxi and the search engine website *Google*.

928. The Committee of Experts welcomes these initiatives and concludes that the undertaking remains fulfilled.

### Paragraph 2

*With regard to economic and social activities, the Parties undertake, in so far as the public authorities are competent, within the territory in which the regional or minority languages are used, and as far as this is reasonably possible:*

- a to include in their financial and banking regulations provisions which allow, by means of procedures compatible with commercial practice, the use of regional or minority languages in drawing up payment orders (cheques, drafts, etc.) or other financial documents, or, where appropriate, to ensure the implementation of such provisions;*
- b in the economic and social sectors directly under their control (public sector), to organise activities to promote the use of regional or minority languages;*
- c to ensure that social care facilities such as hospitals, retirement homes and hostels offer the possibility of receiving and treating in their own language persons using a regional or minority language who are in need of care on grounds of ill-health, old age or for other reasons;*

929. In its second evaluation report (paragraph 1020), the Committee of Experts was unable to reach a conclusion on these undertakings due to the lack of information and urged the Spanish authorities to include specific information in this respect in their next periodical report.

930. The third periodical report does not provide any information concerning sub-paragraphs a. and c. of Article 13.2.

931. As regards sub-paragraph b., the third periodical report (page 688) states that several bodies in the economic and social sectors receive subsidies from the Valencian Government in order to promote the Valencian language, such as trade unions, industries, professional and business associations. By virtue of Article 16 of the Law on the Use and Teaching of Valencian, public enterprises, as well as public services or services directly dependent on the Administration, must ensure that their employees working

in direct contact with the public have an adequate and proper knowledge of Valencian in order to carry out their assigned duties (see also paragraph 926 above).

932. As regards sub-paragraph c., during the on-the-spot visit, the Valencian authorities stated that there are no language difficulties in social care facilities. However, one of the groups of professionals that demand language certificates belongs to the health field. According to the law, Valencian language knowledge is a merit for employment in social care facilities, not a requirement.

933. The Committee of Experts considers that Article 13.2.b. is fulfilled. Article 13.2. a. is not fulfilled. Since there is no indication that the Valencian authorities pursue a policy to ensure that social care facilities offer the possibility of receiving and treating persons in Valencian, the Committee of Experts concludes that Article 13.2. c. is not fulfilled. It urges the Spanish authorities to include specific information with regard to these two undertakings in their next periodical report.

*d to ensure by appropriate means that safety instructions are also drawn up in regional or minority languages;*

934. In its second evaluation report (paragraphs 1021-1023), the Committee of Experts considered that the undertaking remained not fulfilled.

935. The third periodical report (page 688) merely states that most safety instructions are in Valencian, in particular in Public Administration centres.

936. The Committee of Experts asks the Spanish authorities to submit more specific information and concrete examples in their next periodical report of other safety instructions in Valencian in order to be able to reach a conclusion. It also asks the authorities to provide information on whether such practice has any kind of regulatory or legislative basis.

937. In the meantime the Committee of Experts considers the undertaking partly fulfilled.

*e to arrange for information provided by the competent public authorities concerning the rights of consumers to be made available in regional or minority languages.*

938. In its second evaluation report (paragraph 1024), the Committee of Experts was again unable to conclude on this undertaking due to lack of information and urged the Spanish authorities to include specific information in this respect in their next periodical report.

939. The Valencian Government has made available several documents on consumers' rights in Valencian on its website, including consumer advice and regulations.

940. Based on this information, the Committee of Experts considers the undertaking fulfilled at present.

## **Article 14 – Transfrontier exchanges**

### ***The Parties undertake:***

*a to apply existing bilateral and multilateral agreements which bind them with the States in which the same language is used in identical or similar form, or if necessary to seek to conclude such agreements, in such a way as to foster contacts between the users of the same language in the States concerned in the fields of culture, education, information, vocational training and permanent education;*

941. In its second evaluation report (paragraphs 1025-1028), the Committee of Experts invited the authorities to provide pertinent information in the next periodical report as to whether there were any treaties specifically concluded for the benefit of Valencian.

942. No such information is provided in the third periodical report. Nevertheless, the Committee of Experts is aware of the efforts undertaken by the Spanish authorities in the context of the European Union where co-official languages gained a special status based on agreements concluded with various European institutions. Speakers of all co-official languages may use their languages in the communication with the EU institutions. The Committee of Experts commends the authorities for this promotional approach (see paragraph 183 of the first evaluation report and paragraph 193 of the second evaluation report).

943. In view of the overall available information, the Committee of Experts considers the undertaking fulfilled. The Committee of Experts encourages the authorities to pursue bilateral agreements with the countries in which the same or similar languages are spoken.

- b*** ***for the benefit of regional or minority languages, to facilitate and/or promote co-operation across borders, in particular between regional or local authorities in whose territory the same language is used in identical or similar form.***

944. In the second evaluation report (paragraph 1029), the Committee of Experts urged the Spanish authorities to provide specific information in their next periodical report, in particular on whether there were any possibilities for a cross border co-operation in the sense provided by this provision.

945. Again no information is provided by the Spanish authorities in the third periodical report as to how or whether the Valencian Government, the districts or municipalities in Valencia foster co-operation with regional or local authorities in other states such as France, Andorra or Italy where a language similar to Valencian is spoken.

946. In the absence of any information on this undertaking, the Committee of Experts considers that the undertaking is not fulfilled. It strongly urges the Spanish authorities to provide specific information on possibilities for a cross border co-operation in the sense provided by this provision in their next periodical report.

## 2.2.6 Galician in Galicia

### Article 8 – Education

#### Paragraph 1

***With regard to education, the Parties undertake, within the territory in which such languages are used, according to the situation of each of these languages, and without prejudice to the teaching of the official language(s) of the State:***

- a i*** ***to make available pre-school education in the relevant regional or minority languages;***
- b i*** ***to make available primary education in the relevant regional or minority languages;***
- c i*** ***to make available secondary education in the relevant regional or minority languages;***

947. In its second evaluation report (paragraphs 1031-1036), the Committee of Experts considered that the undertakings were partly fulfilled and encouraged the authorities to report on the progress achieved in the next periodical report.

948. Since the previous monitoring round and the submission of the third periodical report, substantial changes in legislation pertaining to Galician-medium education have occurred following the change of regional government in Galicia in March 2009.

949. With regard to pre-school education, Decree 124/2007 of 28 June which is mentioned in the third periodical report (page 474) was replaced by Decree 79/2010 of 20 May on multilingualism in non-university education in Galicia. The new Decree repeals the provision that Galician should be used at least to the same extent as Castilian in areas where predominantly Castilian is spoken. According to Article 5 of the Decree, the teacher will use the predominant language in the classroom and will try to teach the other co-official language to the children. The former *Galescolas*, the network of nursery schools, now named *La Gallina Azul*, no longer has a Galician-medium orientation for Castilian-speaking children. Furthermore, the Galician government has discontinued its support structure for a pilot project on integral Galician-medium education in Castilian-speaking urban areas in which in the meantime 42 public and publicly supported private pre-schools take part.

950. According to information received from representatives of the speakers and the regional authorities during the on-the-spot visit, in accordance with the new Decree, English will be introduced into the pre-schools with a maximum of one third of the time. Galician must be taught to the same extent as Castilian. English has to be introduced progressively and on a voluntary basis. Until that happens, Galician and Castilian remain the languages of instruction in the same proportion.

951. Concerning primary and secondary education, Decree 124/2007 of 28 June was replaced by Decree 79/2010 of 20 May on multilingualism in non-university education in Galicia which regulates that – theoretically - subjects should be taught through the medium of one third each in Galician, English and Castilian. This school model will be compulsory for all schools in Galicia. As non-governmental sources pointed out, the new Decrees establish a ceiling for Galician-medium education at 33%, whereas previous decrees ruled a minimum percentage of hours. They have also shown their dissatisfaction with the fact that the new Decree establishes that at primary and lower secondary school level, science subjects are to be taught through the medium of Castilian, and the subjects dealing with the knowledge of the natural, social and cultural systems in Galician. The Committee of Experts invites the authorities to take measures so that the introduction of the compulsory trilingual model does not disproportionately affect Galician-medium education.

952. According to the speakers the Committee of Experts met during the on-the-spot visit, the current bilingual schools should in theory teach 50% of the subjects in Galician, but in practice it can be as low as two subjects.

953. The Committee of Experts is concerned about the subsequent reduction of Galician-medium education at all levels, also concerning its support structure. While it reiterates its view that the present undertaking does not imply compulsory Galician-medium education at all schools, it reminds the authorities that a sufficient number of schools should offer education wholly or essentially in Galician for pupils whose parents so wish, in order to comply with the chosen undertakings.

954. In view of the high level of commitment under this undertaking, the Committee of Experts considers that the predominantly Galician-medium education should be made available and considers the undertakings partly fulfilled.

***The Committee of Experts strongly urges the authorities to make available Galician-medium education.***

***d i to make available technical and vocational education in the relevant regional or minority languages;***

955. In its previous evaluation report (paragraphs 1037-1038), the Committee of Experts was again unable to reach a conclusion on this undertaking due to lack of information. It urged the authorities to specify what share of the curriculum is actually taught in Galician, with reference to the various educational centres concerned.

956. The third periodical report (page 475) states that at least 50% of the education is through the medium of Galician. According to Article 9 of Decree 79/2010, in the second and third level of vocational education, both co-official languages must be used in teaching to the same extent in each centre. The Committee of Experts understands that in addition English is introduced as a third language of instruction. It asks the authorities to provide information on the impact this step may have on education in Galician.

957. In view of the high level of commitment under this undertaking, the Committee of Experts considers that the predominantly Galician-medium education should be made available and considers the undertaking partly fulfilled.

***h to provide the basic and further training of the teachers required to implement those of paragraphs a to g accepted by the Party;***

958. The Committee of Experts considered the undertaking fulfilled in the second evaluation report (paragraphs 1050 – 1052), although it urged the authorities to provide information on the specific requests made in the first monitoring round, namely regarding in particular the level of knowledge of Galician required for the entrance examination, the proportion or number of teachers who are trained every year to teach in Galician and the frequency and range of the further training available.

959. The authorities have again not reacted to the requests for the specific information made by the Committee of Experts in its previous reports.

960. Regarding the training of teachers, Article 16 of Decree 79/2010 states that the authorities have to design a teacher training plan in order to ensure that all school employees have a sufficient oral and written language competence to communicate and fulfil their professional task in Galician and to know the situation of Galicia.

961. The Committee of Experts considers the undertaking fulfilled.

- i to set up a supervisory body or bodies responsible for monitoring the measures taken and progress achieved in establishing or developing the teaching of regional or minority languages and for drawing up periodic reports of their findings, which will be made public.*

962. In its second evaluation report (paragraphs 1053-1057), the Committee of Experts considered the undertaking partly fulfilled and asked for more detailed information.

963. No new information with regard to any supervisory body or bodies or any reports has been provided in the third periodical report. The representatives of the speakers that the Committee of Experts met during the on-the-spot visit were not aware of the existence of any such body.

964. In the absence of any information about specific supervisory bodies in the sense of the Charter and the production and publication of periodic reports, the Committee of Experts must revise its previous conclusion and considers that the undertaking is not fulfilled. It urges the authorities to provide information on this undertaking in the next periodical report.

## **Article 9 – Judicial authorities**

### **Paragraph 1**

*The Parties undertake, in respect of those judicial districts in which the number of residents using the regional or minority languages justifies the measures specified below, according to the situation of each of these languages and on condition that the use of the facilities afforded by the present paragraph is not considered by the judge to hamper the proper administration of justice:*

**a in criminal proceedings:**

- i to provide that the courts, at the request of one of the parties, shall conduct the proceedings in the regional or minority languages; and/or*
- ii to guarantee the accused the right to use his/her regional or minority language; and/or*
- iii to provide that requests and evidence, whether written or oral, shall not be considered inadmissible solely because they are formulated in a regional or minority language; and/or*
- iv to produce, on request, documents connected with legal proceedings in the relevant regional or minority language,*

*if necessary by the use of interpreters and translations involving no extra expense for the persons concerned;*

**b in civil proceedings:**

- i to provide that the courts, at the request of one of the parties, shall conduct the proceedings in the regional or minority languages; and/or*
- ii to allow, whenever a litigant has to appear in person before a court, that he or she may use his or her regional or minority language without thereby incurring additional expense; and/or*
- iii to allow documents and evidence to be produced in the regional or minority languages,*

*if necessary by the use of interpreters and translations;*

**c in proceedings before courts concerning administrative matters:**

- i to provide that the courts, at the request of one of the parties, shall conduct the proceedings in the regional or minority languages; and/or*

- ii *to allow, whenever a litigant has to appear in person before a court, that he or she may use his or her regional or minority language without thereby incurring additional expense; and/or*
- iii *to allow documents and evidence to be produced in the regional or minority languages, if necessary by the use of interpreters and translations;*

965. In its second evaluation report (paragraphs 1063-1074), the Committee of Experts considered that these undertakings were partly fulfilled. It urged the Spanish authorities:

- to amend the legal framework with a view to making it clear that the criminal, civil and administrative judicial authorities in Galicia will conduct the proceedings in Galician at the request of one party;
- to further develop the project on “positive and information provision” initiated in 2005;
- to take the necessary measures to increase the proportion of judicial staff in Galicia, at all levels and particularly among judges and prosecutors, able to use Galician as a working language in courts;
- to further develop adequate language training schemes for the judicial staff as well as for lawyers.

966. On the basis of the observations made by the Committee of Experts in its second evaluation report, the Committee of Ministers recommended that the Spanish authorities **“take the necessary legal and practical measures to ensure that an adequate proportion of the judicial staff posted in the autonomous communities concerned by the application of Article 9 of the Charter have a working knowledge of the relevant language” [RecChL(2008)5].**

967. The Committee of Experts refers to paragraphs 72 to 81 above for its general evaluation of the implementation of Article 9.

968. As to the project initiated in 2005, the Spanish authorities have listed some of the initiatives undertaken in this respect and under the Normalisation Plan for the Galician language, in particular concerning awareness raising and educational programmes for judicial staff. Furthermore, the organisation *Irmandade Xurídica Galega* was formed, comprised of more than 30 lawyers and civil servants who seek to promote the use of Galician in the Department of Justice.

969. As to the language knowledge of staff, the periodical report states that all new positions within the General Directorate of Justice require a certain level of Galician proficiency as well as the participation in courses of legal language. The requirement applies to all singular posts defined for the new list of work positions in the List of Posts of Public Employees. In addition, Royal Decree 1/2008 of 11 January considers the understanding of Galician as a criteria in applications for the position of substitute prosecutor.

970. During the on-the-spot visit, representatives of the speakers drew the Committee of Experts' attention to problems surrounding the use of Galician with Minerva, a software that was introduced in 2010 for judges and other judicial staff that provides standard forms used in judicial proceedings. While the third periodical report states that this software facilitates procedures in Galician, it acknowledges that the Galician version is not complete and that it contains less than 3000 documents compared to 8000 documents in Castilian.

971. According to NGOs whom the Committee of Experts met during the on-the-spot visit, with Minerva it is not possible to process documents in Galician. Commonly used documents and laws are no longer translated. There are also problems with other software programmes. During the on-the-spot visit, the Galician authorities confirmed that Minvera was a problem and that they were trying to solve it.

972. According to NGOs during the on-the-spot visit, judges and civil servants must carry out translations themselves.

973. According to the General Council of the Judiciary, 305 of the 5023 judges and magistrates in Spain have a certified knowledge of Galician.

974. Based on the information at the Committee of Experts' disposal and despite some practical difficulties concerning Article, 9. paragraph 1. a ii, iii, iv – b ii and iii, c ii and iii, the Committee of Experts concludes that those undertakings are fulfilled. The undertakings under Article 9. paragraph 1. a i; b i; c i; remain partly fulfilled.

***The Committee of Experts urges the Spanish authorities:***

- ***to amend the legal framework with a view to making it clear that the criminal, civil and administrative judicial authorities in Galicia will conduct the proceedings in Galician at the request of one party;***
- ***to take the necessary measures to ensure, as appropriate, that the parties to a proceeding are specifically informed of the obligation of the judicial authorities in Galicia to conduct the proceedings in Galician if one of the parties so requests, in conformity with the undertakings entered into by Spain under Article 9 para. 1.a.i, 1.b.i and 1.c.i of the Charter;***
- ***to take the necessary measures to increase the proportion of judicial staff in Galicia, at all levels and particularly among judges and prosecutors, who are able to use Galician as a working language in courts;***
- ***to develop adequate training schemes for the judicial staff as well as for lawyers.***

**Paragraph 3**

***The Parties undertake to make available in the regional or minority languages the most important national statutory texts and those relating particularly to users of these languages, unless they are otherwise provided.***

975. In its second evaluation report (paragraphs 1075-1078), this undertaking was considered partly fulfilled. Some of the more important national legislation pre-dating 1998 had not been translated, and the translation of new texts took time.

976. The Spanish authorities have not provided any information with regard to the application of this undertaking in their third periodical report. According to information received by representatives of the speakers during on-the-spot visit, in the last two years, laws have not been translated into Galician and/or are not available in electronic format.

977. The Committee of Experts therefore considers that the undertaking remains partly fulfilled. It urges the authorities to provide the lacking information in the next periodical report.

**Article 10 – Administrative authorities and public services**

**Paragraph 1**

***Within the administrative districts of the State in which the number of residents who are users of regional or minority languages justifies the measures specified below and according to the situation of each language, the Parties undertake, as far as this is reasonably possible:***

- a i to ensure that the administrative authorities use the regional or minority languages;***

978. In its second evaluation report (paragraphs 1080-1083), this undertaking was considered partly fulfilled. Although it seemed that the knowledge of a co-official language was a pre-requisite for hiring or appointing a civil servant of a State administration office, the Committee had been informed that in practice staff were mostly Castilian-speaking, that there was a lack of training and that awareness raising on the possibility for citizens to use Galician should be organised.

979. The third periodical report (page 492ff.) outlines in detail the extent to which Galician is used in the different state ministries, local state administration bodies and dependent institutes with regard to standardised forms, exterior and interior signage in buildings, information brochures, publicity campaigns, accessibility of webpages, requests and answers received in Galician, institutional printed

material and staff with knowledge of Galician. Nevertheless, information is not always provided for each of these points from each body or ministry, which renders the evaluation again difficult.

980. As for signage on the buildings of these offices, from the information provided, this seems to be overall satisfactory, although patchy with regard to some offices. As for the accessibility of webpages of the ministries or state administration bodies, static information and first level navigation is usually available in Galician, and is possible up to third level of navigation on a number of websites.

981. As to staff with knowledge in Galician, a number of staff have knowledge of Galician, though not many are fluent speakers.

982. Based on the data provided in the third periodical report, the average percentage of requests submitted in Galician to these bodies is strikingly low. The number of replies given in Galician is fair.

983. Language training for civil servants continues to be carried out by the National Institute of Public Administration and the Government of Galicia.

984. While it seems that some progress has been achieved since the previous monitoring round, the use of Galician is not guaranteed systematically, but rather depends on the location and type of office. Partial translation and publication of information further means that the provision of Galician remains patchy. The data on the written and oral use of Galician suggest that speakers are either not aware of their rights, discouraged from using Galician, or not accustomed to addressing offices in Galician. There does not seem to be an overall policy or strategic approach to analyse the overall current state of affairs and plan a more systematic provision of documents and sufficient staff with an adequate knowledge of Galician. The Committee of Experts encourages the authorities to provide sufficient resources to the Council of Official Languages in the General State Administration to carry out this task.

985. While acknowledging some positive developments, the Committee of Experts is of the view that it does not yet lead to fulfilment of this undertaking and therefore maintains its previous conclusion that the undertaking is still partly fulfilled.

***b to make available widely used administrative texts and forms for the population in the regional or minority languages or in bilingual versions;***

986. In its second evaluation report (paragraphs 1084-1086), the Committee of Experts considered that this undertaking was not fulfilled and urged the Spanish authorities to take the necessary measures to ensure that bilingual versions of widely used administrative texts and forms were made available in all State administration offices in Galicia.

987. From the information contained in the third periodical report, the production or translation of administrative texts and documents in Galician varies depending on the ministry or institute in question. In general not many administrative forms are available. According to non-governmental sources, only four forms are available in Galician, and there is a lack of forms especially in the Tax Agency.

988. Based on the information received, the Committee of Experts considers the undertaking partly fulfilled and urges the authorities to continue their efforts in making administrative texts and especially forms available in Galician.

***c to allow the administrative authorities to draft documents in a regional or minority language.***

989. In its second evaluation report (paragraphs 1087-1088), the Committee of Experts again considered this undertaking only formally fulfilled and urged the Spanish authorities to comment on this specific undertaking in their next periodical report.

990. From the information contained in the third periodical report, documents are drafted in Galician by some ministries and institutes, although to a varying degree. Driving licences and national identity cards are issued in bilingual format.

991. Based on this information, the Committee of Experts considers the undertaking fulfilled.

## **Paragraph 2**

*In respect of the local and regional authorities on whose territory the number of residents who are users of regional or minority languages is such as to justify the measures specified below, the Parties undertake to allow and/or encourage:*

- a the use of regional or minority languages within the framework of the regional or local authority;*
- b the possibility for users of regional or minority languages to submit oral or written applications in these languages;*

992. The Committee of Experts considered these undertakings fulfilled in its second evaluation report (paragraphs 1089-1096), despite some practical deficiencies (with regard to sub-paragraph b).

993. According to evidence submitted by representatives of the speakers, the Galician authorities and institutions depending on them have reduced their use of Galician in institutional messages.

994. The Law 2/2009 of 23 June mentioned in paragraph 1001 below may have a direct negative effect on the use of Galician within the framework of the regional and local authorities as it relaxes the evidence of knowledge of the Galician language in the recruitment of administrative staff.

995. According to the representatives of the regional authorities whom the Committee of Experts met during the on-the-spot visit, the Regional authorities work mostly in Galician. The knowledge of Galician is a requirement in a job position.

996. During the on-the-spot visit, representatives of the Galician authorities informed the Committee of Experts of a new "Network for Language Promotion" for local authorities who can voluntarily join. The objective is to co-ordinate the promotion of the Galician language. Almost 100 town halls have already joined this network. However, according to non-governmental sources, the Galician authorities announced in September 2011 the suppression of public aid for local authorities in their promotion of the Galician language.

997. The Committee of Experts considers that the undertakings remain fulfilled.

## **Paragraph 3**

*With regard to public services provided by the administrative authorities or other persons acting on their behalf, the Parties undertake, within the territory in which regional or minority languages are used, in accordance with the situation of each language and as far as this is reasonably possible:*

- a to ensure that the regional or minority languages are used in the provision of the service;*

998. In its second evaluation report (paragraphs 1107-1110), the Committee of Experts was again not able to conclude whether this undertaking was fulfilled, as it lacked specific information. It therefore urged the authorities to provide relevant information in the next periodical report. On the basis of the observations made by the Committee of Experts in its second evaluation report, the Committee of Ministers recommended that the Spanish authorities "**ensure the presence of all regional or minority languages in state owned public services**" [RecChL(2008)5].

999. No concrete information in this respect is provided in the third periodical report. According to information from non-governmental organisations, public services run by the regional administration provides services in Galician, but services provided by private enterprises acting on behalf of the authorities generally do not take regional or minority languages into account.

1000. The Committee of Experts considers that the undertaking is partly fulfilled.

## **Paragraph 4**

*With a view to putting into effect those provisions of paragraphs 1, 2 and 3 accepted by them, the Parties undertake to take one or more of the following measures:*

- b recruitment and, where necessary, training of the officials and other public service employees required;*

1001. This undertaking was considered partly fulfilled at the State level and fulfilled at the level of the Autonomous Community of Galicia in its second evaluation report (paragraphs 1116-1120). On the basis of the observations made by the Committee of Experts in its second evaluation report, the Committee of Ministers recommended that the Spanish authorities “**review the recruitment, career and training schemes for the staff of the State administration offices with a view to ensuring that an adequate proportion of the staff posted in the autonomous communities have a working knowledge of the relevant language**” [RecChL(2008)5].

1002. With respect to the administration under the competence of the Autonomous Community, according to evidence received from representatives of the speakers, Galician Law 2/2009 of 23 June modifies Article 35 of Law 13/2007 of 27 July (Public Services Act) mentioned in the third periodical report (page 541), so that the requirement to pass a Galician language exam for public service staff has been abolished. It suffices to produce a secondary education certificate that shows that they have participated in Galician courses.

1003. On the level of State administration the Committee of Experts observes that the State has the legal possibility to ensure that an adequate proportion of State administration staff located in the autonomous communities have a working knowledge of the regional or minority language in question. However, the Committee of Experts observes that there still is an inadequate proportion of State administration staff mastering Galician due to a lack of systematic policy on recruiting and training of personnel in this respect.

1004. The Committee of Experts considers that the undertaking is partly fulfilled at the State level and fulfilled at the level of the Autonomous Community of Galicia.

*c compliance as far as possible with requests from public service employees having a knowledge of a regional or minority language to be appointed in the territory in which that language is used.*

1005. In its second evaluation report (paragraph 1121), , the Committee of Experts was unable to conclude on this undertaking, as again no specific information was submitted in this respect, and urged the authorities to come back to this in the next periodical report.

1006. No information on the compliance of this undertaking has been provided in the third periodical report.

1007. Nevertheless, as the Committee of Experts has not received any complaints with regard to this undertaking, it considers the undertaking fulfilled.

#### **Paragraph 5**

*The Parties undertake to allow the use or adoption of family names in the regional or minority languages, at the request of those concerned.*

1008. The Committee of Experts considered this undertaking fulfilled in the first and second evaluation rounds. It however requested the authorities to prevent, where appropriate, cases of refusal of name changes.

1009. According to the information received during the on-the-spot visit, Article 37 of the Law 20/2011 of 20 July on Civil Registers was amended so that the internal registrations (and not only the certificates) are drawn up in the official language chosen by the citizen.

1010. In the absence of any complaints with regard to this undertaking, the Committee of Experts considers that the undertaking remains fulfilled.

## Article 11 – Media

### Paragraph 1

*The Parties undertake, for the users of the regional or minority languages within the territories in which those languages are spoken, according to the situation of each language, to the extent that the public authorities, directly or indirectly, are competent, have power or play a role in this field, and respecting the principle of the independence and autonomy of the media:*

**a** *to the extent that radio and television carry out a public service mission:*

**i** *to ensure the creation of at least one radio station and one television channel in the regional or minority languages;*

1011. The Committee of Experts considered that the undertaking was fulfilled in the second evaluation report (paragraphs 1125-1127), but expressed its concern about the negative trend on the State public Radio-Television (RTVE), which had considerably reduced its broadcasting in Galician. The Radio-Television of Galicia (RTVG) still runs a radio station and a television channel in Galician.

1012. While the situation with respect to RTVE does not seem to have improved, the Committee of Experts considers that the undertaking is still fulfilled.

**b** **i** *to encourage and/or facilitate the creation of at least one radio station in the regional or minority languages;*

1013. In its second evaluation report (paragraphs 1128 - 1131), the Committee of Experts considered that the undertaking was not fulfilled, although it commended the authorities for their support to increase the presence of Galician in the media. Broadcasting in Galician on private radio was marginal.

1014. No new information is provided in the third periodical report.

1015. The Committee of Experts therefore maintains its previous conclusion that the undertaking is not fulfilled.

**c** **i** *to encourage and/or facilitate the creation of at least one television channel in the regional or minority languages;*

1016. In its second evaluation report (paragraphs 1132-1136), the Committee of Experts was not in a position to conclude on this undertaking and urged the authorities to provide specific information on how they encourage and/or facilitate the creation of at least one television channel in Galician in the next periodical report.

1017. No new information is provided in the third periodical report. According to non-governmental sources, those regional television channels that receive subsidies are obliged to broadcast at least 50% of their own programming in Galician. In practice, however, this does not reach 10%.

1018. In the light of the information received, the Committee of Experts concludes that the undertaking is not fulfilled.

**d** *to encourage and/or facilitate the production and distribution of audio and audiovisual works in the regional or minority languages;*

1019. The Committee of Experts considered that the undertaking was fulfilled in its second evaluation report (paragraphs 1137-1139) although it considered that there was room for improvement.

1020. According to evidence received from representatives of the speakers, public subsidies granted to the audiovisual sector have been reduced.

1021. While considering that the undertaking is still fulfilled, the Committee of Experts asks the authorities to comment on this undertaking in the next periodical report.

**e** **i** *to encourage and/or facilitate the creation and/or maintenance of at least one newspaper in the regional or minority languages;*

1022. In its second evaluation report (paragraphs 1140-1144), the Committee of Experts considered the undertaking fulfilled but looked forward to an improvement in the next monitoring round.

1023. The third periodical report (page 549) states that the digital version of the daily *La Voz de Galicia*, the most sold newspaper in Galicia, has been available both in Galician and in Castilian since 2006.

1024. According to non-governmental sources, public subsidies granted to the media in Galician have been drastically reduced. On 28 June 2011, the only daily newspaper in Galician, *Galicia Hoxe*, closed down due to financial reasons, and is now only available on the Internet. The Committee of Experts has also been informed that the paper version of the weekly newspaper *A Nosa Terra* ceased its printing in September 2011, the electronic version has also ceased and *Xornal de Galicia* which published 40% of its articles in Galician in July 2011, announced the end of the web version in December. Even some of the electronic newspapers in Galician have ceased to be published.

1025. According to representatives of the speakers whom the Committee of Experts met during the on-the-spot visit, the only news material that is still printed is a free metro newspaper and the *Osill* monthly.

1026. The Committee of Experts is concerned about this negative development and therefore must revise its previous conclusion and consider the undertaking partly fulfilled.

## **Paragraph 2**

*The Parties undertake to guarantee freedom of direct reception of radio and television broadcasts from neighbouring countries in a language used in identical or similar form to a regional or minority language, and not to oppose the retransmission of radio and television broadcasts from neighbouring countries in such a language. They further undertake to ensure that no restrictions will be placed on the freedom of expression and free circulation of information in the written press in a language used in identical or similar form to a regional or minority language. The exercise of the above-mentioned freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health and morals, for the protection of the reputation or rights of others, for preventing disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary."*

1027. In its first evaluation report (paragraph 961), the Committee of Experts considered this undertaking fulfilled.

1028. According to the information available to the Committee of Experts, television programmes from Portugal can no longer be viewed in Spain since digital switchover. The Portuguese Parliament passed an initiative to recover transmissions.

1029. The Committee of Experts encourages the authorities to promote, by means of an agreement with Portuguese authorities, the reception of Portuguese television channels in Galicia.

## **Paragraph 3**

*The Parties undertake to ensure that the interests of the users of regional or minority languages are represented or taken into account within such bodies as may be established in accordance with the law with responsibility for guaranteeing the freedom and pluralism of the media.*

1030. As no information has been given to the Committee of Experts either in the first or second periodical reports, the Committee urged the authorities to submit further information in the next periodical report.

1031. According to the third periodical report (page 545), the interests of the Galician-speakers are represented in the Audiovisual Consortium of Galician.

1032. The Committee of Experts considers that the undertaking is fulfilled.

## Article 12 – Cultural activities and facilities

### Paragraph 1

*With regard to cultural activities and facilities – especially libraries, video libraries, cultural centres, museums, archives, academies, theatres and cinemas, as well as literary work and film production, vernacular forms of cultural expression, festivals and the culture industries, including inter alia the use of new technologies – the Parties undertake, within the territory in which such languages are used and to the extent that the public authorities are competent, have power or play a role in this field:*

- e to promote measures to ensure that the bodies responsible for organising or supporting cultural activities have at their disposal staff who have a full command of the regional or minority language concerned, as well as of the language(s) of the rest of the population;*
- f to encourage direct participation by representatives of the users of a given regional or minority language in providing facilities and planning cultural activities;*

1033. The Committee of Experts was unable to conclude on the fulfilment of these undertakings in the last two monitoring rounds as it lacked information. It therefore urged the Spanish authorities to include specific information in this respect in their next periodical report.

1034. As mentioned above, the Council of Galician culture is composed of prominent Galician-speakers and advises on the planning and organisation of cultural activities.

1035. The Committee of Experts therefore considers these undertakings fulfilled.

- g to encourage and/or facilitate the creation of a body or bodies responsible for collecting, keeping a copy of and presenting or publishing works produced in the regional or minority languages;*

1036. In its second evaluation report (paragraphs 1158-1161), the Committee of Experts concluded that the undertaking was partly fulfilled and asked the authorities to provide information in the next evaluation round on the audio, audiovisual and other works in Galician.

1037. No information has been provided by the Spanish authorities in this respect in the third periodical report.

1038. The Committee of Experts considers that the undertaking remains partly fulfilled but urges the authorities to provide information in the next evaluation round on the audio, audiovisual and other works in Galician.

### Paragraph 2

*In respect of territories other than those in which the regional or minority languages are traditionally used, the Parties undertake, if the number of users of a regional or minority language justifies it, to allow, encourage and/or provide appropriate cultural activities and facilities in accordance with the preceding paragraph.*

1039. This undertaking was considered partly fulfilled in the second evaluation report (paragraphs 1165-1167). Information on centres provided by the Spanish authorities referred mainly to education but not to cultural activities.

1040. No information in this respect is provided in the third periodical report.

1041. The Committee of Experts considers that the undertaking remains partly fulfilled but urges the authorities to provide the relevant information in their next periodical report.

## Article 13 – Economic and social life

### Paragraph 1

*With regard to economic and social activities, the Parties undertake, within the whole country:*

- c to oppose practices designed to discourage the use of regional or minority languages in connection with economic or social activities;*

1042. As cases of harassment of workers for speaking Galician had been brought to the attention of the Committee of Experts by non-governmental sources in the second monitoring round, the Committee of Experts considered that, in the absence of an action plan to prevent those situations, the undertaking was partly fulfilled. It looked forward to receiving information in the next periodical report on measures taken in that respect.

1043. According to the information received, the situation has improved. As an indication of the spirit of promoting Galician in the private sector, the third periodical report (page 567) reports that a considerable number of collective labour agreements include clauses relating to the promotion of the Galician language, for example the right of Galician employees to undertake their professional activity in Galician and to receive language training.

1044. In the absence of any complaints, the Committee of Experts considers the undertaking fulfilled at present.

### Paragraph 2

*With regard to economic and social activities, the Parties undertake, in so far as the public authorities are competent, within the territory in which the regional or minority languages are used, and as far as this is reasonably possible:*

- a to include in their financial and banking regulations provisions which allow, by means of procedures compatible with commercial practice, the use of regional or minority languages in drawing up payment orders (cheques, drafts, etc.) or other financial documents, or, where appropriate, to ensure the implementation of such provisions;*

1045. In its second evaluation report (paragraphs 1178-1181), the Committee of Experts considered that the undertaking was partly fulfilled. Despite the commendable efforts made by some banks like *Caixa Galicia* and *Caixanova*, in the vast majority of cases, financial and banking documents were not available in Galician. Regulation furthermore did not exist.

1046. No new information is available in the third periodical report.

1047. The Committee of Experts maintains its previous conclusion that the undertaking is partly fulfilled.

- b in the economic and social sectors directly under their control (public sector), to organise activities to promote the use of regional or minority languages;*

1048. In its second evaluation report (paragraphs 1182-1184), the Committee of Experts considered that this undertaking was not fulfilled. It urged the Spanish authorities to clarify which economic and social sectors come directly under the control of the central authorities and of the Galician authorities in their next periodical report.

1049. The authorities have not responded to this request in their third periodical report.

1050. The Committee of Experts considers that the undertaking remains not fulfilled.

- c to ensure that social care facilities such as hospitals, retirement homes and hostels offer the possibility of receiving and treating in their own language persons using a regional or minority language who are in need of care on grounds of ill-health, old age or for other reasons;*

1051. This undertaking was considered only partly fulfilled in its second evaluation report (paragraphs 1185-1189).

1052. No new information is provided in the third periodical report. According to non-governmental sources, it is still difficult to receive treatment or services in Galician in hospitals and social care facilities. They also claim that many signs in public hospitals and social care facilities are in fact in Castilian.

1053. Law 2/2009 of June modifying Law 13/2007 of 27 July (Public Services Act) mentioned in paragraph 1001 above, abolishing the requirement to pass a Galician language exam for public service staff, also applies to medical staff (see page 568 of the third periodical report).

1054. The Committee of Experts concludes that the undertaking remains partly fulfilled. It urges the authorities to ensure that social care facilities offer the possibility of Galician-speakers to be received and treated in their language.

*d to ensure by appropriate means that safety instructions are also drawn up in regional or minority languages;*

1055. In the second evaluation report (paragraphs 1190-1191), the undertaking was again considered not fulfilled, since no information was provided regarding safety instructions.

1056. Again, no information in this respect has been provided in the third periodical report. The Committee of Experts therefore concludes that the undertaking remains not fulfilled. It urges the authorities to include the relevant information in their next periodical report.

## **Article 14 – Transfrontier exchanges**

### ***The Parties undertake:***

*a to apply existing bilateral and multilateral agreements which bind them with the States in which the same language is used in identical or similar form, or if necessary to seek to conclude such agreements, in such a way as to foster contacts between the users of the same language in the States concerned in the fields of culture, education, information, vocational training and permanent education;*

1057. In its second evaluation report (paragraph 1195), the Committee of Experts urged the authorities to provide information in the next periodical report on whether there had been any attempts to establish an interstate co-operation between Spain and Portugal for the benefit of Galician.

1058. From the information available in the third periodical report, it does not seem that attempts for such interstate co-operation have been made.

1059. Nevertheless, the Committee of Experts is aware of the efforts undertaken by the Spanish authorities in the context of the European Union where co-official languages gained a special status based on agreements concluded with various European institutions. Speakers of all co-official languages may use their languages in the communication with the EU institutions (see paragraph 183 of the first evaluation report and paragraph 190 of the second evaluation report). The Committee of Experts commends the authorities for this promotional approach.

1060. In view of the overall available information the Committee of Experts considers the undertaking fulfilled. The Committee of Experts encourages the authorities to pursue bilateral agreements with the countries in which the same or similar languages are spoken.

*b for the benefit of regional or minority languages, to facilitate and/or promote co-operation across borders, in particular between regional or local authorities in whose territory the same language is used in identical or similar form.*

1061. In its second evaluation report (paragraphs 1196-1200), the Committee of Experts considered this undertaking fulfilled, although it understood from comments received that there was room for improvement in terms of practice.

1062. No further information with regard to this undertaking is provided in the third periodical report. The Committee of Experts asks the authorities to provide information on the practical implementation of this undertaking in the next periodical report.

### 2.2.7 Aranese in Catalonia

1063. The Act on Aranese 35/2010 of 1 October<sup>21</sup> was passed in 2010 by the Catalan Parliament. It makes Aranese a co-official language of Catalonia. The preamble declares that Aranese is a co-official language in the entire territory of Catalonia. Article 2 specifies that the right to use Aranese applies to Aran and before the institutions of the Government (Parliament, Government, Ombudsman etc), over the entire territory of Catalonia. The Catalan ministries with the Aranese government, the Council of Aran (*Conselh Generau d'Aran*) share the finances and the responsibility.

#### Article 8 – Education

1064. Article 17 of the Education Act 12/2009 of 10 July provides for the following general regulations with respect to Aranese in the field of education:

1. Occitan, known as Aranese in Aran, is the own language of this territory, in accordance with Article 6.5 of the Statute, and as such is the common language of communication and learning in schools in Aran.
2. All references made in this Title to Catalan as the own language of education in Catalonia extend to Occitan for schools in Aran.
3. Language plans at schools in Aran must also ensure an adequate presence for Catalan and that students have acquired full command of Catalan and Spanish by the end of compulsory education.
4. References to the language proficiency of teachers and other staff at schools in Aran extend to Occitan.
5. The provisions of this Title relating to language immersion programmes, individualised language attention and the language of the educational administration must be adapted in Aran to the status afforded by the Statute to Occitan as the own language of Aran and official in Catalonia.

1065. Furthermore, Article 57 of the same Act states that “notwithstanding the provisions of Articles 11 and 17, the teaching of Catalan, Occitan, Spanish and foreign languages should receive special attention during basic education. At the end of this stage, students must have achieved solid communicative competence so that they can correctly and normally use the official languages and can understand and give oral and written messages in the foreign languages that the school has chosen in its educational plan”.

1066. Chapter 4 (Articles 13 – 16) of the Act on Occitan (Aranese) regulates the teaching of and in Aranese in education.

1067. From the information available in the third periodical report (page 970), it appears that teaching materials in Aranese are available for pre-school, primary and secondary education.

#### Paragraph 1

***With regard to education, the Parties undertake, within the territory in which such languages are used, according to the situation of each of these languages, and without prejudice to the teaching of the official language(s) of the State:***

- a i to make available pre-school education in the relevant regional or minority languages;***

1068. According to the third periodical report (page 967), Article 4 of Decree 181/2008 of 9 September on the planning of teaching for the second cycle of pre-school education establishes that Aranese is taught in the Aran Valley in accordance with what the General Council of Aran and the Department of Education of the Government of Catalonia determine.

1069. According to Article 14.1. of the Aranese Act the administration responsible for education must regulate and organise Aranese-medium pre-school education in Aran, in the framework of the regulations of general education of the Government of Catalonia.

---

<sup>21</sup> <http://www.parlament.cat/activitat/cataleg/TL128.pdf>

1070. The Committee of Experts considers that the undertaking is fulfilled. It encourages the Spanish authorities to provide more detailed information and data about the extent to which Aranese is taught at pre-school level in practice in their next periodical report.

- b i to make available primary education in the relevant regional or minority languages;***
- c i to make available secondary education in the relevant regional or minority languages;***

1071. According to the third periodical report (page 967), Articles 5 and 6 of Decrees 142 and 143/2007 of 26 June on primary and lower secondary education on planning the teaching for primary and secondary education respectively provide that Aranese is taught in Val d'Aran with temporary assignments and in the scopes of learning and areas determined by the General Council of Val d'Aran, in accordance with the Department of Education (of the Government of Catalonia).

1072. Article 14.1. of the Aranese Language Act determines that the administration responsible for education shall regulate and organise Aranese-medium primary and secondary school education in Aran, in the framework of the regulations of general education of the Government of Catalonia. Primary education is furthermore regulated by Decree 142/2007 of 26 July, and secondary education by Decree 143/2007 of 26 June. Art. 5 of the Decree states that the General Council of Aran will establish, in accordance with the authorities in the field of education, the extent to which Aranese language will be used in teaching, including the choice of subjects taught through Aranese.

1073. The Committee of Experts understands that pursuant to the Aranese Language Act and the Education Act, Aranese must be the usual language of teaching. At the same time, all pupils must acquire a good knowledge of both Catalan and Castilian.

1074. With regard to primary school education, according to the third periodical report and supplementary information received from the Aran authorities, in general Aranese is used as the language of instruction at all three primary education centres in Aran, especially in the first years, amounting to 18 hours per week. Aranese is used to acquire writing and reading skills when they enter school. Two hours per week are taught in Catalan and two in Castilian. This system is compulsory for all pupils in primary schools in Aran.

1075. Then, according to the different 'language project' of each school, Aranese language loses some presence, more or less depending on the school, in favour of Catalan or Castilian. In general, the subject "Knowledge of the Environment" in primary school is in Aranese.

1076. As for secondary school, according to the periodical report (page 970), in lower (=compulsory) secondary education, a minimum of two hours are taught in Aranese. In upper secondary education (baccalaureate), Aranese is currently an optional subject. According to supplementary information received from the Aran authorities, in lower secondary education, only the subject the "Knowledge of the Environment" is taught in Aranese, which amounts to approximately six hours per week, according to the "language project" of each school. At upper secondary school level, only Aranese Language is taught in Aranese (three hours).

1077. The Committee of Experts commends the authorities for their efforts in making Aranese available in primary and secondary education. It notes, as for the other Part III languages, that Spain opted for the highest level of commitment, i.e. to make available education in the relevant regional or minority language at all levels.

1078. The Committee of Experts considers the undertaking fulfilled with respect to primary schools. While noting the positive development in the education sector, the Committee of Experts considers that the undertaking is at present not fulfilled for secondary education.

- d i to make available technical and vocational education in the relevant regional or minority languages;***

1079. According to the third periodical report (pages 970 – 971), Article 6.2. of Decree 332/1994 states that the content of vocational training to be taught in Aranese in the Aran Valley shall be determined by the representative bodies from the Aran Valley.

1080. According to supplementary information received from the General Council of Aran, the presence of Aranese in technical and vocational centres is limited or non-existent.

1081. The Committee of Experts considers the undertaking not fulfilled at present.

- e i to make available university and other higher education in regional or minority languages; or*
- ii to provide facilities for the study of these languages as university and higher education subjects; or*
- iii if, by reason of the role of the State in relation to higher education institutions, sub-paragraphs i and ii cannot be applied, to encourage and/or allow the provision of university or other forms of higher education in regional or minority languages or of facilities for the study of these languages as university or higher education subjects;*

1082. Article 15 of the Aranese Language Act states that the Government should take measures to promote the incorporation of philological studies of Occitan in universities and higher education institutions in Catalonia.

1083. According to the information provided in the third periodical report (page 971), the University of Lleida offers studies in Occitan language and literature. Following the introduction of new university degrees in the framework of the European Higher Education Area, the Degree in Catalan Philology has changed to become the Degree of Catalan and Occitan Studies<sup>22</sup>.

1084. The Committee of Experts welcomes this information and considers that the undertaking is fulfilled.

- f i to arrange for the provision of adult and continuing education courses which are taught mainly or wholly in the regional or minority languages;*

1085. Article 16 of the Aranese Language Act provides that the General Council of Aran, in co-operation with the Government, promotes the offer of courses and adopts necessary measures to facilitate the learning of Aranese to non-speakers.

1086. According to the third periodical report (page 971) and the Language Policy Report concerning Aranese, the General Council of Aran organises Aranese courses in the Aran Valley. In the academic year of 2009/2010, 220 students enrolled (see paragraph 209 above).

1087. While welcoming this information, the Committee of Experts draws the Spanish authorities' attention to the highest level of undertaking chosen under f), namely to provide adult education courses which are taught mainly or wholly in Aranese. In the absence of any concrete information in this respect, the Committee of Experts cannot conclude on this undertaking and encourages the Spanish authorities to report on the practical implementation of this undertaking in their next periodical report.

- g to make arrangements to ensure the teaching of the history and the culture which is reflected by the regional or minority language;*

1088. Pursuant to Article 13.2. of the Occitan (Aranese) Act, the authorities must include in the curriculum of primary and secondary education in Catalonia the teaching of the linguistic, historical and cultural reality in Aran, and the connection it has with the Occitan language, history and culture.

1089. According to the third periodical report (page 972), the teaching of the Catalan and Aranese history and culture is included in the curricula at all levels of education.

1090. The Committee of Experts considers the undertaking fulfilled.

- h to provide the basic and further training of the teachers required to implement those of paragraphs a to g accepted by the Party;*

1091. As stated in the third periodical report (page 972), Decree 244/1991 of 28 October on knowledge of official languages for the assignment of teaching positions in non-university public education centres in Catalonia provides that knowledge of Aranese must be accredited for teaching positions in the Aran Valley. Likewise, Article 14.4. of the Education Act 12/2009 states that references to the language proficiency of teachers and other staff at schools in Aran extend to the Aranese language.

---

<sup>22</sup> <http://www.estudiscatalans.udl.cat/en/>

1092. However, the Committee of Experts has not received sufficient information about the practical implementation of this undertaking, including whether there is a sufficient number of teachers trained for each education level, and whether opportunities for further training exist.

1093. The Committee of Experts is therefore not in a position to draw a conclusion on this undertaking and asks the Spanish authorities to comment on these points in their next periodical report.

- i to set up a supervisory body or bodies responsible for monitoring the measures taken and progress achieved in establishing or developing the teaching of regional or minority languages and for drawing up periodic reports of their findings, which will be made public.*

1094. According to the third periodical report (page 969), Article 4.2. of Decree 142/2008 (or Resolution ENS/526/2003 of 6 March 2003) states that “The Directorate General of Educational Innovation and Planning, the Inspectorate for Teaching and the Office for the Promotion and Teaching of Aranese of the General Council of Aran will monitor and evaluate the implementation of teaching in the Aranese language, specifically in order to obtain information that enables a future permanent standard to be drawn up regarding the teaching of Aranese and in Aranese”.

1095. While welcoming this provision, in the absence of information on the drawing up of monitoring reports and making them public, the Committee of Experts concludes that the undertaking is partly fulfilled. It encourages the Spanish authorities to provide concrete information about such reports in their next periodical report.

## **Paragraph 2**

*With regard to education and in respect of territories other than those in which the regional or minority languages are traditionally used, the Parties undertake, if the number of users of a regional or minority language justifies it, to allow, encourage or provide teaching in or of the regional or minority language at all the appropriate stages of education.*

1096. According to the information provided in the third periodical report (page 971), an online learning course is available, which has been financially supported by the General Council of Aran. The General Council also organises Aranese courses for adults in Barcelona. Furthermore, the Government of Catalonia has subsidised the offering of Aranese language courses for adults in Catalonia, outside the Aran Valley.

1097. The Committee of Experts welcomes this information. It encourages the Spanish authorities to provide information in their next periodical report on any possible developments concerning other kinds of teaching of Aranese outside the Aran Valley. In the meantime it considers the undertaking fulfilled.

## **Article 9 – Judicial authorities**

### **Paragraph 1**

*The Parties undertake, in respect of those judicial districts in which the number of residents using the regional or minority languages justifies the measures specified below, according to the situation of each of these languages and on condition that the use of the facilities afforded by the present paragraph is not considered by the judge to hamper the proper administration of justice:*

- a in criminal proceedings:*
    - i to provide that the courts, at the request of one of the parties, shall conduct the proceedings in the regional or minority languages; and/or*
    - ii to guarantee the accused the right to use his/her regional or minority language; and/or*
    - iii to provide that requests and evidence, whether written or oral, shall not be considered inadmissible solely because they are formulated in a regional or minority language; and/or*
    - iv to produce, on request, documents connected with legal proceedings in the relevant regional or minority language,*
- if necessary by the use of interpreters and translations involving no extra expense for the persons concerned;*

**b in civil proceedings:**

- i to provide that the courts, at the request of one of the parties, shall conduct the proceedings in the regional or minority languages; and/or*
- ii to allow, whenever a litigant has to appear in person before a court, that he or she may use his or her regional or minority language without thereby incurring additional expense; and/or*
- iii to allow documents and evidence to be produced in the regional or minority languages,*  
*if necessary by the use of interpreters and translations;*

**c in proceedings before courts concerning administrative matters:**

- i to provide that the courts, at the request of one of the parties, shall conduct the proceedings in the regional or minority languages; and/or*
- ii to allow, whenever a litigant has to appear in person before a court, that he or she may use his or her regional or minority language without thereby incurring additional expense; and/or*
- iii to allow documents and evidence to be produced in the regional or minority languages,*  
*if necessary by the use of interpreters and translations;*

1098. Article 9 of the Aranese Act states that proceedings conducted in Aranese, in oral and in writing in Aran are valid without necessity of translation. Also, the command of Aranese will be considered a merit to hold a post in Justice in Aran.

1099. According to the information provided in the third periodical report (pages 972 – 976), the Government of Catalonia, the General Council of Aran and the General Council of the Judiciary signed an agreement in 2001 to linguistically normalise the office of the Judicial Part of Biela (the capital of Aran). The agreement puts an obligation on these three parties to take measures to promote and create awareness of the possibility to use Aranese in courts and in justice administration, and to provide advice. Furthermore according to the periodical report, Aranese is used very infrequently in written judgements.

1100. While acknowledging the efforts made by the respective authorities, the Committee of Experts concludes that the undertakings are formally fulfilled.

- d to take steps to ensure that the application of sub-paragraphs i and iii of paragraphs b and c above and any necessary use of interpreters and translations does not involve extra expense for the persons concerned.*

1101. According to the information at the disposal of the Committee of Experts, interpretation and translation costs are borne by the State. The Committee of Experts considers that this undertaking is fulfilled.

## **Paragraph 2**

**The Parties undertake:**

- a not to deny the validity of legal documents drawn up within the State solely because they are drafted in a regional or minority language;*

1102. According to the third periodical report (page 975), Article 14 of Catalan Law 1/1988 of 7 January on Language Policy guarantees the right of citizens to choose in which language the public documents they intervene will be written. The third periodical report further mentions Decree 204/1998 of 30 July on Aranese language in notary documents. In the whole territory of Catalonia, Aranese-speakers can submit documents in Aranese before the Catalan regional authorities.

1103. Although the mentioned provisions admit the validity of legal documents in Aranese only within Catalonia, as in the rest of Spain a translation is required, the Committee of Experts considers that this undertaking is fulfilled.

### **Paragraph 3**

***The Parties undertake to make available in the regional or minority languages the most important national statutory texts and those relating particularly to users of these languages, unless they are otherwise provided.***

1104. Article 4 of Law 2/2007 of 5 June of the Official Gazette of the Government of Catalonia determines that the rules, provisions and acts which exclusively affect Aran will also be published in Aranese and will have official status beside Catalan and Castilian. Article 7 of the Law on Aranese states that the laws of Catalonia will also be published in Aranese. Orders and Resolutions of the Institutions of the Government that especially affect Aran will be published in Aranese.

1105. As mentioned in paragraph 1120 below, the Aranese administration translates notices, resolutions and decrees published in the Official Gazette of the Government of Catalonia (DOGC).

1106. The Committee of Experts commends the Catalan authorities for their efforts and looks forward to receiving information on any other important national statutory texts that have been made available in Aranese in the next periodical report.

1107. In the meantime the Committee of Experts considers the undertaking partly fulfilled.

## **Article 10 – Administrative authorities and public services**

### **Paragraph 1**

***Within the administrative districts of the State in which the number of residents who are users of regional or minority languages justifies the measures specified below and according to the situation of each language, the Parties undertake, as far as this is reasonably possible:***

***a i to ensure that the administrative authorities use the regional or minority languages;***

1108. Law 4/1999 of 13 January stipulates that as a general rule the working language in the State administration is Castilian. However, in the territories of the Autonomous Communities concerned citizens have the right to use the co-official language in their dealings with the administration (Article 35 d) and 36). Furthermore, Article 5 of Law 4/2001 of 12 November on the right to submit applications provides that “(w)ithin the territories of the Autonomous Communities whose Statutes establish linguistic co-officiality, applicants shall have the right to draft their applications to the General State Administration and public bodies linked with or supervised by them in one of the official languages and to obtain a reply in the language of their choice.” Article 5.7. of the Law on Aranese states that State authorities in Aran must use Aranese.

1109. However, the knowledge of a co-official language is not a pre-requisite for appointing a civil servant, although it is considered to be an advantage. According to the information provided in the third periodical report (page 977) Aranese was used by some State ministries with respect to local and national elections from 2007-2009.

1110. The information available does not allow the Committee of Experts to conclude on how the authorities *ensure* the use of Aranese by the State administration in the Aran Valley. The Committee of Experts encourages the Spanish authorities to provide more detailed information on the practical implementation of this undertaking in their next periodical report.

***b to make available widely used administrative texts and forms for the population in the regional or minority languages or in bilingual versions;***

1111. According to Royal Decree 1465/1999 of 17 September, internal directions and forms of the State administration offices located in the autonomous communities where there is a co-official language must be bilingual.

1112. The Committee of Experts considers that the undertaking is formally fulfilled and encourages the Spanish authorities to provide detailed information on the practical implementation of this undertaking with respect to Aranese.

**c to allow the administrative authorities to draft documents in a regional or minority language.**

1113. Article 36 paragraph 1 of Law 4/1999 provides that even where there is more than one person involved in the procedure and there is disagreement as to the language to be used, documents or certificates required by the person concerned shall nevertheless be drafted in the (co-official) language chosen. However, the Committee of Experts has not been made aware of any examples of certificates or any other documents drafted in the Aranese language by a State Administration office located in Catalonia.

1114. The Committee of Experts therefore considers that the undertaking is only formally fulfilled at present.

## **Paragraph 2**

***In respect of the local and regional authorities on whose territory the number of residents who are users of regional or minority languages is such as to justify the measures specified below, the Parties undertake to allow and/or encourage:***

**a the use of regional or minority languages within the framework of the regional or local authority;**

1115. Article 2.3. of the Law 35/2010 on Aranese states that Aranese, as the traditional language of Aran, is the language which must be used by the authorities of Aran as the preferential language, as well as in media, in education and in place names. Aranese is also the language which the authorities of Catalonia usually use in their contacts with the Aran Valley. Article 5 of the Law lays down the obligation of the authorities to use Aranese in every situation, respecting the right of citizens to use Castilian or Catalan if they so request. The Spanish Government has appealed against this Law before the Constitutional Court, claiming that the preferential use of Aranese is contrary to the right of citizens to use Castilian as well as Aranese.

1116. According to the third periodical report (page 979), the Government uses Aranese in written communications and printed material in Aran. The General Council of Aran and the town halls use Aranese on a habitual basis.

1117. During the on-the-spot visit, the Committee of Experts was informed that employees of the Catalan authorities are taking Aranese language courses.

1118. The Committee of Experts considers the undertaking is fulfilled with regard to the local authorities. With regard to regional authorities, it requires more specific information on the actual use of the Aranese language within regional authorities and also about the legislative framework in order to be in a position to draw a conclusion on this undertaking. The Committee of Experts encourages the Spanish authorities to provide such information in the next periodical report.

**b the possibility for users of regional or minority languages to submit oral or written applications in these languages;**

1119. According to Article 3 of the Aranese Language Act, citizens have the right to use the language in private and in public; in relation with public authorities they have the right to use Aranese language in oral and in writing. Article 5 lays down the obligation of the authorities to use Aranese in every situation and to ensure that citizens may use Aranese in every situation in relation with the public authorities.

1120. Due to lack of information on the practical implementation of this undertaking, the Committee of Experts considers the undertaking formally fulfilled.

**c the publication by regional authorities of their official documents also in the relevant regional or minority languages;**

1121. Article 4 of Law 2/2007 of 5 June provides that the Official Bulletin of the Government of Catalonia will also publish in Aranese.

1122. According to the third periodical report (page 979), the Government of Catalonia uses Aranese in publications in Aran. The Aranese administration translates notices, resolutions and decrees published

in the official gazette of the Government of Catalonia (DOGC). It also corrects transcriptions of the speeches in this language given in the Parliament of Catalonia.

1123. The Committee of Experts concludes that this undertaking is fulfilled.

*d the publication by local authorities of their official documents also in the relevant regional or minority languages;*

1124. As mentioned above, according to the information available, the General Council of Aran and the town halls use Aranese on a habitual basis.

1125. Based on this information, the Committee of Experts considers that the undertaking is fulfilled.

*e the use by regional authorities of regional or minority languages in debates in their assemblies, without excluding, however, the use of the official language(s) of the State;"*

1126. According to the third periodical report (page 979), besides Catalan and Castilian, Aranese can be used by members of the Parliament of Catalonia, without translation. In practice, however, sessions are almost entirely carried out in Catalan.

1127. The Committee therefore concludes that the undertaking is formally fulfilled.

*f the use by local authorities of regional or minority languages in debates in their assemblies, without excluding, however, the use of the official language(s) of the State;*

1128. No information with regard to this undertaking is provided in the third periodical report. The Law on Aranese states that Aranese will be used by the General Council of Aran.

1129. According to the information at the disposal of the Committee of Experts, Aranese is used within the General Council of Aran.

1130. The Committee of Experts considers the undertaking fulfilled.

*g the use or adoption, if necessary in conjunction with the name in the official language(s), of traditional and correct forms of place-names in regional or minority languages.*

1131. No information with regard to this undertaking is provided in the third periodical report. However, it is mentioned in the initial periodical report that Article 18 of the Law of Catalonia 1/1998 of 7 January on language policy provides inter alia that "(t)he sole official form of place-names in Catalonia shall be the Catalan form (...), with the exception of the Aran Valley, where the official form shall be Aranese". Article 11.1 of the Law on Aranese confirms this as it determines that the Aranese form is the only official form in Aran for toponyms, places names and others.

1132. While welcoming this information, the Committee of Experts considers the undertaking only formally fulfilled and asks the authorities to provide information on the practical implementation of these provisions in the next periodical report.

### **Paragraph 3**

*With regard to public services provided by the administrative authorities or other persons acting on their behalf, the Parties undertake, within the territory in which regional or minority languages are used, in accordance with the situation of each language and as far as this is reasonably possible:*

*a to ensure that the regional or minority languages are used in the provision of the service;*

1133. No information with regard to this undertaking is provided in the third periodical report.

1134. Article 36 of the Statute of Autonomy of Catalonia lays down that:

1. In Aran each person has the right to know and use Aranese and to be attended orally and in writing in Aranese in his or her dealings with Public Administration bodies and public and private entities accountable to them.
2. The citizens of Aran have the right to use Aranese in their dealing with the Government.
3. Other linguistic rights and obligations relating to Aranese shall be determined by law.

1135. These rights are also reflected in the Aranese Language Act.

1136. The Committee of Experts is not in a position to conclude on this undertaking and encourages the Spanish authorities to provide information on the practical implementation in their next periodical report.

#### **Paragraph 4**

***With a view to putting into effect those provisions of paragraphs 1, 2 and 3 accepted by them, the Parties undertake to take one or more of the following measures:***

***a translation or interpretation as may be required;***

1137. According to the third periodical report (page 978), the General Council of Aran offers a translation and correction service for administrative documents to all public institutions that request it.

1138. Taking into account its conclusions under the relevant provisions above, the Committee of Experts considers the undertaking partly fulfilled.

***b recruitment and, where necessary, training of the officials and other public service employees required;***

1139. According to the information provided in the third periodical report (pages 978 – 979), the Government of Catalonia offers Aranese language training for civil servants by means of the Public Administration School at either Autonomous Community level or local level. The Aran General Council organises courses for staff of the town halls of Aran.

1140. While welcoming this information, the Committee of Experts cannot draw a conclusion on this undertaking and asks the authorities to provide more detailed information on the number of staff trained and the availability of civil servants with sufficient knowledge of Aranese in their next periodical report.

***c compliance as far as possible with requests from public service employees having a knowledge of a regional or minority language to be appointed in the territory in which that language is used.***

1141. No specific information with regard to this undertaking is provided in the third periodical report. The Committee of Experts is therefore not in a position to conclude on this undertaking and encourages the Spanish authorities to provide the relevant information with regard to all five fields concerned (branches of State administration in Catalonia, administration of the Autonomous Community, General Council of Aran and local authorities, and public services) in their next periodical report.

#### **Paragraph 5**

***The Parties undertake to allow the use or adoption of family names in the regional or minority languages, at the request of those concerned.***

1142. No information is provided in this respect in the third periodical report. However, as mentioned in the initial periodical report, Article 19.3 of Law of Catalonia 1/1998 of 7 January on language policy stipulates that the citizens of Catalonia shall have the right to use the linguistically correct form of their Aranese forenames and family names. In addition, Article 12 of the Law on Aranese states that citizens have the right to use their names and surnames in the correct standardised form of Aranese and that everybody can make a request for this in the Civil Register.

1143. No particular difficulty or problem with regard to the implementation of this provision was brought to the attention of the Committee of Experts. The Committee therefore considers that the undertaking is fulfilled.

## Article 11 – Media

### Paragraph 1

*The Parties undertake, for the users of the regional or minority languages within the territories in which those languages are spoken, according to the situation of each language, to the extent that the public authorities, directly or indirectly, are competent, have power or play a role in this field, and respecting the principle of the independence and autonomy of the media:*

- a to the extent that radio and television carry out a public service mission:*
  - i to ensure the creation of at least one radio station and one television channel in the regional or minority languages;*

1144. Article 149 of the Spanish Constitution stipulates that the Autonomous Communities can create and regulate their own television and radio stations. Article 25 of Law 1/1998 of 7 January on Language Policy, concerning public television and radio broadcasting media, provides that “3. The Catalan Radio and Television Corporation should seek to ensure regular programming of radio and television broadcasts in Aranese to the Aran Valley. (...) (and) 6. (...) should guarantee a significant presence of Aranese in their programming.”

1145. According to the third periodical report (page 982), Catalonia Television broadcasts a weekly 15-minute programme in Aranese. Other programmes have also been broadcast using a dual Catalan/Aranese system, which allows the viewer to opt for one or the other language. In addition, the Catalan authorities informed the Committee of Experts during the on-the-spot visit that the Catalan public news channel Canal 3/24 broadcasts a 15-minute daily news programme in Aranese.

1146. As regards radio broadcasting, Aranese is broadcast 2 ½ hours per day on public radio stations in Catalonia.

1147. While acknowledging the presence of Aranese in public radio and television broadcasting, the Committee of Experts notes that the undertaking chosen by the Spanish authorities is the highest under Article 11.1.a., namely to ensure the creation of at least one radio station and one television channel in Aranese.

1148. Given the level of undertaking chosen by the Spanish Government, the Committee of Experts must conclude that the undertaking is not fulfilled. It encourages the Spanish authorities to continue their support towards public broadcasting in Aranese.

- b i to encourage and/or facilitate the creation of at least one radio station in the regional or minority languages;*
- c i to encourage and/or facilitate the creation of at least one television channel in the regional or minority languages;*

1149. As stated in the third periodical report (page 981), Articles 52 and 86 of Law 22/2005 of 29 December concerning audiovisual communication in Catalonia, establishes that the audiovisual communication service providers should ensure that most of the channels they offer are in Aranese in the Aran Valley. Also, Article 19 of Law 35/2010 on Aranese states that the Government must broadcast radio and television programmes in Aranese for Aran in public media under its responsibility. It has to ensure the presence of Aranese in programmes delivered to Catalonia. It has to promote the works produced originally in Occitan, taking into account the Aranese variety. The broadcasters operating in the territory of Aran have to ensure programmes in Aranese. Furthermore, the Aranese language and its promotion is one of the criteria for awarding licenses by the Catalonia Audiovisual Council.

1150. According to the third periodical report, a 15-minute weekly programme in Aranese is broadcast twice per week on private television. Furthermore, the Government has provided a multiplex DTT channel for the Aran Valley. However, it is not clear whether the television channel in the Aran Valley broadcasts any programmes in the Aranese language.

1151. No information is provided with regard to any private radio stations broadcasting in Aranese. The third periodical report (pages 985 - 986) states that aid granted to the media by the Government of Catalonia has been extended to the Aranese language since its change in status in 2008. While

welcoming this, the figures provided in the periodical report do not break down the amount of aid that has been directed specifically towards media in the Aranese language, if any.

1152. The Committee of Experts is therefore not in a position to conclude on these undertakings and encourages the Spanish authorities to provide concrete information on the facilitation of the creation of radio and television stations and on any existing radio and television channels in Aranese in their next periodical report.

***d to encourage and/or facilitate the production and distribution of audio and audiovisual works in the regional or minority languages;***

1153. No information is provided by the Spanish authorities with regard to the application of this undertaking. However, as mentioned in paragraph 1147 above, Article 19 of Law 35/2010 on Aranese provides that the Government must broadcast radio and television programmes in Aranese for Aran in the public media under its responsibility. It has to ensure the presence of Aranese in programmes delivered to Catalonia. It has to promote the works produced originally in Occitan, taking into account the Aranese variety. The broadcasters operating in the territory of Aran have to ensure programmes in Aranese. Furthermore, the Aranese language and its promotion is one of the criteria for awarding licenses by the Catalonia Audiovisual Council.

1154. The Language Policy Report concerning Aranese provides information about the annual *Llanterna Digital Awards*<sup>23</sup>, which is designed to help foster the use of Catalan and Aranese in short films, organised by the Lleida Language Services Co-ordinating Committee and promoted by the Language Policy Secretariat. Films have been produced in Aranese.

1155. The Committee of Experts welcomes this and considers that the undertaking is fulfilled. It encourages the Spanish authorities to provide information on the facilitation of audio and audiovisual works in Aranese in their next periodical report.

***e i to encourage and/or facilitate the creation and/or maintenance of at least one newspaper in the regional or minority languages;***

1156. According to Article 20 of Law 35/2010 on Aranese, the local authorities (General Council of Aran) and the regional authorities (Catalan Government) should promote the production of written press and periodicals in Aranese, where necessary, and deliver them in Aran and in Catalonia. The presence of works written in Aranese on the Internet should also be promoted.

1157. According to the third periodical report, the Government of Catalonia has a support mechanism that financially assists the publication of print media in Aranese. Currently the monthly magazine "Aran ath dia" is published.

1158. However, since a monthly magazine does not fall under the definition of a newspaper, the Committee of Experts concludes that the undertaking is not fulfilled. The Committee of Experts encourages the Spanish authorities to facilitate the creation of a newspaper in Aranese.

***f ii to apply existing measures for financial assistance also to audiovisual productions in the regional or minority languages;***

1159. According to the third periodical report (pages 374 – 375), Royal Decree 526/2002 of 14 December establishes facilities for obtaining subsidies for films in co-official languages. Furthermore, the report states that Article 36 and the Additional Sixth Stipulation of Law 55/2007 of 28 December on Film, regulated by Royal Decree 2062/2008 of 12 December, stipulate that funding from the State for films and audiovisual media produced in the co-official languages of Spain, will be provided each year in the General State Budgets. This funding, provided by the Film and Audiovisual Arts Institute (ICAA) through the State Ministry of Culture, matches the funding of the autonomous community for the promotion of audiovisual productions. In the year 2008, a subsidy of approximately €1.5 million was transferred to Catalonia for this purpose.

1160. The Committee of Experts has not been informed about any audiovisual productions in Aranese so far benefiting from this fund and therefore concludes that the undertaking is formally fulfilled.

---

<sup>23</sup> <http://llanternadigital.cat/11/mostra/Programa%20M%F2stra%202011.pdf>

**g** to support the training of journalists and other staff for media using regional or minority languages.

1161. The Spanish authorities have not provided any concrete information with regard to this undertaking. The Committee of Experts is therefore not in a position to conclude on this undertaking and urges the Spanish authorities to provide information on the training of journalists using Aranese in their next periodical report.

### **Paragraph 2**

*The Parties undertake to guarantee freedom of direct reception of radio and television broadcasts from neighbouring countries in a language used in identical or similar form to a regional or minority language, and not to oppose the retransmission of radio and television broadcasts from neighbouring countries in such a language. They further undertake to ensure that no restrictions will be placed on the freedom of expression and free circulation of information in the written press in a language used in identical or similar form to a regional or minority language. The exercise of the above-mentioned freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.*

1162. The Spanish authorities do not provide any information with regard to this undertaking in their third periodical report.

1163. Article 19 of Law 35/2010 on Aranese states that the Catalan Government has to promote the relationship with the media in Occitan located outside Catalonia. The broadcasters operating in the territory of Aran have to ensure programmes in Aranese. The Catalan Government has to promote international agreements to facilitate the reception of media that broadcast in Occitan in other territories.

1164. The Committee of Experts concludes that the undertaking is fulfilled.

### **Paragraph 3**

*The Parties undertake to ensure that the interests of the users of regional or minority languages are represented or taken into account within such bodies as may be established in accordance with the law with responsibility for guaranteeing the freedom and pluralism of the media.*

1165. The Audiovisual Council of Catalonia established by Law 8/1996 of 5 July is the supervisory and advisory body of the Government of Catalonia for audiovisual, radio and television broadcasting. The revised Agreement 295/2007 of 19 December contains a general instruction on the presence of the Catalan language and culture and of Aranese in the audiovisual media. This instruction provides guidelines for this body to monitor how public and private television broadcasters comply with their obligations in respect of languages.

1166. The Committee of Experts considers that the undertaking is fulfilled.

## **Article 12 – Cultural activities and facilities**

### **Paragraph 1**

*With regard to cultural activities and facilities – especially libraries, video libraries, cultural centres, museums, archives, academies, theatres and cinemas, as well as literary work and film production, vernacular forms of cultural expression, festivals and the culture industries, including inter alia the use of new technologies – the Parties undertake, within the territory in which such languages are used and to the extent that the public authorities are competent, have power or play a role in this field:*

- a** to encourage types of expression and initiative specific to regional or minority languages and foster the different means of access to works produced in these languages;

1167. The Committee of Experts notes with disappointment that the authorities have not provided any information in their third periodical report on the application of the chosen undertakings under Article 12. It urges the Spanish authorities to provide such information in this respect in their next periodical report.

- b to foster the different means of access in other languages to works produced in regional or minority languages by aiding and developing translation, dubbing, post-synchronisation and subtitling activities;***

1168. No information with regard to this undertaking has been provided in the third periodical report. The Committee of Experts has been made aware however, that the *Llanterna Digital* Awards mentioned in paragraph 1152 above included short films in Aranese language, subtitled into Castilian and other languages (Catalan, Italian and French).

1169. The Committee of Experts encourages the Spanish authorities to provide examples in their next periodical report about works in Aranese subtitled into other languages, and about any translation and dubbing activities relevant to this undertaking.

1170. In the meantime the Committee of Experts considers the undertaking partly fulfilled.

- c to foster access in regional or minority languages to works produced in other languages by aiding and developing translation, dubbing, post-synchronisation and subtitling activities;***
- d to ensure that the bodies responsible for organising or supporting cultural activities of various kinds make appropriate allowance for incorporating the knowledge and use of regional or minority languages and cultures in the undertakings which they initiate or for which they provide backing;***
- e to promote measures to ensure that the bodies responsible for organising or supporting cultural activities have at their disposal staff who have a full command of the regional or minority language concerned, as well as of the language(s) of the rest of the population;***
- f to encourage direct participation by representatives of the users of a given regional or minority language in providing facilities and planning cultural activities;***
- g to encourage and/or facilitate the creation of a body or bodies responsible for collecting, keeping a copy of and presenting or publishing works produced in the regional or minority languages;***
- h if necessary, to create and/or promote and finance translation and terminological research services, particularly with a view to maintaining and developing appropriate administrative, commercial, economic, social, technical or legal terminology in each regional or minority language.***

1171. The Committee of Experts notes with disappointment that the Spanish authorities have not provided any information in their third periodical report on the application of the chosen undertakings under Article 12. It urges the Spanish authorities to provide such information in this respect in their next periodical report.

## **Paragraph 2**

***In respect of territories other than those in which the regional or minority languages are traditionally used, the Parties undertake, if the number of users of a regional or minority language justifies it, to allow, encourage and/or provide appropriate cultural activities and facilities in accordance with the preceding paragraph.***

1172. The Committee of Experts notes with disappointment that the Spanish authorities have not provided any information in their third periodical report on the application of the chosen undertakings under Article 12. It urges the Spanish authorities to provide such information in this respect in their next periodical report.

### **Paragraph 3**

*The Parties undertake to make appropriate provision, in pursuing their cultural policy abroad, for regional or minority languages and the cultures they reflect.*

1173. The Committee of Experts notes with disappointment that the Spanish authorities have not provided any information in their third periodical report on the application of the chosen undertakings under Article 12. It urges the Spanish authorities to provide such information in this respect in their next periodical report.

## **Article 13 – Economic and social life**

### **Paragraph 1**

*With regard to economic and social activities, the Parties undertake, within the whole country:*

- a to eliminate from their legislation any provision prohibiting or limiting without justifiable reasons the use of regional or minority languages in documents relating to economic or social life, particularly contracts of employment, and in technical documents such as instructions for the use of products or installations;*

1174. No information with regard to this undertaking is provided in the third periodical report. However, in its initial periodical report, the Spanish authorities stated generally that Spanish legislation does not contain any principles making it a duty to use a particular language or preventing the use of co-official languages in the development of social and economic relations. In addition, Article 23 of Law 35/2010 on Aranese provides that local and regional authorities have to ensure the right of citizens to use Aranese in social and economic life and promote the use of the language in this field and in public services when provided by private companies.

1175. No provision of the kind referred to in the present undertaking was brought to the attention of the Committee of Experts. On the basis of the information at its disposal, the Committee of Experts, however, concludes that this undertaking is fulfilled.

- b to prohibit the insertion in internal regulations of companies and private documents of any clauses excluding or restricting the use of regional or minority languages, at least between users of the same language;*
- c to oppose practices designed to discourage the use of regional or minority languages in connection with economic or social activities;*
- d to facilitate and/or encourage the use of regional or minority languages by means other than those specified in the above sub-paragraphs.*

1176. No information with regard to the application of these undertakings is provided in the third periodical report. Article 23 of Law 35/2010 on Aranese, however, states that there are no specific rules to prohibit clauses excluding the use of Aranese or practises against discouragement of use of it, but there is a strong attitude to promote the use of the language and to ensure the right of citizens to use it.

1177. Nevertheless, the Committee of Experts is aware that the co-official status of Aranese makes special prohibition clauses redundant and considers that Article 13.1.b) and c) are fulfilled. The Committee of Experts is not in a position to conclude on Article 13.1.d) and urges the Spanish authorities to submit specific information in this respect in their next periodical report.

### **Paragraph 2**

*With regard to economic and social activities, the Parties undertake, in so far as the public authorities are competent, within the territory in which the regional or minority languages are used, and as far as this is reasonably possible:*

- a to include in their financial and banking regulations provisions which allow, by means of procedures compatible with commercial practice, the use of regional or minority languages in drawing up payment orders (cheques, drafts, etc.) or other financial documents, or, where appropriate, to ensure the implementation of such provisions;*

- b** *in the economic and social sectors directly under their control (public sector), to organise activities to promote the use of regional or minority languages;*
- c** *to ensure that social care facilities such as hospitals, retirement homes and hostels offer the possibility of receiving and treating in their own language persons using a regional or minority language who are in need of care on grounds of ill-health, old age or for other reasons;*
- d** *to ensure by appropriate means that safety instructions are also drawn up in regional or minority languages;*

1178. No information with regard to the application of these undertakings is provided in the third periodical report. The Committee of Experts therefore asks the authorities to comment on the application of these undertakings in the next periodical report.

- e** *to arrange for information provided by the competent public authorities concerning the rights of consumers to be made available in regional or minority languages.*

1179. No information with regard to the application of this undertaking is provided in the third periodical report. According to the Language Policy Report concerning Aranese, however, Article 28 of the Consumers' Statute Act 3/1993 of 5 March specifically refers to Aranese, namely the duty of the Government to take steps to protect the language and promote its use within the territory concerned with respect to the consumers' information rights recognised by the Act.

1180. Subparagraph 3 of Article 128.1 of Act 22/2010 of 20 July of the Consumer Code of Catalonia establishes that the Government must ensure the promotion of the use of Aranese in consumer matters in the territory of Aran. Furthermore, Article 23.2 of Law 35/2010 on Aranese states that the customers have the right to use Aranese, that the authorities have to ensure this right and that the authorities have to ensure that information regarding their rights as customers are in Aranese.

1181. The Committee of Experts concludes that the undertaking is formally fulfilled and encourages the authorities to submit some practical examples of the implementation of this undertaking in their next periodical report.

## **Article 14 – Transfrontier exchanges**

### ***The Parties undertake:***

- a** *to apply existing bilateral and multilateral agreements which bind them with the States in which the same language is used in identical or similar form, or if necessary to seek to conclude such agreements, in such a way as to foster contacts between the users of the same language in the States concerned in the fields of culture, education, information, vocational training and permanent education;*

1182. No information has been provided by the Spanish authorities with regard to the application of this undertaking. The Committee of Experts is aware of the Outline Agreement between the Government of the Kingdom of Spain and the French Republic on educational, language and cultural programmes (Official Gazette No. 164 of 11 July 2005) and that its provisional implementing regulations only refer to the Castilian and French languages (see second evaluation report, paragraph 340). Article 24 of the Law on Aranese states that the Catalan Government can ask the Spanish Government to sign international agreements with France and Italy to protect and promote Occitan language. The Committee of Experts understands the difficulties in including regional or minority languages in bilateral treaties with countries that have not ratified the Charter.

1183. The Committee of Experts is not in a position to draw a conclusion on this undertaking.

- b** *for the benefit of regional or minority languages, to facilitate and/or promote co-operation across borders, in particular between regional or local authorities in whose territory the same language is used in identical or similar form.*

1184. Article 24 of Law 35/2010 on Aranese refers to co-operation with other territories where Occitan is spoken and states that regional and local authorities have to co-operate with the authorities of these territories with the aim of promoting the use, the protection and the regulation of Occitan. Article 25 states that the Catalan Government and the General Council of Aran have to promote the

presence of the Occitan language abroad and try to ensure that the language is present in international cultural organisations and events. Article 15 states that the Government of Catalonia should promote collaboration with other Catalan universities of higher education outside Catalonia, where Occitan studied.

1185. According to the third periodical report (page 989), agreements have been signed between the Department of Education of the Government of Catalonia and rectors of academies in southern France to promote school exchanges between Catalan and Aranese/Occitan language educational centres, with a maximum of seven students.

1186. The Committee of Experts was made aware that shortly after the on-the-spot visit, on 24 October 2011, the French Region Aquitaine adopted a Charter for interregional and transfrontier co-operation for the development of the Occitan language<sup>24</sup>, which will be opened for signature for the regions of France (Midi-Pyrénées, Languedoc-Roussillon and Rhône-Alpes), Italy and Spain where Occitan is spoken. These regions agree to a partnership for the period of 2011- 2014, including projects to learn the language, public visibility of Occitan, etc.

1187. The Committee of Experts welcomes these developments and looks forward to receiving information on the activities carried out under the above-mentioned frameworks.

1188. In the meantime the Committee of Experts considers the undertaking partly fulfilled.

---

<sup>24</sup> [http://www.in-oc.org/index.php?option=com\\_acymailing&ctrl=url&urlid=195&mailid=172&subid=12419](http://www.in-oc.org/index.php?option=com_acymailing&ctrl=url&urlid=195&mailid=172&subid=12419)

## Chapter 4. Findings and proposals for recommendations

### 4.1. Findings of the Committee of Experts in the third monitoring round

- A. The Committee of Experts expresses its appreciation to the Spanish authorities for their co-operation during this third monitoring round, especially during the “on-the-spot” visit and in providing more substantial and pertinent information in their periodical report. For the first time, information was also provided regarding the application of the Charter with respect to Part II languages.
- B. Contributions from non-governmental associations, especially regarding the practical implementation of various legal acts, have helped the Committee of Experts to get a better and more complete picture of the situation.
- C. The Committee of Experts commends the Spanish authorities for their high level of commitment and continued efforts to protect and promote their regional and minority languages through legislation and practical measures, not only at the level of autonomous communities but also at State level. A number of new laws have been adopted aiming at improving the legislative set up and raising the overall awareness about the multilingual character of Spain. In practice also many of the undertakings under the Charter are fulfilled.

#### General Comments

- D. The Committee of Experts observes some improvements in the reporting structure compared with the second report. Nevertheless, the information provided could have been compiled in a more concise, coherent and targeted fashion. The translated version of the periodical report was delayed for several months with the consequence that by the time the Committee of Experts received it some information was already outdated.
- E. The setting up of the Council of Official Languages in the General State Administration is an encouraging step towards facilitating the co-ordination between State ministries and also to Autonomous Communities and improving the visibility of regional or minority languages on State level.
- F. Nevertheless, on State level responsibility, some of the problems identified in the previous monitoring rounds still persist especially regarding the use of co-official languages before judicial and state administration bodies. Regarding the former, the legislation on the right to have proceedings conducted in the relevant language has not changed, and structural problems in the implementation of Article 9 remain despite a possible favourable interpretation of Article 231 of the Organic Law of Judicial Power. The current merit and rotation system of judges coupled with the laws in force do not ensure that court proceedings in co-official languages can be carried out in practice.
- G. The use of regional or minority languages before the State administration is still sometimes hampered by the lack of staff using the relevant language although the situation differs considerably among the ministries and different strands of peripheral State administration. Public services under the competence of the State suffer from similar deficiencies especially those that provide services nation-wide. There is a need for a coherent and systematic policy and a strategic approach to services in the regional or minority language so that users are not discouraged to use their language with these bodies.
- H. Co-operation between autonomous communities where the same language or similar languages are spoken is still problematic in some fields, such as education or broadcasting media, to the detriment of the languages concerned. A sense of shared responsibility for the protection of the languages in question is needed. Co-operation also needs to be improved between the local State administration offices located in different Autonomous Communities especially where the same language or a similar language is spoken.
- I. In the field of education a number of autonomous communities with co-official languages have introduced or are in the process of introducing trilingual education. The offer of this model

should not negatively affect the current provision of education in regional or minority languages, including their promotion and support structure. Moreover, for many languages, there is a lack of reports evaluating the measures taken and progress achieved in regional or minority language medium education.

As far as individual Part III languages are concerned

**J. Catalan in Catalonia**

In Catalonia the Catalan language continues to enjoy excellent support by the regional and local authorities and consequently most of the undertakings under the Charter are fulfilled in a commendable manner. The 2006 Statute of Autonomy was challenged before the Constitutional Court but its decision does not seem to present a setback for the implementation of the Charter, especially with respect to education as Spain opted for the higher level of commitment under Article 8. In the field of judiciary, the translation of statutory texts predating 1998 is now complete. Some deficiencies still exist in the field of health services where further efforts are needed to train medical staff in Catalan.

**K. Basque in Navarre**

Significant positive developments affected the Basque language in Navarre in the field of education as the authorities ensured the Model D education also in the “Mixed zone” of Navarre. At the same time, the authorities are considering the introduction of English at all levels of education, but it should not jeopardize the offer of Basque-medium education in accordance with the Charter. Positive changes are also noted in the use of Basque by regional administration and in culture especially regarding the establishment and functioning of *Euskarabidea*, a public body whose remit covers a wide range of responsibilities dealing with the promotion of the Basque language. Economic activities and health service provision in Basque remain, however, unsatisfactory. The signing of a protocol with the Basque Government in 2009 has not led to a significant collaboration in practice, except in the field of adult education. Such co-operation seems to be particularly needed in the field of media especially regarding the reception of EITB Basque public television.

**L. Basque in the Basque Autonomous Community**

Basque in the Basque Country continues to be covered by positive measures in many fields so that a majority of undertakings under the Charter are fulfilled in an exemplary manner. Problems persist in the health and social care sector due to the low proportion of staff with command of the language.

**M. Catalan in the Balearic Islands**

In general terms, the Committee of Experts notes an increased co-operation with Catalonia for the benefit of Catalan. However, in the field of education the offer of Catalan-medium education does not correspond to the undertakings chosen under the Charter. In the field of media, the broadcasting of public television in Catalan is facing decline.

**N. Valencian**

In the field of education, the offer of Valencian-medium education is not sufficient, including vocational education, and continuity between primary and secondary education is in need of improvement. The offer of teaching of Valencian in the predominately Castilian speaking area is satisfactory. As regards the media, the problem of the retransmission of the public channel TV3 from Catalonia has not been resolved. Shortcomings furthermore exist in private radio and television broadcasting as well as regarding newspapers.

**O. Galician**

The language is widely present in public life including regional and local administration. In the field of education, the Committee of Experts is concerned about a gradual reduction of Galician-medium education at all levels, including its support structure. As regards the media, there is no private radio or television channel in Galician. There are no more printed newspapers in Galician, only two in electronic form.

**P. Aranese**

The most significant legislative change in this monitoring round relates to the new co-official status of Aranese according to the Statute of Catalonia which thus became another language covered by Part III of the Charter. It shows the dedication of the Spanish and Catalan

authorities to provide the highest level of protection to this language although the implementation of the Charter is still in progress.

#### Concerning the languages that are only covered by Part II of the Charter

- Q. Official statistics regarding the number of users of regional or minority languages that are not co-official in Spain is still lacking. Pragmatic steps should be taken to collect, in co-operation with the speakers, reliable data on the number and geographic distribution of the speakers of the regional or minority languages.
- R. **Asturian**  
The level of protection of Asturian provided by the Statute of Autonomy of Asturias has not changed, in that Asturian has not become a co-official language. However, the regional authorities of Asturias have a long-standing commitment in promoting the Asturian language which is present in education, public administration and media.
- S. **Aragonese and Catalan in Aragon**  
Law 10/2009 of 22 December on the use, protection and promotion of Aragon's native languages grants the speakers of Aragonese and Catalan the right to use their respective language in their traditional areas, especially in relation to public authorities and in education. The Law also foresees the setting up of an advisory council and respective language academies. There is still no agreement on a written form of Aragonese. This hampers its public use, especially in the field of education.
- T. **Asturian Galician**  
Asturian authorities undertook a number of measures for the benefit of the language including the recognition of its distinct identity. The offer of the language as a subject in education is available.
- P. **Galician in Castile and León and Extremadura**  
There have been some positive changes in the practical promotion of the language, including education and signage. More measures are still needed to promote Galician in media and public life in general.
- Q. **Leonese**  
The Leonese language is for the first time mentioned in the third periodical report. It forms a linguistic unity with Asturian and Mirandese. Leonese is acknowledged in the 2007 Statute of Autonomy of Castile and León. However, the regional authorities have to date not adopted any regulations for the protection and promotion of Leonese deriving from the Statute, nor have any significant practical measures been taken to protect the language.

#### **4.2. Proposals for recommendations on the basis of the results of the third monitoring round**

The Committee of Experts, while acknowledging the efforts the Spanish authorities have undertaken to protect the regional and minority languages spoken in their country, has in its evaluation chosen to concentrate on some of the most important deficiencies in the implementation of the Charter. The recommendations forwarded by the Committee of Experts to the Committee of Ministers should not, however, be interpreted as diminishing the relevance of the other, more detailed observations contained in the report, which remain valid in their own right. The recommendations proposed by the Committee of Experts are drafted accordingly.

The Committee of Experts of the European Charter for Regional or Minority Languages, in accordance with Article 16.4 of the Charter, proposes on the basis of the information contained in this report, that the Committee of Ministers makes the following recommendations to Spain.

The Committee of Ministers,

In accordance with Article 16 of the European Charter for Regional or Minority Languages;

Having regard to the declaration made by Spain on 9 April 2001;

Having taken note of the evaluation made by the Committee of Experts on the Charter with respect to the application of the Charter by Spain;

Bearing in mind that this evaluation is based on information submitted by Spain in its national report, supplementary information provided by the Spanish authorities, information submitted by bodies and associations legally established in Spain and information obtained by the Committee of Experts during its on-the-spot visit;

[Having taken note of the comments made by the Spanish authorities on the contents of the Committee of Experts' report;]

Recommends that the authorities of Spain take account of all the observations and recommendations of the Committee of Experts and, as a matter of priority:

1. amend the legal framework with a view to making it clear that the criminal, civil and administrative judicial authorities in the autonomous communities will conduct the proceedings in co-official languages at the request of one party;
2. take the necessary legal and practical measures to ensure that an adequate proportion of the judicial staff posted in the autonomous communities concerned by the application of Article 9 of the Charter have a working knowledge of the relevant languages;
3. review the recruitment, career and training schemes for the staff of the State administration offices with a view to ensuring that an adequate proportion of the staff posted in the autonomous communities have a working knowledge of the relevant languages;
4. ensure the presence of all regional or minority languages in public services;
5. ensure the presence of all regional or minority languages in provision of health care services.

On the basis of this report and its findings the Committee of Experts submitted its proposals to the Committee of Ministers for recommendations to be addressed to Spain. At the same time it emphasised the need for the Spanish authorities to take into account, in addition to these general recommendations, the more detailed observations contained in the body of the report.

At its 1153rd meeting on 24 October 2012, the Committee of Ministers adopted its Recommendation addressed to Spain, which is set out in Part B of this document.

## Appendix I: Instrument of ratification

### Spain:

#### Declarations contained in the instrument of ratification deposited on 9 April 2001 - Or. Spa.

Spain declares that, for the purposes of the mentioned articles, are considered as regional or minority languages, the languages recognised as official languages in the Statutes of Autonomy of the Autonomous Communities of the Basque Country, Catalonia, Balearic Islands, Galicia, Valencia and Navarra.

For the same purposes, Spain also declares that the languages protected by the Statutes of Autonomy in the territories where they are traditionally spoken are also considered as regional or minority languages.

The following provisions of the Part III of the Charter will apply to the languages mentioned in the first paragraph:

#### Article 8:

- paragraph 1 sub-paragraphs a(i), b(i), c(i), d(i), e(iii), f(i), g, h, i.
- paragraph 2.

#### Article 9:

- paragraph 1, sub-paragraphs a(i), a(ii), a(iii), a(iv), b(i), b(ii), b(iii), c(i), c(ii), c(iii), d.
- paragraph 2, sub-paragraph a.
- paragraph 3.

#### Article 10:

- paragraph 1, sub-paragraphs a(i), b, c.
- paragraph 2, sub-paragraphs a, b c, d, e, f, g.
- paragraph 3, sub-paragraphs a, b.
- paragraph 4, sub-paragraphs a, b, c.
- paragraph 5.

#### Article 11:

- paragraph 1, sub-paragraphs a(i), b(i), c(i), d, e(i), f(ii), g.
- paragraph 2.
- paragraph 3.

#### Article 12:

- paragraph 1, sub-paragraphs a, b, c, d, e, f, g, h.
- paragraph 2.
- paragraph 3.

#### Article 13:

- paragraph 1, sub-paragraphs a, b, c, d.
- paragraph 2, sub-paragraphs a, b, c, d, e.

#### Article 14:

- sub-paragraph a.
- sub-paragraph b.

All the provisions of Part III of the Charter, which can reasonably apply according to the objectives and principles laid down in Article 7, will apply to the languages mentioned in the second paragraph.

Period covered: 1/8/2001 -

The preceding statement concerns Article(s): 2, 3, 7

## Appendix II Comments by the Spanish authorities



MINISTERIO DE HACIENDA Y  
ADMINISTRACIONES PÚBLICAS

SECRETARIA DE ESTADO DE  
ADMINISTRACIONES PÚBLICAS

SECRETARIA GENERAL DE  
COORDINACIÓN AUTONÓMICA Y  
LOCAL  
DIRECCIÓN GENERAL DE  
COORDINACIÓN DE COMPETENCIAS  
CON LAS CCAA Y LAS EELL

28/5/2012

### **SPAIN'S COMMENTS ON THE REPORT OF THE COMMITTEE OF EXPERTS OF THE EUROPEAN CHARTER FOR REGIONAL OR MINORITY LANGUAGES.**

In accordance with article 16, paragraph three, of the European Charter for Regional or Minority Languages (hereafter referred as “the Charter”) the Spanish Government submits the following comments to the report of the Committee of Experts of the Charter related to the third periodical report on the application of the Charter in Spain. These comments are based on the findings and proposals for recommendations included in Chapter 4 and they refer exclusively to the competences under the responsibility of the General State Administration. Other administrations concerned by the proposals for recommendations will be informed of the final report of the Committee of Ministers in order to take it into account for the drafting of the next periodical report of compliance.

#### **GENERAL COMMENTS.**

##### **Previous considerations.**

The current context of economic crisis in Europe, which especially affects Spain, has implied serious budgetary restrictions which have affected the linguistic policy of the Spanish government, hindering the achievement of the objectives proposed in relation to the protection of regional or minority languages. Due to the lack of budget, some of the translation projects which had been initiated have been suspended. These projects included the establishment of electronic platforms of translation to the co-official languages for websites and for the electronic offices of the departments.



This situation demands a bigger effort of adaptation and of resource optimization in order to comply with the compromises of the Charter.

### Activities of the Council of Official Languages in the General State Administration and of the Bureau for Official Languages

The Council of Official Languages in the General State Administration (hereafter referred as “The Council of Official Languages”) continues to promote and provide technical coordination between the different departments of the General State Administration in relation to the use of co-official languages, with the aim of promoting a coherent and strategic policy in this area, improving the compliance with the State legislation and guaranteeing the rights of citizens in this subject.

The Council of Languages celebrated its third meeting on 6 July 2010. In this meeting, it examined the evaluation report referred to 2009 which had been prepared by the Bureau for Official Languages (hereafter referred as “The Bureau”) and made a positive evaluation of the progress made in the following areas: knowledge of co-official languages by the staff working for the General State Administration; availability of translated standardized forms, printed material, notices, road signs and publicity posters to the co-official languages; use of co-official languages in the websites and in publicity campaigns of the General State Administration and dependent bodies.

It was agreed to continue collaborating with the Autonomous Communities through the bodies responsible for the linguistic policy of the Autonomous Communities with a co-official language and to continue monitoring the use of co-official languages in each department of the General State Administration, so that the Bureau could prepare its next report, which would analyze in detail the number of complaints presented by citizens.

The Bureau has drafted its third evaluation report for 2010 and 2011 \  underlines the improvement made in the following areas: language training of employees; availability of websites and electronic offices in co-official languages;

standardized forms, printed material, notices, road signs and publicity posters in co-official languages. The report will be presented to the Council of Languages in the next meeting held.

The report underlines the decrease on the number of complaints presented by citizens: on 2009 the Bureau received 8 complaints regarding the misuse of the legal framework regarding the use of co-official languages; on 2010 the Bureau received only 4; on 2011 two complaints were received, and in 2012 (up to the date of this document) no complaints have been presented. This facts show a 50% annual decrease in the number of complaints, which implies an improvement in the compliance with the legislation related to co-official languages.

Other actions developed by the Bureau regarding the protection and promotion of minority languages and multilingualism must also be emphasized. On the one hand, the Bureau promotes and informs all the regulations or laws related to the use of co-official languages. On the other hand, the Bureau has collaborated with the Autonomous Communities in the process of translation of the European treaties.

Noteworthy examples of regulations or laws related to the use of co-official languages studied and informed by the Bureau are the following:

- Royal Decree 1671/2009, of 22 June, which partially develops Law 11/2007, of 22 June, of electronic access of citizens to public services. Article 6 provides that “the bodies responsible for electronic offices with competences developed in territories with co-official languages must guarantee the access in the co-official languages.”
- Regulation of immigration: according to articles 51, 61, 71 and 197 of Royal Decree 557/2011, of 20 April, which approves the Regulation on Immigration, the learning of co-official languages of the territory of residence will be taken



positively into account for the compulsory report for renewing the residence permit.

- Cooperation agreement between the Official State Gazette (BOE) and the Autonomous Community of País Vasco, related to the publication of State legislation to “euskera” (BOE, 21 October, 2011).
- Reform of the regulation of the Senate regarding the use of co-official languages in the daily work of the Chamber (BOE, 27 of July, 2010).

Concerning the translation of the European treaties it must be observed that the Autonomous Communities are responsible for the translation. After the texts have been translated the State must submit them to the Secretary of the Council of Europe. This process has taken place during 2011, promoted by the formerly called “Department of Territorial Policy”, nowadays “Department of Finance and Public Administrations.”

### **COMMENTS ON THE PROPOSALS FOR RECOMMENDATIONS.**

#### **1. Amend the legal framework with a view to making it clear that the criminal, civil and administrative judicial authorities in the autonomous communities will conduct the proceedings in co-official languages at the request of one party.**

This recommendation has been sent to the Department of Justice to be considered in future modifications of the regulation in this area.



#### **2. Take the necessary legal and practical measures to ensure that an adequate proportion of the judicial staff posted in the autonomous communities concerned by the application of Article 9 of the Charter have a working knowledge of the relevant languages.**

It must be observed that there has been some progress made related to this issue: on 28 April the General Council of the Judiciary adopted a new regulation of the judiciary (Regulation 2/2011), establishing a system of preference for those who speak a co-official language in competitions for courts in the Autonomous Communities with co-official language.

**3. Review the recruitment, career and training schemes for the staff of the State administration offices with a view to ensuring that an adequate proportion of the staff posted in the autonomous communities have a working knowledge of the relevant languages.**

In general it should be noted that since 2009 and up to date, there has been a notable increase in language training for the staff of the State administration offices to provide services in Autonomous Communities with co-official language. This development is widespread on all departments, although some of them stand out especially, for example the Department of Finance and Public Administrations, the Department of Employment and Social Security or the Department of Industry, Energy and Tourism.

With regard to the need of reviewing the recruitment procedure, it should be noted that Article 56.2 Law 7/2007, of 12 April, of the Basic Statute of Public Employees provides the following: “Public Administrations, within the scope of its competences, must guarantee the selection of suitably qualified public employees to fill posts in the Autonomous Communities with two co-official languages”.



In relation to the need of reviewing the administrative career it must be observed that, in general, the assessment of knowledge of co-official languages is considered as a merit for the recruitment of staff working for the General State Administration in the Autonomous Communities that have these languages.

In addition, the posts that require language training for employees have been specified with a LCA key: knowledge of the co-official language of the Autonomous Community will be considered a notable/outstanding merit. These posts are listed in the table below:

STAFF WITH “LCA” KEY OBSERVATION BY  
PROVINCE OF DESTINATION

**Data 01/07/2011**

Destination Name Province	N. Staff
---------------------------	----------

A CORUÑA	74
ALAVA	16
ALICANTE	96
BARCELONA	236
CASTELLON	32
GIRONA	36
GUIPUZCOA	33
ILLES BALEARS	73
LLEIDA	25
LUGO	26
MADRID	12
NAVARRA	36
OURENSE	25
PONTEVEDRA	65
TARRAGONA	42
VALENCIA	156
VIZCAYA	62
	1.045

<b>By Autonomous Community</b>	
BALEARIC ISLANDS	73
VALENCIA	284
CATALONIA	339
GALICIA	190
MADRID	12
NAVARRRE	36
BASQUE COUNTRY	111
	1.045

With regard to the training of the State Administration staff in co-official languages, the training activities of the National Institute of Public Administration (INAP henceforth) in this area were especially noteworthy in 2010, reinforced by the new offer of online courses, making it possible to increase or maintain the level of knowledge of co-official languages.

The learning of co-official languages for civil servants of State Administration offices located in the bilingual Autonomous Communities has been included among the

activities promoted by the INAP within the framework of the Training Program for Employment in Public Administrations (formerly called "Continuous Training for Public Employees.")



The activities in this area are developed through specific cooperation agreements signed annually by the INAP and the Autonomous Communities with co-official language (particularly, the Autonomous Community of Galicia, Valencia, Community of Navarre and the Autonomous Community of the Balearic Islands).

The INAP's budget, number of students and training hours in co-official languages in 2007, 2008, 2009 and 2010 is shown in the following table:

**Co-official language training 2007-2010 (INAP)**

LANGUAGE	YEAR	TRAINING HOURS	NUMBER STUDENTS	TOTAL EXPENDITURE (INAP AND AUT. COMMUNITY)
Basque (A. C. of Basque Country)	2006	2.952	1.224	80.092,80 €
	2007	3.011	1.260	84.097,50 €
	2008	1.658	100	41.725,68 €
	2009	5.610	61	46.571,30 €
	2010	6.330	64	44.330,36 €
Catalan (A.C. of Catalonia)	2006	1.230	510	74.199,90 €
	2007	1.254	525	84.999,92 €
	2008	960	192	43.200,00 €
	2009	1.120	280	52.552,93 €
	2010	1.440	391	68.598,95 €
Galician (A.C. of Galicia)	2006	820	380	65.458,50 €
	2007	836	391	68.731,50 €
	2008	1.000	300	68.250,00 €
	2009	800	250	64.500,00 €
	2010	760	260	41.500,00 €
Valencian (C. Valencia)	2006	3.850	1.190	72.100,00 €
	2007	3.927	1.225	75.705,00 €
	2008	4.270	1.359	135.705,00 €
	2009	2.400	800	135.705,00 €

LANGUAGE	YEAR	TRAINING HOURS	NUMBER STUDENTS	TOTAL EXPENDITURE (INAP AND AUT. COMMUNITY)
	2010	3.670	914	172.900,00 €
Basque (A.C. of Navarre)	2006	2.850	220	30.240,00 €
	2007	2.907	226	31.752,00 €
	2008	4.864	18	33.172,00 €
	2009	4.864	18	33.172,00 €
	2010	2.400	10	20.750,00 €
Catalan (A.C. Balearic Islands)	2006	1.350	540	58.185,00 €
	2007	1.377	556	61.094,40 €
	2008	4.620	637	135.350,00 €
	2009	1.920	181	60.480,00 €
	2010	2.580	302	81.270,00 €

It is important to understand that the transfer of staff from the State Administration to the Autonomous Communities, together with the human resources restraint, has decreased the number of potential candidates of the training programs (public employees of the State Administration working in bilingual Autonomous Communities)



These factors, added to the training programs already provided in previous years, have lead to a decrease in the number of students in 2011.

Other departments and public organizations dependent on them have also carried out training activities. Particularly noteworthy are the training activities undertaken by the General Directorate of Police and Civil Guard (Department of Interior), the Railway Infrastructure Administrator, the Agency of Air Navigation (Department of Public Works), National Institute of Social Security (Department of Employment and Social Security) and the State Tax Administration Agency (Department of Finance and Public Administrations).

Regarding the latter, it must be noted that the Training Plan of the State Tax Administration Agency (hereinafter AEAT) is one of the most ambitious training plans within the General State Administration. Since 2007, the Continuing Training Plans of

the AET include training activities in these languages, aimed at staff working in different territorial areas to those where these languages are official. This training has been developed mostly by the Distant Language University Center of the National University of Distance Education (UNED), introducing an e-learning program.

Also, annually, within the Action Plan of Social Aid, the AET pays part of expenses for studies of languages of the Autonomous Communities carried out by its employees.

Finally, regarding the promoting of the use of co-official languages in the State Administration we must underline the promotion carried out by some Departments in collaboration with the Autonomous Communities and dependent Organizations, such as Language Institutes and other organizations, in order to comply with the commitment of establishing a stronger cooperation in this field with the Autonomous Communities. This recommendation was adopted at the last meeting of the Council of Official Languages in the General State Administration.

#### **4. Ensure the presence of all regional or minority languages in public ser**



There are different ways in which the Spanish government ensures the presence of regional or minority languages in public services: through the effort to achieve the above mentioned language knowledge of public employees: by the translation of forms, posters, models and signs, and through ensuring the presence of regional or minority languages in the web sites and electronic offices of the departments and dependent organizations.

In relation to websites and online offices of Departments and agencies attached to or dependent on them, there has been a gradual increase in the presence of co-official languages in these pages and a gradual incorporation of these languages in the new electronic offices that have been created in the last year in most of the areas of the State Administration. The introduction of translation tools on websites and online offices has contributed positively. The electronic offices include a list of electronic public services available to citizens through electronic means, so that the translation

of part of its contents is one of the main ways to ensure the presence of regional or minority in the public services.

Some Departments stand out especially for the translation level of their websites and online offices.

For example, within the Ministry of Finance and Public Administration we must stand out its website and its online office and the electronic office of several agencies that depend on the Department such as the Cadastre/Land Registry, the Economic Administrative Courts, the General Directorate for Staff Costs and Public Pensions or the State Tax Administration Agency.

In the Department of Employment and Social Security it is noteworthy the electronic office of the Social Security, which has a multilanguage version with a total translation of its contents, except for the final documents, and the electronic office of the General Treasury of Social Security (TGSS), which allows citizens to carry out procedures and formalities on line, providing multi-language navigation in all of its sections and categories.



In the electronic office of the Department of Industry, Energy and Tourism all the contents are translated to all co-official languages of Spain. It has an automatic translation service which publishes the translated text when editing any content in Castilian.

The Department of Culture has a website that stands out for interactivity in co-official languages in all the services offered. As an example we can point out the service called Ask, the libraries answer (<http://www.pregunte.es/consulta/consulta.cmd>), which allows any Internet user to make inquiries and requests for information through Internet, which will be answered by professional librarians, by email, within three days, in the official language in which they have been made. .

##### **5. Ensure the presence of all regional or minority languages in provision of health care services.**

Information on this aspect should be provided by the Autonomous Communities which have competence in the management of health services. This information may be included in the Spain's next report on compliance of the Charter.

## **B. Recommendation of the Committee of Ministers of the Council of Europe on the application of the Charter by Spain**

### **Recommendation CM/RecChL(2012)6 of the Committee of Ministers on the application of the European Charter for Regional or Minority Languages by Spain**

*(Adopted by the Committee of Ministers on 24 October 2012  
at the 1153rd meeting of the Ministers' Deputies)*

The Committee of Ministers,

In accordance with Article 16 of the European Charter for Regional or Minority Languages;

Having regard to the declarations submitted by Spain on 9 April 2001;

Having taken note of the evaluation made by the Committee of Experts on the Charter with respect to the application of the Charter by Spain;

Bearing in mind that this evaluation is based on information submitted by Spain in its third periodical report, supplementary information given by the Spanish authorities, information submitted by bodies and associations legally established in Spain and, finally, information obtained by the Committee of Experts during its on-the-spot visit;

Having taken note of the comments made by the Spanish authorities on the contents of the Committee of Experts' report,

Recommends that the authorities of Spain take account of all the observations and recommendations of the Committee of Experts and, as a matter of priority:

1. amend the legal framework with a view to making it clear that the criminal, civil and administrative judicial authorities in the autonomous communities will conduct the proceedings in co-official languages at the request of one party;
2. take the necessary legal and practical measures to ensure that an adequate proportion of the judicial staff posted in the autonomous communities concerned by the application of Article 9 of the Charter have a working knowledge of the relevant languages;
3. review the recruitment, career and training schemes for the staff of the State administration offices with a view to ensuring that an adequate proportion of the staff posted in the autonomous communities have a working knowledge of the relevant languages;
4. ensure the presence of all regional or minority languages in State public services;
5. ensure the presence of all regional or minority languages in the provision of health care services.