

**Report on the Failure of the  
Spanish State to Implement the  
European Charter for Regional  
or Minority Languages  
(ECRML) in Catalan-Speaking  
Areas in the Period 2017-2021**

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# 1. The context of Catalan within the Spanish State

Catalan is a language spoken in the Spanish Autonomous Communities of Aragon, the Balearic Islands, Catalonia, Valencia and Murcia (in the latter two, it is known as Valencian/Catalan, which is how it shall be referred to in this report). Due to the language's co-official status with Spanish in the Balearic Islands, Catalonia and Valencia, it is protected in these regions under Parts II and III of the European Charter for Regional or Minority Languages (ECRML).

Firstly, it should be noted that the Spanish Constitution contradicts the principles described in Article 7 of the ECRML because it delegates determination of the legal status of languages other than Spanish within a given area to each Autonomous Community's Statute of Autonomy and does not take into account the existence of linguistic communities that surpass the geographic and administrative borders of an Autonomous Community. The result is a lack of legal coherence and numerous Statutes of Autonomy that prevent unitary political structures from being developed. This is especially the case of Catalan-speaking territories in the eastern part of the Autonomous Community of Aragon (known as the *Franja de Ponent* in Catalan), where Catalan is not recognised as an official language.

Secondly, Spanish State policies create division between speakers of a single language, in turn creating linguistic fragmentation and artificial divisions supposedly based on dialectal differences beyond standard language. Since there is no single criterion that unifies the Catalan language across the territories in which it is spoken, any private company, judicial body or state or regional body can question its use. As an example, the Spanish Supreme Court annulled a decree passed by the Valencian government that dictated that notices and communications to other Autonomous Communities with Valencian/Catalan as a co-official language be written in this language.<sup>1</sup>

Thirdly, as part of the State's Strategic Projects for Economic Recovery and Transformation (PERTE), a project called New Language Economy (or *Nueva Economía de la Lengua* in Spanish) was established with the aim of taking advantage of the potential of Spanish and the co-official languages as a factor for economic growth and international competitiveness in areas such as

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<sup>1</sup> <https://www.poderjudicial.es/cgpj/es/Poder-Judicial/Tribunal-Supremo/Noticias-Judiciales/El-Tribunal-Supremo-confirma-la-nulidad-de-determinados-preceptos-del-Decreto-que-regula-el-uso-institucional-y-administrativo-de-lenguas-oficiales-en-la-administracion-valenciana>

artificial intelligence, translation, teaching, learning, cultural production and dissemination, audiovisual production, research, and science. To this end, 1.1 billion euros of public investment were allocated, of which 97.3% went to projects for Spanish and only 2.7% to those related to co-official languages of the State<sup>2</sup>. It should be noted that, according to data gathered by the National Statistics Institute in 2021, Catalan is the mother tongue of 4,595,722 people in Spain<sup>3</sup>. This represents 9.95% of the State's total population, highlighting that the percentage destined to this language (among other co-official languages) is disproportionate.

This report is drawn up by civil society organisations from across Catalonia, the Balearic Islands and Valencia, Aragon to inform of the failures of the Spanish State to implement the ECRML in Catalan-speaking areas in the period 2017-2021. To do so, the case of each of the four regions and also in Murcia is analysed with reference to specific examples.

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<sup>2</sup> [https://planderecuperacion.gob.es/sites/default/files/2022-03/PERTE\\_Nueva\\_economia\\_de\\_la\\_lengua\\_memoria\\_16032022.pdf](https://planderecuperacion.gob.es/sites/default/files/2022-03/PERTE_Nueva_economia_de_la_lengua_memoria_16032022.pdf)

<sup>3</sup> <https://www.ine.es/dynt3/inebase/en/index.htm?padre=9009&capsel=9012>

## 2. Catalan in the Balearic Islands

During the period studied of 2017-2021, the regional government of the Balearic Islands changed from being led by the Popular Party, whose policies provoked several setbacks for the recognition of the Catalan language, to a multiparty government consisting of parties whose programmes included measures to promote the use of Catalan. From 2019 to 2023, the new multiparty government implemented several regulations in favour of the Catalan language, such as Decree 49/2018 of 21 December on the use of the official languages in the region's Administration.<sup>4</sup> This decree sets out some new policies compared to the previous language regulation, Decree 100/1990 of 29 November, although some of them have yet to be translated into practical changes. As an example, Article 32 of Decree 49/2018 establishes Catalan as the language to be used in public interventions by members of the Balearic regional government. However, this provision was not respected in the first press conference following its approval, as reported by the president of the Obra Cultural Balear.<sup>5</sup> Similarly, the public budget invested in the promotion of the Catalan language by the government was very small, and issues with the judiciary system and the state administration bodies persisted, as will be explored further in this report.

Additionally, there has been a significant loss of speakers, in accordance with data gathered in the *Enquesta d'usos lingüístics de les Illes Balears*,<sup>6</sup> the official government survey measuring use of Catalan in the region every 10 years. Since 2004, the number of habitual speakers in the Balearic Islands has declined by 8.2%. This coincides with a shortage of state resources destined for the promotion of its languages, and, following recent regional elections in May 2023, the newest government has announced that the resources allocated by the previous government for the promotion of Catalan will be cut significantly.

Undertakings of Spain concerning Catalan in the Balearic Islands gathered by the Committee of Experts of the ECRML in its fifth report on the application of the Charter in Spain that have not yet been fully fulfilled:

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<sup>4</sup> <https://www.caib.es/sites/institutestudisautonomics/f/298665>

<sup>5</sup> [https://www.arabalears.cat/opinio/legislatura-dies-mes\\_1\\_2670145.html](https://www.arabalears.cat/opinio/legislatura-dies-mes_1_2670145.html)

<sup>6</sup> <https://www.caib.es/govern/sac/fitxa.do?codi=3107481&coduo=343369&lang=ca>

#### Article 7.1.d Facilitation and/or encouragement of use of Catalan in public and private life - partly fulfilled

Although the Balearic regional government has invested in resources to promote the Catalan language in public and private life, the data in Figure 1 below clearly demonstrate that a very small proportion of the total budget is allocated to the language, particularly as it has not surpassed 0.067% over a seven-year period.

**Figure 1: Proportion of the public budget invested in the promotion of the Catalan language by the regional government of the Balearic Islands from 2016 to 2022**

	Language promotion budget	Total budget	Language budget as percentage of total budget
<b>2016</b>	2,828,715.00 €	4,219,379,698.00 €	0.07%
<b>2017</b>	2,934,471.00 €	4,646,729,494.00 €	0.06%
<b>2018</b>	3,369,578.00 €	4,981,313,180.00 €	0.07%
<b>2019</b>	3,059,894.00 €	5,436,318,530.00 €	0.06%
<b>2020</b>	2,993,914.00 €	5,869,887,870.00 €	0.05%
<b>2021</b>	3,000,717.00 €	5,858,285,893.00 €	0.05%
<b>2022</b>	3,502,162.00 €	6,374,575,965.00 €	0.06%

Source: Government of the Balearic Islands<sup>7</sup>

On the state level, using the Spanish language is currently facilitated by specific government grants and subsidies. For example, within the PERTE, the aid and promotion plan that the Spanish government finances (in part with funding from the European Union), there is a proliferation of rules that impose use of the Spanish language in applications for grants and subsidies and in the candidacy for awards<sup>8</sup>. This is also the case in other central institutions, such as the government, its ministries, the Congress of Deputies, and autonomous bodies including the Bank of Spain. For example, in 2021, said institutions issued a total of 98 regulations that privileged the Spanish language and relegated the Catalan language<sup>9</sup>. For

<sup>7</sup> <https://www.caib.es/sites/pressuposts/>

<sup>8</sup> <https://www.plataforma-llengua.cat/que-fem/noticies/5210/lestat-espanyol-exigeix-lus-del-castella-per-accedir-a-ajudes-i-per-presentar-se-a-premis>

<sup>9</sup> <https://www.plataforma-llengua.cat/que-fem/estudis-i-publicacions/311/>

example, the Spanish government allowed only the use of Spanish, English, French and German in COVID 19 vaccination certificates required to flight to Spanish airports (including the Catalan-speaking areas)<sup>10</sup>. The figures appear to increase each year, considering that there were 60 state regulations of this kind in 2020<sup>11</sup>, 57 in 2019<sup>12</sup>, and 57 in 2018<sup>13</sup>. Returning to 2021, in this year, the most important linguistic precept in 27 state regulations was the obligation to use Spanish in applications, documentation, reports, and presentation work required to access public benefits such as subsidies and awards. Again, this figure appears to increase each year, considering that there were 14 of these regulations the year prior.

Furthermore, measuring usage of the language every 10 years is not sufficient; continuous up-to-date data is required to allow for proper detection of problems and the promotion of the language.

#### **Article 8.1.di Technical and vocational education in Catalan - not fulfilled**

The Spanish report on compliance with the ECRML does not mention technical or vocational education in the Balearic Islands, nor is any related information found in publications by the Institute for the Evaluation and Quality of the Education System (IAQSE).<sup>14</sup> Similarly, the Balearic Islands' Comprehensive Vocational Training Plans 2018-2021<sup>15</sup> and 2022-2025<sup>16</sup> do not include linguistic objectives, nor do they indicate how making technical and vocational education available in Catalan is guaranteed.

Thus, the civil society organisations signing this report ask the Committee of Experts to recommend that the Balearic government collect data on language use in technical and vocational education to be able to monitor the situation.

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<sup>10</sup> <https://www.plataforma-llengua.cat/que-fem/noticies/5116/els-certificats-sanitaris-en-catala-no-serveixen-per-entrar-a-lestat-espanyol>

<sup>11</sup> <https://www.plataforma-llengua.cat/que-fem/estudis-i-publicacions/299/>

<sup>12</sup> <https://www.plataforma-llengua.cat/que-fem/estudis-i-publicacions/289/>

<sup>13</sup> <https://www.plataforma-llengua.cat/que-fem/estudis-i-publicacions/254/>

<sup>14</sup> <https://iaqse.caib.es/cat/publicacions.html>

<sup>15</sup> <https://soib.es/wp-content/uploads/2020/09/Pla-Integral-de-Formacio-Professional.pdf>

<sup>16</sup> [https://soib.es/wp-content/uploads/2022/11/II-Pla-Integral-FP-IB\\_definitiu.pdf](https://soib.es/wp-content/uploads/2022/11/II-Pla-Integral-FP-IB_definitiu.pdf)

## Articles 9.1.ai, 9.1.bi and 9.1.ci Conducting criminal, civil and administrative proceedings in Catalan - partly fulfilled

Despite reiterated recommendations for immediate action, the Spanish Courts have not amended Article 231 of the Organic Law of Judicial Power to avoid hampering Article 9 of the ECRML. This Law was amended nine times in the period from 2017 to 2021 and a subsequent five times until the dissolution of the courts in 2023, but none of the amendments have affected Article 231. In fact, the Spanish Parliament refused to consider a motion<sup>17</sup> and a proposed bill<sup>18</sup> that sought to modify the aforementioned Article. In the particular case of the motion, two years have passed without any further parliamentary consideration.

In its report on compliance with the ECRML, the Spanish government continues to argue that current legislation already guarantees the right to conduct proceedings in a regional or minority language. The civil society organisations that sign this report argue that Article 231 of the Organic Law of Judicial Power places power with the judge (in other words, not the citizen) to decide the language of the proceedings. Moreover, the article renders the choice of using Catalan impossible if any party to the proceedings alleges defencelessness due to not understanding Catalan (as if it were not possible to issue bilingual documentation or provide simultaneous translation).

In the section titled ‘Valencian/Catalan in Valencia’, the specific case of a Valencian court refusing to translate a ruling into Valencian/Catalan (a small part of conducting proceedings in Valencian) is explained and it is argued that it does not comply with the ECRML to conduct proceedings in Valencian/Catalan since this provision is not detailed in Spanish law.

Catalonia is the only Catalan-speaking region with data available on whether requests to receive procedural documentation in Catalan are met, and in fact, only 19.7%<sup>19</sup> of requests are met. In the Balearic Islands, there is no explicit process to select the language of the procedure; parties who wish to do so must indicate it by extraordinary petition.

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<sup>17</sup> [https://www.congreso.es/es/iniciativas-grupo?p\\_p\\_id=iniciativas&p\\_p\\_lifecycle=0&p\\_p\\_state=normal&p\\_p\\_mode=view&iniciativas\\_mode=mostrarDetalle&iniciativas\\_legislatura=XIV&iniciativas\\_id=161/002505](https://www.congreso.es/es/iniciativas-grupo?p_p_id=iniciativas&p_p_lifecycle=0&p_p_state=normal&p_p_mode=view&iniciativas_mode=mostrarDetalle&iniciativas_legislatura=XIV&iniciativas_id=161/002505)

<sup>18</sup>

[https://www.congreso.es/public\\_oficiales/L14/CONG/BOCG/B/BOCG-14-B-280-1.PDF](https://www.congreso.es/public_oficiales/L14/CONG/BOCG/B/BOCG-14-B-280-1.PDF)

<sup>19</sup> <https://govern.cat/govern/docs/2022/06/16/14/55/4fa13714-b18a-40c4-9e75-1a8d73fd28e9.pdf>



The Justice Administration makes no effort to monitor its language use. Despite Article 563 of the Organic Law of Judicial Power stating that the General Council of the Judiciary's yearly report must include a chapter on the use of co-official languages in Justice and, in particular, by judges and magistrates in exercising their functions, none of the reports of the period studied monitored the issue.<sup>20</sup> Without such monitoring, there can be no guarantee at the state level on use of regional languages in the judicial system, and the lack of such information suggests that legislative bodies do not consider this a concern to be addressed.

While this monitoring does not exist, the data classified by language on the Judicial Documentation Centre (CENDOJ) case law search engine shows that of the 36,723 judicial decisions registered in the database from 2017 to 2021, only 815 (i.e. 2.22% of the total) were in Catalan, while 35,908 (i.e. 97.78% of the total) were in Spanish.<sup>21</sup> The data does not correspond to the widespread use of the language among the population, especially considering that, according to the Balearic government's survey on language use in 2014, 40.5% of the residents of the Balearic Islands identified as Catalan speakers and a further 4.6% as bilingual in Catalan and Spanish.<sup>22</sup>

Therefore, the civil society organisations signing this report ask the Committee of Experts to recommend that the Spanish Ministry of Justice implements a way for each party to choose whether it wants to receive judicial documentation in Catalan or Spanish. We also ask the Committee to recommend that the Spanish government and the Spanish judiciary collect and publish data on the language in which documentation is requested and the language in which procedural documentation, orders and rulings are issued.

#### **Article 10.1.ai Use of Catalan by local branches of the national authorities - partly fulfilled**

In the Balearic Islands, there are 3,526 State body official positions. It should be noted that other statistics are shown in the sixth compliance report submitted by Spain, but they only take into consideration the Government Delegation in the region, which accounts for 184 of the

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<sup>20</sup> <https://www.poderjudicial.es/cgpj/es/Poder-Judicial/Consejo-General-del-Poder-Judicial/Actividad-del-CGPJ/Memorias/>

<sup>21</sup> <https://www.poderjudicial.es/search/indexAN.jsp>

<sup>22</sup> <https://www.caib.es/govern/sac/fitxa.do?codi=3107481&coduo=343369&lang=ca>

aforementioned 3,526 positions.<sup>23</sup> Knowledge of Catalan is not required for these positions, except in the case of certain roles. In other words, knowledge of the language is only recognised as a relevant merit for some positions. As seen in the data in Figure 2 below, adapted from the Spanish government’s transparency portal, this is the case for 1.75% of positions and knowledge of Catalan is not considered for the remaining 98.25%.

**Figure 2: State body official positions in the Balearic Islands for which knowledge of Catalan is considered a merit**

Region	Total number of State body official positions	Number of jobs for which knowledge of Catalan is considered a merit	Percentage of jobs for which knowledge of Catalan is considered a merit
Balearic Islands	3,526	62	1.75 %

*Source: Spanish government Portal de la Transparencia. Relaciones de puestos de trabajo*

Additionally, the Spanish government repealed the decree that required all electronic procedures to also be available in Catalan via the approval of Royal Decree 203/2021. Prior to this decree coming into force, Royal Decree 1671/2009 stated that the virtual offices whose governing body was active in territories with a co-official language must provide access to their content and services in the appropriate languages. Since no similar provision was approved, there is no longer a legal obligation for such procedures to be available in Catalan, so newly created websites do not include a Catalan version. In fact, a mere 0.85% of official Spanish government websites have a complete version in Catalan. Moreover, it was found that there is little presence of Catalan on 28.72% of these websites and that Catalan is not present at all on 70.42% of them.<sup>24</sup>

<sup>23</sup>

[https://transparencia.gob.es/transparencia/transparencia\\_Home/index/PublicidadActiva/OrganizacionYEmpleo/Relaciones-Puestos-Trabajo.html](https://transparencia.gob.es/transparencia/transparencia_Home/index/PublicidadActiva/OrganizacionYEmpleo/Relaciones-Puestos-Trabajo.html) (Last consulted in July 2023.)

<sup>24</sup> Results of Plataforma per la Llengua manually checking 470 State websites.

### Article 10.1.b National administrative texts and forms in Catalan - partly fulfilled

Some of the Spanish government's most important online administrative processes are not available in Catalan. For example, one of the most prominent websites, *Tu Seguridad Social*, the social security website on which inhabitants can check their retirement contributions, request a European Health Insurance Card or apply for parental leave, is not available in Catalan. Similar online official processes that cannot be completed in Catalan include communicating a change of address to the General State Administration, checking the number of points on a driver's license,<sup>25</sup> receiving information on State benefits and downloading official certificates of university degrees awarded.

### Article 10.3.a Provision of public services in Catalan - partly fulfilled

It is important to note that no training in Catalan is required for public services awarded to private companies in calls for tenders. While it was not possible to carry out a search that covers all tenders, three significant examples were identified:

- In 2021, the Balearic regional government tendered a contract to privately manage the Disability and Dependency Assessment and Guidance Service.<sup>26</sup> The specifications of the tender included clauses on ethics and quality of the service, but none that required staff to possess knowledge of Catalan.
- A similar situation occurred in the reserved contract for the concession of services for the management and operation of two public car parks in the Mondragó Natural Park in 2021.<sup>27</sup> The tasks included providing information to the public. However, no language requirement was included.
- A similar situation also occurred in the Spanish government's call for tenders for the catering service for the canteen in the General Treasury of Social Security building in

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<sup>25</sup> In Spain, driving licenses have a score associated with them. Drivers lose points for each offence. If they run out of points, they lose their license.

<sup>26</sup> [https://contrataciondelestado.es/wps/wcm/connect/8134861a-0eb5-4273-bbb4-fe0265689d5d/DOC\\_CD2021-644078.html?MOD=AJPERES](https://contrataciondelestado.es/wps/wcm/connect/8134861a-0eb5-4273-bbb4-fe0265689d5d/DOC_CD2021-644078.html?MOD=AJPERES)

<sup>27</sup>

<https://contrataciondelestado.es/wps/portal/!ut/p/b0/DcoxCoAwDADA1zinroKDg7iloCjaLBJskNC0Fil9v44HBwgHYKQiN2V5lulv65iTSvSN40yqfKpckun6A-yAgOL6omArs3mu32EMaSk2rn6eTGWwa1tllXQfd10O3A!!/>

the Balearic Islands, whereby no language requirement was included in the specifications.<sup>28</sup>

The above examples do not comply with Article 24 of the aforementioned Decree 49/2018, which states that the provision of public service has to include a language specification ensuring that public tenders take language into account.<sup>29</sup> However, the sole transitional provision of the same Decree requires subsequent government agreement. In the absence of such agreement, some regional government units have included clauses, which was not the case in the above examples.

Thus, the signatories of this report request the Committee of Experts to recommend that the regional government and the Spanish government include specific obligations in their calls for tenders for concessionary companies to guarantee the co-officiality of Catalan. Without these regulations, a good service in the regional language cannot be provided.

#### **Article 10.4.a Translation or interpretation - partly fulfilled**

The only mention of translation and interpreting in the report by the High Court of Justice of the Balearic Islands for 2021 was made in relation to languages spoken by tourists received by the region, rather than to its co-official language, although the same arguments could apply to the latter. It stated that a severe problem arises, especially during the summer season, and that the solution is to obtain sufficient flexibility to compensate for the notable differences according to the season of the year. At the same time, the amendments to the Criminal Procedure Act require a greater number of interpreters, which will undoubtedly worsen the situation. Equally, the outsourcing of interpreting services, sometimes provided by telephone, generates information deficiencies that sometimes verge on defencelessness.<sup>30</sup> As the High Court itself recognises, the absence of interpreters can lead to the defencelessness of those involved in judicial proceedings.

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<sup>28</sup> [https://contrataciondelestado.es/wps/wcm/connect/a6c874a3-7bed-4c5f-9836-3fe5babb357a/DOC\\_CD2020-313118.html?MOD=AJPERES](https://contrataciondelestado.es/wps/wcm/connect/a6c874a3-7bed-4c5f-9836-3fe5babb357a/DOC_CD2020-313118.html?MOD=AJPERES)

<sup>29</sup> <https://www.caib.es/sites/institutestudisautonomics/f/298665>

<sup>30</sup> <https://www.poderjudicial.es/cgpj/es/Poder-Judicial/Tribunales-Superiores-de-Justicia/TSJ-Illes-Balears/Actividad-del-TSJ-Baleares/Memoria-Judicial/Memoria-del-Tribunal-Superior-de-Justicia-Illes-Balears-2021>

For this reason, the civil society organisations signing this report request the Committee of Experts to recommend that the judicial system in the Balearic Islands seek to resolve this issue to guarantee the fundamental right of defence of Catalan speakers.

#### **Article 10.4.b Recruitment and training of officials and public service employees in Catalan - partly fulfilled**

There is no requirement for employees of the General State Administration to have knowledge of the regional languages, even if their headquarters are in these regions and their employees are posted there, as can be seen in Figure 2 under the arguments related to Article 10.1.ai above.

The second transitory provision of regional Law 4/2016 of 6 April has been used to waive the Catalan language requirement when “the provision of care may be affected by the lack or insufficiency of professionals”, which infringes the interests of Catalan speakers to address public service employees in this language. Furthermore, the new 2023 government passed Decree Law 5/2023 of 28 August on urgent measures in the fields of education and health. It states that this Decree modifies the previous one (Law 3/2007) “in order to eliminate, in general, the requirement of a certain level of knowledge of Catalan as a requirement to access positions of statutory and occupational staff in the Balearic health service and their instrumental entities ascribed with regard to staff who carry out health functions” (translation authors’ own). This means that the requirement to have knowledge of Catalan for positions in the public health system will become a merit, rather than an essential requirement or important part of the final score obtained during the selection process. The political party VOX is calling for the requirement to be removed completely and for no official to have to prove his or her knowledge of Catalan. It is very much possible that this will be approved since the governing party, the People’s Party, requires the votes of VOX to carry out their policies; it is for this reason that requests such as freedom of language choice in primary schools have been approved.

### **Article 11.3 Interests of users of Catalan represented within media bodies - not fulfilled**

The board of directors of the public radio and television broadcasting network in the Balearic Islands, IB3, is a key part of the organisation in terms of strategic decisions and is elected by Parliament for a six-year term. Yet, there is no legal obligation to appoint a member who is a representative of Catalan speakers' interests. This would be particularly important given the key role radio and television play in spreading knowledge and awareness of the language.

### **Article 13.2.c Use of Catalan in hospitals, retirement homes and hostels - partly fulfilled**

In the area of healthcare, it is usually the workers as opposed to the patients who determine the language to be used. In 2021<sup>31</sup> and 2022<sup>32</sup>, the Office for the Defence of Language Rights, a public organism created by the Balearic government in 2019, collected more than 110 complaints on the matter, yet its impact was minimal. This institution has been removed by the new government and is to be replaced by the Office of Guarantees of Linguistic Freedom, a body that aims to reduce affirmative action towards Catalan, contrary to the spirit of the ECRML.

Furthermore, it should be noted that in the academic year 2016-2017, a Faculty of Medicine was opened at the University of the Balearic Islands to allow the region to train its own doctors. It could be argued that exposure to Catalan in this environment is imbalanced, considering that in 2019, 73.9% of teachers of future doctors of the region claimed to always teach their classes in Spanish, 13% used Spanish more than Catalan, 8.6% used both languages in equal proportion, and 0% taught only in Catalan.<sup>33</sup>

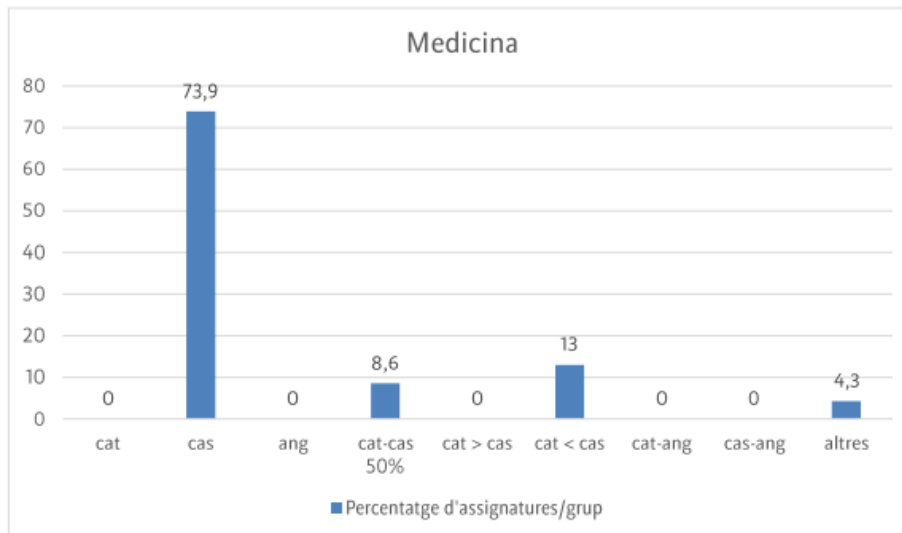
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<sup>31</sup> [https://www.caib.es/sites/oficinadretslinguistics/ca/memoria\\_2020-2021/](https://www.caib.es/sites/oficinadretslinguistics/ca/memoria_2020-2021/)

<sup>32</sup> [https://www.caib.cat/sites/oficinadretslinguistics/ca/memoria\\_2022/](https://www.caib.cat/sites/oficinadretslinguistics/ca/memoria_2022/)

<sup>33</sup> [https://pl.uib.cat/digitalAssets/613/613923\\_usos-lingaistics-a-la-uib.pdf](https://pl.uib.cat/digitalAssets/613/613923_usos-lingaistics-a-la-uib.pdf)

Figure 3: Language used by teachers of Medicine at the University of Balearic Islands in 2019



Source: Universitat de les Illes Balears. Enquesta sobre els usos lingüístics a la Universitat de les Illes Balears, setembre 2019. Key: “cat” = Catalan “cas” = Castilian Spanish “ang” = English “altres” = Others

Additionally, the parties that governed in the region between 2015 and 2023 put a process of stabilisation of interim workers in place. This provided a legal exemption to the accreditation of knowledge of Catalan in workplaces that had to be urgently stabilised, such as in the health system, whereby workers were given two years to justify their level of Catalan. This meant that the rights of Catalan speakers were essentially violated with government approval for two years. In any case, this situation continues, as the newest government in 2023 announced that the Catalan requirement for health workers will disappear.

[Undertakings of Spain concerning Catalan in the Balearic Islands marked as fulfilled by the Committee of Experts of the ECRML which we request be revised](#)

### Articles 8.1.ai, 8.1.bi, 8.1.ci and 8.1.i Pre-school, primary and secondary education in Catalan and supervisory body responsible for monitoring the progress achieved in the teaching of Catalan

Regional education law in the Balearic Islands provides that at least 50% of all lessons in pre-school and primary education must be taught in Catalan. Most school language charters

provide that a majority of lessons must be taught in Catalan<sup>34</sup>. Nevertheless, there have been a multitude of voices that have denounced that the actual proportion of Catalan in education is significantly lower and that violations of school language charters as regards using Catalan as a medium of education are frequent, especially regarding orality. For instance, it has been denounced that some teachers use a Catalan language textbook but teach their lessons in Castilian. Some of these claims come from teachers unions, specifically the first<sup>35</sup> and third<sup>36</sup> with more members in the Balearic Islands. The unions have petitioned that the actual proportion of Catalan-medium lessons be measured and that its compliance with education law be ascertained. However, the regional government has not taken any steps to measure the actual proportion of oral and written Catalan in the teaching of the various school subjects. Because of the lack of data, it cannot be ascertained whether the Balearic school system complies with articles 8.1.ai, 8.1.bi and 8.1.ci of the Charter.

Despite the absence of indicators regarding compliance with the Charter on orality, there is an indicator regarding the degree of oral proficiency of students. This indicator can be inferred to be correlated with the fact that Catalan is not the most-used language in education. A test of students' oral communicative proficiency undertaken during the course 2017/2018 showed that students attain a much higher level of oral proficiency in Castilian than they do in Catalan. Figure 4 below shows that if students are divided in 4 groups depending on their oral proficiency ("satisfactory", "acceptable", "low" and "very low"), 44.3% have "low" or "very low" proficiency in Catalan whereas only 22.6% have an equivalent level of proficiency in Castilian. Regrettably, this test has not been repeated. Civil society organizations undersigning this report request the Committee of Experts to require the Balearic Islands' authorities to measure again students' oral proficiency in both Catalan and Castilian and to publish results.

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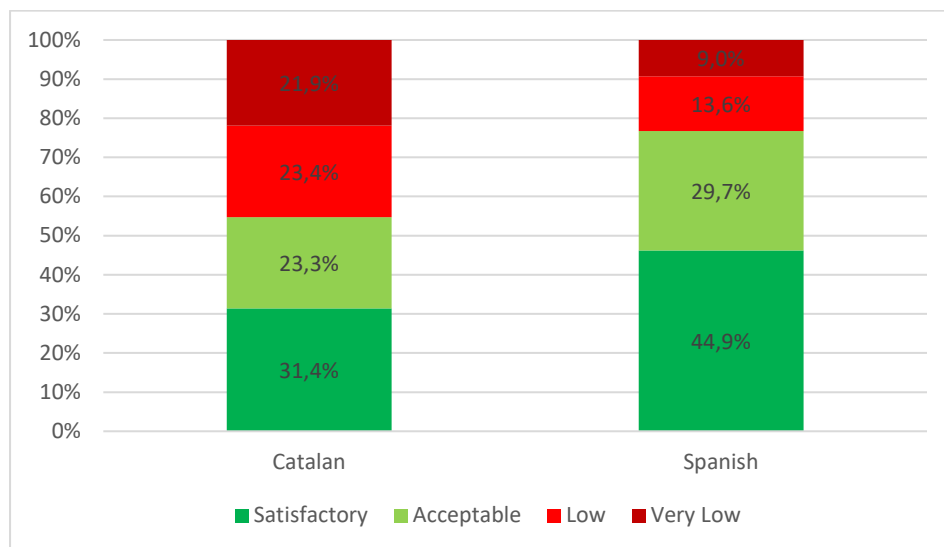
[https://www.caib.es/sites/institutestudisautonomics/ca/n/llei\\_12022\\_de\\_8\\_de\\_mara\\_daeducacia\\_de\\_l\\_es\\_illes\\_balears/](https://www.caib.es/sites/institutestudisautonomics/ca/n/llei_12022_de_8_de_mara_daeducacia_de_l_es_illes_balears/)

35 <https://www.stei.cat/general/index.php/premsa-stei/150-pol%C3%ADtica-ling%C3%BC%C3%ADstica-reflexions-en-veu-alta-m%C2%AA-ant%C3%B2nia-font.html>

36 <https://www.dbalears.cat/balears/balears/2019/05/30/327705/uob-insta-conselleria-prendre-mesures-pel-baix-nivell-oral-catala.html>



Figure 4: Balearic Islands. Academic year 2017-2018. Percentage of pupils in 6th grade of primary school by level acquired in oral Catalan and Spanish



Source: L'Institut d'Avaluació i Qualitat del Sistema Educatiu de les Illes Balears (IAQSE). *Quaderns d'Avaluació 17. Assoliment de la competència comunicativa en expressió oral en l'avaluació de diagnòstic a 6è d'educació primària (curs 2017-2018)*

### Article 9.3 National statutory texts available in Catalan

The most important national statutory text in Spain, the Official State Gazette, does not have a Catalan version. While there was one previously, it was interrupted in 2021,<sup>37</sup> and it has not been reimplemented at the time of writing, despite an agreement being reached for its translation through artificial intelligence that was to begin in 2023.<sup>38</sup>

### Article 12.1.f Encouraging participation of users of Catalan in providing facilities and planning cultural activities

Regional regulations, under Article 12 of Decree 50/2018 of 21 December, establish who makes up the board of directors of the Institute of Cultural Industries of the Balearic Islands. This article states that members should derive from the regional government, cultural industries

<sup>37</sup> [https://www.boe.es/diario\\_boe/calendarios.php?c=c](https://www.boe.es/diario_boe/calendarios.php?c=c)

<sup>38</sup> <https://www.naciodigital.cat/noticia/232169/govern-espanyol-pagara-traduccio-boe-llengues-cooficials>

and companies, and the sector's trade unions. However, there is no specific measure to include a representative of Catalan speakers' interests.<sup>39</sup>

#### **Article 13.2.d Safety instructions in Catalan**

Currently, consumer law in the Balearic Islands only requires use of Spanish in mandatory product labelling information,<sup>40</sup> under Article 30.2. The 2019-2023 government presented a draft bill to establish the right of consumers to receive such information in Catalan, but the bill unfortunately never reached Parliament.<sup>41</sup>

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<sup>39</sup> It is understood that, despite its language policy responsibilities, participation by the Institute of Balearic studies does not count because it is part of the regional government.

<sup>40</sup> <https://www.boe.es/buscar/doc.php?id=BOE-A-2014-8820>

<sup>41</sup> <https://www.ultimahora.es/noticias/local/2022/07/08/1755235/pacte-entierra-ley-consumo-por-discrepancias-catalan-comercios.html>

### 3. Catalan in Catalonia

According to data from official surveys carried out by the Catalan government presented in Figure 5, the total number of Catalan speakers in Catalonia decreased between 2003 and 2018. Its proportional weight in relation to the total population of Catalonia also decreased. Despite this, the number of speakers was stable for the period 2013-2018.

**Figure 5: Number of Catalan speakers aged 15 and over in relation to the total population of Catalonia aged 15 and over in 2018**

	2003	2008	2013	2018
Exclusive Catalan speakers	2,742,600	2,196,600	2,269,600	2,305,100
Bilingual Catalan and Spanish speakers	255,700	736,700	426,600	474,200
Total Catalan speakers	2,998,300	2,933,300	2,696,200	2,779,300
Total population	5,471,200	6,162,500	6,253,800	6,386,600
Percentage of Catalan Speakers (including bilinguals)	54.8%	47.6%	43.1%	43.5%

*Source: Generalitat de Catalunya. Enquesta d'usos lingüístics a la població 2003, 2008, 2013, 2018*

In 2021, use of Catalan in public education suffered an attack through a sentence issued by the High Court of Justice of Catalonia that demanded that a percentage of classes in school be taught in Spanish. This sentence has been passed to higher courts and remains on the agenda, and further facts will be detailed later in this document. The civil society organisations signing this report believe that it is important that the Commission of Experts takes a position on this issue.

[Undertakings of Spain concerning Catalan in Catalonia gathered by the Committee of Experts of the ECRML on its fifth report on the application of the Charter in Spain:](#)

**Article 7.1.d Facilitation and/or encouragement of use of Catalan in public and private life - partly fulfilled**

It should be noted that Spain does the opposite by facilitating the use of Spanish in specific government aids, as explained in relation to the application of the same Article under the ‘Catalan in the Balearic Islands’ section.

Additionally, it is evident that the Catalan regional government allocates a small proportion of its total budget to the promotion of the language. As seen in Figure 6 below, the proportion of the total budget invested in the language has consistently remained under 0.10%.

**Figure 6: Proportion of total budget allocated by Catalan regional government to language budget from 2016 to 2022**

Year	Language budget	Total budget	Percentage of total budget allocated to language budget
2016	€26,633,099.97	€35,448,055,035.07	0.08%
2017	€27,470,088.69	€36,340,978,648.16	0.08%
2018	€27,955,672.68	€41,889,467,915.78	0.07%
2019	€29,481,659.12	€40,435,054,712.56	0.07%
2020	€35,056,815.50	€49,327,542,588.47	0.07%
2021	€33,777,236.96	€51,830,953,54.81	0.07%
2022	€43,262,851.01	€55,107,335,053.95	0.08%

Source: *Generalitat de Catalunya*<sup>42</sup>

**Articles 9.1.ai, 9.1.bi and 9.1.ci Conducting criminal, civil and administrative proceedings in Catalan - partly fulfilled**

In the ‘Catalan in the Balearic Islands’ section, it is argued that Article 231 of the Organic Law of Judicial Power establishes that it is the judge who chooses the language of proceedings, which also applies to the region of Catalonia.

<sup>42</sup> [https://economia.gencat.cat/ca/ambits-actuacio/pressupostos/anteriors/index.html#googtrans\(ca|en\)](https://economia.gencat.cat/ca/ambits-actuacio/pressupostos/anteriors/index.html#googtrans(ca|en))

The Catalan regional government, with partial competencies in justice, created a processing extranet called ‘e-justícia’. This extranet allows for the compilation of statistics on the language of procedural documentation including orders and rulings. Since June 2021, ‘e-justícia’ has allowed claimants to request the official language in which they wish to receive notifications. Statistics for 2021<sup>43</sup> show that 81.3% of requests for processing documentation in Catalan were ignored. In absolute figures, a total of 376,627 decisions that were requested in Catalan were notified only in Spanish. On the other hand, 97% of the requests to receive documentation in Spanish in the courts of Catalonia were complied with.

Within this framework of continuous non-compliance, the use of Catalan in court rulings has decreased, as shown in Figure 7. In 2020, 14,455 rulings were written in Catalan, representing 7.4% of the total; in 2021, 18,038 rulings were written in Catalan, representing 6.94% of the total; and in 2022, 17,913 rulings were written in Catalan, representing 6.67% of the total. In all cases, the remaining percentages of rulings were written in Spanish.

**Figure 7: Language of court rulings in the Courts of Catalonia for 2017 to 2022**

Language of court rulings <sup>44</sup>	2017	2018	2019	2020	2021	2022
Catalan	8.2%	7.7%	8.5%	7.4%	6.94%	6.67%
Spanish	91.8%	92.3%	91.5%	92.6%	93.06%	93.33%

*Source: Generalitat de Catalunya. Departament de Justícia*

There is currently no project in place to improve the situation of the Catalan language within the Catalan judicial system. Regardless of the fact that judges, magistrates and other judicial staff who join from other parts of Spain are able to learn Catalan for free, and the language is easy for Spanish speakers to understand given the two languages’ shared Latin roots, most of them do not because of a lack of awareness of the importance of the language in the region and a lack of recognition of the respect due to the people of Catalonia to be able to express themselves in their own language in the region and before institutions.

<sup>43</sup> <https://govern.cat/govern/docs/2022/06/16/14/55/4fa13714-b18a-40c4-9e75-1a8d73fd28e9.pdf>

<sup>44</sup> Data extracted from <https://llengua.gencat.cat/web/.content/documents/informepl/arxius/ipl2020.PDF>

### **Article 9.1.iii, 9.1.iii, 9.1.iii Right to use the language by the accused**

Crucially, the right to speak Catalan in the judicial system is not always guaranteed. The rights of the parties concerned, including expressing their defence, cannot always be met, partly due to the level of competence in Catalan of the staff working within judicial bodies. Staff have the possibility of learning Catalan for free, and Spanish speakers have an advantage in that there are similarities between the two languages due to their common Latin roots. Nonetheless, a lack of basic awareness of the importance of the language in the territory and a lack of respect for Catalan speakers to express themselves in their own language within the territory and before institutions remain.

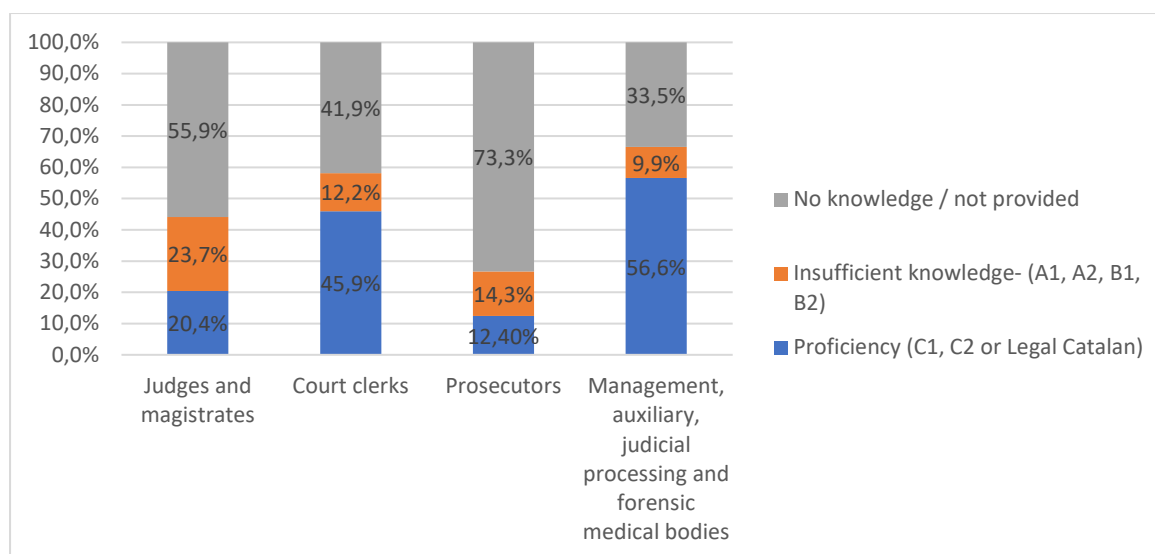
Article 102 of the Statute of Autonomy of Catalonia states that magistrates, judges and public prosecutors who occupy a post in Catalonia must prove an adequate and sufficient knowledge of Catalan to ensure the linguistic rights of the citizens.<sup>45</sup> Yet, as shown in Figure 8, only 20.4% of judges and magistrates, 45.9% of court clerks, 12.4% of prosecutors and 56.6% of the remaining related bodies (e.g. management, auxiliary, judicial processing and forensic medical bodies) have the C1, C2 or J/Legal Catalan level required for working. It is important to consider that this results in 55.9% of judges, 73.3% of prosecutors and 41.9% of court clerks having no knowledge of Catalan, which appears disproportionate to the reality of the population, considering that the Spanish 2022 census stated that 78.4% of the inhabitants of Catalonia spoke Catalan well and 64.5% wrote it well. The lack of language skills hampers people's will to speak Catalan in front of the justice system. In fact, almost a third of those surveyed in the 2023 Catalan Centre for Public Opinion (CEO) survey believe that speaking Catalan in court or using it in court documents could be detrimental to them.<sup>46</sup>

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<sup>45</sup> [https://web.gencat.cat/en/generalitat/estatut/estatut2006/titol\\_3/](https://web.gencat.cat/en/generalitat/estatut/estatut2006/titol_3/)

<sup>46</sup> [https://upceo.ceo.gencat.cat/wsceop/8909/Dossier%20resum\\_1065\\_1066.pdf](https://upceo.ceo.gencat.cat/wsceop/8909/Dossier%20resum_1065_1066.pdf)

**Figure 8: Linguistic competence in Catalan in the Administration of Justice in Catalonia in 2022**



*Source: Generalitat de Catalunya, 2022. Diagnosi sobre l'ús del català en els àmbits de competència del Departament de Justícia*

In criminal proceedings, more oral procedures, assistance to detainees and statements before the courts are found. While it is difficult to access real data on what happens in these situations, the lack of language skills shown in Figure 8 allows to deduce that judges and prosecutors almost always speak Spanish to citizens and professionals, which means that proceedings continue in this language. In contrast to the rest of Catalan society, there is a great lack of knowledge of the language within the region's justice system. In these conditions, it is very common to find that lawyers are required to speak Spanish or to translate documents into Spanish, despite this being contradictory to Article 231 of the Organic Law of Judicial Power. A list of cases collected by the complaints services of Juristes per la Llengua and Plataforma per la Llengua which, in some cases, result in costly sentences for the Catalan-speaking party, are provided in Annex 1.

Furthermore, in some cases, the unlawful request for translation is reinforced via the threat that if the party does not agree to speak Spanish, judicial action will have to be adjusted to find a translator. Allocation of the next appointment can take days, weeks or months, which encourages the party to resist continuing in Catalan. This was denounced publicly by Plataforma per la Llengua after the publication of a recent video<sup>47</sup> in which a judge said he did

<sup>47</sup> <https://twitter.com/llenguacat/status/1622644389104189470?lang=ca>

not understand five defendants and that, instead of providing translations, he was postponing their statements for another day. The majority of citizens, lawyers and witnesses do not report these poor practices because they subsequently have to spend long periods of time awaiting a judicial resolution by the court that has discriminated against them on language grounds. Plataforma per la Llengua has repeatedly denounced this situation before the Catalan government and the High Court of Justice of Catalonia, and has requested that the High Court of Justice of Catalonia create an anonymous, flexible channel to register complaints, but it has not heeded this request.

The civil society organisations signing this report call for a more agile system for resolving complaints related to unlawful requests for translation. We demand that the mere fact of issuing a document unlawfully requesting the translation of a document into Spanish should be considered an infringement by the person issuing the document. At the same time, the civil society organisations identify as good practice the survey carried out in Catalonia on the degree of linguistic competence of judges, magistrates, prosecutors, court clerks and other judicial bodies and therefore ask that the Committee of Experts recommend the Spanish authorities carry out similar measurement of language skills in Valencia and the Balearic Islands.

#### **Article 10.1.ai Use of Catalan by local branches of the national authorities - partly fulfilled**

In Catalonia, there are 13,282 State body official positions. Knowledge of Catalan is not required for these positions, except in the case of certain roles.<sup>48</sup> In other words, knowledge of the language is only recognised as a relevant merit for some positions. As seen in the data in Figure 9 below, adapted from the Spanish government's transparency portal, this is the case for 2.16% of positions.

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[https://transparencia.gob.es/transparencia/transparencia\\_Home/index/PublicidadActiva/OrganizacionYEmpleo/Relaciones-Puestos-Trabajo.html](https://transparencia.gob.es/transparencia/transparencia_Home/index/PublicidadActiva/OrganizacionYEmpleo/Relaciones-Puestos-Trabajo.html) (Last consulted in July 2023.)



Figure 9: State body official positions in Catalonia for which knowledge of Catalan is considered a merit

Region	Total number of State body official positions	Number of jobs for which knowledge of Catalan is considered a merit	Percentage of jobs for which knowledge of Catalan is considered a merit
Catalonia	13,282	287	2.16%

Source: Spanish government Portal de la Transparencia. Relaciones de puestos de trabajo

Moreover, as alluded to previously, many Spanish government bodies' websites are not available in Catalan or have incomplete versions in Catalan. Royal Decree 203/2021 repealed Royal Decree 1617/2009, so there is no longer a legal obligation to have such websites, which means Catalan is present on very few of them, to the extent that only 0.85% of official Spanish government websites have a complete Catalan version.

#### Article 10.1.b National administrative texts and forms in Catalan - partly fulfilled

Some of the Spanish government's most important online administrative processes are not available in Catalan. This is the case of one of the most prominent websites, *Tu Seguridad Social*, the social security website on which inhabitants can check their retirement contributions, request a European Health Insurance Card or apply for parental leave, which is not available in Catalan. Similar online official processes that cannot be completed in Catalan include communicating a change of address to the General State Administration, checking the number of points on a driver's license,<sup>49</sup> receiving information on State benefits and downloading official certificates of university degrees awarded.

#### Article 10.3.a Provision of public services in Catalan - partly fulfilled

It is important to note that no training in Catalan is required for the Spanish government's public services awarded to private companies in calls for tenders. While it was not possible to

<sup>49</sup> In Spain, driving licenses have a score associated with them. Drivers lose points for each offence. If they run out of points, they lose their license.

carry out a search that covers all tenders, a significant example in Catalonia is the call for tenders from 2021 regarding health surveillance of the staff working at the Provincial Directorate of the National Institute of Social Security (INSS) in Barcelona.<sup>50</sup> This call for tenders did not include a requirement for employees to have knowledge of Catalan. Thus, the co-officiality of Catalan was not respected in this context.

#### **Article 10.4.b Recruitment and training of officials and public service employees in Catalan - partly fulfilled**

There is no requirement for employees of the General State Administration to have knowledge of the regional languages, even if their headquarters are in these regions and their employees are posted there, as can be seen in Figure 9 under the arguments related to Article 10.1.ai above.

#### **Article 13.2.c Use of Catalan in hospitals, retirement homes and hostels - partly fulfilled**

A growing number of health professionals working in Catalonia were born outside of the region and do not have Catalan as their habitual language. Data from 2017 show that 34% of physicians registered in the College of Physicians of Barcelona were born in Catalonia, while in 2022 the figure was 29.4%.<sup>51</sup> Language use of patients with healthcare professionals has also seen a tendency among healthcare professionals and patients to shift to using Spanish instead of Catalan in these settings,<sup>52</sup> as shown in Figure 10.

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<sup>50</sup> [https://contrataciondelestado.es/wps/wcm/connect/5d79d995-bddb-4469-95c8-ba0425596c2c/DOC\\_CD2021-180141.html?MOD=AJPERES](https://contrataciondelestado.es/wps/wcm/connect/5d79d995-bddb-4469-95c8-ba0425596c2c/DOC_CD2021-180141.html?MOD=AJPERES)

<sup>51</sup> <https://llengua.gencat.cat/web/.content/documents/dadesestudis/2023-jornada/arxiu/taula3-5-estudi-necessitats-coneixements-sanitaria.pdf>

<sup>52</sup> <https://www.idescat.cat/pub/?id=eulp&n=3612&t=201800-201300>

Figure 10: Percentage of inhabitants of Catalonia that always speak Catalan to healthcare professionals in 2003, 2008 and 2013 and 2018

Year	Percentage of people who always speak Catalan to healthcare professionals
2003	41.2%
2008	34.4%
2013	27.8%
2018	26.4%

Source: Generalitat de Catalunya. *Enquesta d'usos lingüístics a la població 2003, 2008, 2013, 2018*

#### Article 13.2.d Safety instructions in Catalan - partly fulfilled

According to data made available by the Catalan government for the year 2020, only 10.6% of the products sold in Catalonia were labelled with instructions for use and safety instructions in Catalan.<sup>53</sup> In 2021, the regional consumer regulatory body began a campaign to control the presence on products of information in Catalan necessary for the proper consumption, use and handling of goods and services.<sup>54</sup> However, the campaign is limited to non-food products, following entry into force of Regulation (EU) No 1169/2011 of the European Parliament and of the Council. Article 15.2 of the Regulation allows national (and regional) authorities to stipulate that mandatory food information must be provided in one or more languages from among the official languages of the European Union, of which Catalan is not one.

For this reason, the civil society organisations signing this report request that the Committee of Experts ask the European Commission to amend Article 15.2 of Regulation No 1169/2011 to allow language regulations for regional and minority languages recognised by the Charter different than official languages of the European Union.

<sup>53</sup> <https://llengua.gencat.cat/web/.content/documents/dadesestudis/arxius/2020-emmarcat-etiquetatge.pdf>

<sup>54</sup> [https://consum.gencat.cat/web/.content/10\\_AGENCIA/12\\_Estadistiques/Actuacions-consumcat-2021-General.pdf](https://consum.gencat.cat/web/.content/10_AGENCIA/12_Estadistiques/Actuacions-consumcat-2021-General.pdf)

Undertakings of Spain concerning Catalan in Catalonia marked as fulfilled by the Committee of Experts of the ECRML which we request be revised

### **Articles 8.1.ai, 8.1.bi and 8.1.ci Pre-school, primary and secondary education in Catalan**

While the Catalan public education system has generally remained stable, enjoying a wide social and political consensus over the last 40 years, it has suffered several judicial setbacks, which have intensified and worsened in recent years. Contrary to social and political consensus, a recent judicial development in relation to the Catalan education system put an end to the current Catalan language immersion system by preventing Catalan from being the language of teaching. On 16 December 2020, the High Court of Justice of Catalonia, an appellate court within Spain's centralised justice system, ruled that a minimum of 25% of classes in the Catalan public education system must be taught in Spanish. The Catalan government appealed this decision and took the case to the Spanish Supreme Court. On 23 November 2021, the Spanish Supreme Court dismissed the appeal<sup>55</sup>, thus making the High Court of Justice of Catalonia's decision final<sup>56</sup>. Since this occurred, a Court can enforce this percentage of subjects that ought to be in Spanish in all Catalan schools, meaning pre-school, primary and secondary education is not always available in Catalan. At the same time, it is important to note that the judicial procedure for the execution of this sentence is damaging for the defenders of Catalan speakers. The Spanish government, which under the People's Party was the plaintiff, has not demanded the execution of the sentence. Instead, the High Court of Justice of Catalonia allowed an entity in defence of the Spanish language to request the execution of the sentence. In the judicial procedure of execution, two organisations and two trade unions that defend Catalan speakers' interests were denied participation. These entities were dismissed on the pretext that the sentence does not affect Catalan, but rather Spanish<sup>57</sup>.

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<sup>55</sup> <https://www.elperiodico.com/es/sociedad/20211123/sentencia-25-ensenanza-castellano-catalunya-firme-12892431>

<sup>56</sup> <https://www.poderjudicial.es/cgpi/es/Poder-Judicial/Tribunales-Superiores-de-Justicia/TSJ-Cataluna/Noticias-Judiciales-TSJ-Cataluna/El-TSJCat-declara-la-firmeza-de-la-sentencia-que-establece-el-25--de-ensenanza-en-castellano-en-las-escuelas>

<sup>57</sup> <https://www.europapress.es/catalunya/noticia-tsjc-reitera-plataforma-per-llengua-ustec-no-seran-parte-afectada-causa-25-20221108152037.html>

It is also worth mentioning that the Catalan authorities, pressured by the imminent execution of the sentence, have modified legislation on education and have declared that Spanish is a curricular language in a model of linguistic combination (without the possibility of separating pupils). Thus, the new Catalan legislation also provides for the use of Spanish according to the sociolinguistic situation, which means that education in Catalan will not be available in some schools and high schools.

The Catalan Ombudsman (called *Síndic de Greuges* in Catalan) published a report highlighting a significant drop in the use of Catalan in teaching, which puts into question whether education is fully available in Catalan. According to said report, Spanish is used in 18.4% of primary school subjects and 33.1% of communications with pupils, while in secondary education, Spanish is used in 23.1% of subjects and in 32.9% of communications, as seen in Figures 11 and 12 below.

**Figure 11: Language of instruction for teachers, classrooms and schools in the fifth year of mandatory primary education in Catalonia in 2021**

Primary education	Language of instruction of subjects by teachers	Vehicular language of the class	Vehicular language of the school
Catalan	71.6%	70.2%	62.1%
Spanish	18.4%	22.0%	33.1%
Aranese	0.2%	0.3%	0.2%
Foreign language	9.7%	7.5%	4.7%

Source: *Síndic de Greuges de Catalunya, 2022. Drets i usos lingüístics dels infants i adolescents: l'escola com a garant de la igualtat d'oportunitats*

**Figure 12: Language of instruction for teachers, classrooms and schools in the third year of mandatory secondary education in Catalonia in 2021**

Secondary education	Language of instruction of subjects by teachers	Vehicular language of the class	Vehicular language of the school
Catalan	67.3%	64.4%	60.6%
Spanish	23.1%	28.2%	32.9%
Aranese	0.0%	0.0%	0.0%
Foreign language	9.6%	7.4%	6.4%

Source: *Síndic de Greuges de Catalunya, 2022. Drets i usos lingüístics dels infants i adolescents: l'escola com a garant de la igualtat d'oportunitats*

Therefore, under the current conditions and the judicial situation described, we ask the Committee of Experts to evaluate whether Articles 8.1.ai, 8.1.bi and 8.1.ci are currently complied with in Catalonia.

#### **Article 8.1.g Teaching of history and culture reflected by Catalan**

In Catalonia, Decree 175/2022 of 27 of September on the organisation of basic education repealed Decree 119/2015 of 23 June on the organisation of primary education and Decree 187/2015 of 25 August on the organisation of secondary education. This repeal has led to the elimination of all references to the history of Catalonia from the primary school curriculum in relation to contents on the area of knowledge of the social and cultural environment within the upper cycle (ages 10 to 12), while in the secondary school curriculum important content in relation to the past and present of Catalonia in the context of Spain and Europe was removed (CC9). Therefore, the new curriculum does not provide for the full study of the history of Catalonia in either primary or secondary education.

#### **Article 8.1.i Supervisory body responsible for monitoring the progress achieved in the teaching of Catalan**

Although the Catalan government has been testing students' oral and written competence in Catalan, it has not developed a legal provision that would guarantee independent assessment since suspending the previous one, the Education Evaluation and Foresight Agency (AAPE), in 2011. This body was created in accordance with Articles 188-195 of Law 12/2009 of 10 July on education in Catalonia, was to be governed by a governing council of prestigious professionals and was responsible for presenting the results of evaluations carried out to the Parliament and the School Council of Catalonia. This lack of independent assessment has become evident in the oral communication assessment tests, in which the same teachers at the schools are responsible for assessing students.<sup>58</sup>

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<sup>58</sup> <http://csda.gencat.cat/web/.content/home/arees-actuacio/publicacions/quaderns-avaluacio/quaderns-avaluacio-57/quaderns-avaluacio-57.pdf>

## **Article 9.2 Validity of legal documents in Catalan**

In the case of the Trademark and Patent Office, which has only one office in Madrid, the Administration resolved that they only consider documentation presented in Spanish. This case is particularly serious because the contested documentation was a public deed that accredited a transfer of companies, and as a consequence of this cession, a transfer of trademark was requested. In this instance, the Patent and Trademark Office, the High Court of Justice of Catalonia<sup>59</sup>, the Supreme Court and the Constitutional Court all followed the same legal argument that the application must be filed in Spanish, the official language of Spain, yet they failed to take into account language rights within Spain and internationally.

## **Article 9.3 National statutory texts available in Catalan**

The most important national statutory text in Spain, the Official State Gazette, does not have a Catalan version. While there was one previously, it was interrupted in 2021,<sup>60</sup> and it has not been reimplemented at the time of writing, despite an agreement being reached for its translation through artificial intelligence that was to begin in 2023.<sup>61</sup>

## **Article 12.1.f Encouraging participation of users of Catalan in providing facilities and planning cultural activities**

Catalan regional regulations, under Articles 5 and 6 of Law 20/2000 of 29 December and Articles 6 and 7 of Decree 100/2001, establish who is to make up the general council and the administrative council of the Catalan Institute of Cultural Industries. These articles state that representation is to be divided between the regional government, local government, public media and cultural industries and companies, and the sector's trade unions. However, it is not

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<sup>59</sup> Ruling no. 948/2019, of November 19, issued by the Fifth Section of the Contentious-Administrative Chamber of the Superior Court of Justice of Catalonia (TSJC) in ordinary procedure no. 98/2017

<sup>60</sup> [https://www.boe.es/diario\\_boe/calendarios.php?c=c](https://www.boe.es/diario_boe/calendarios.php?c=c)

<sup>61</sup> <https://www.naciodigital.cat/noticia/232169/govern-espanyol-pagara-traduccio-boe-llengues-cooficials>

foreseen that a representative of the interests of Catalan speakers participate in any of the governing bodies.<sup>62</sup>

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<sup>62</sup> It is understood that participation by the regional ministry responsible for language policy does not count because it is part of the regional government.



## 4. Valencian/Catalan in Valencia

Figure 13 below demonstrates the drastic decline in the number of Valencian/Catalan speakers in Valencia, based on data from surveys on language use carried out by the Valencian government in 2001<sup>63</sup> and in 2021<sup>64</sup> in the Valencian-speaking part of the region.

Figure 13: Language use results in the Valencian-speaking part of Valencia in 2001 and 2021

Language spoken	At home		With friends		In traditional shops		In chain stores or supermarkets	
	2001	2021	2001	2021	2001	2021	2001	2021
Always or generally in Valencian	34.9 %	21.5	31.6%	17.5%	26.3%	19.6%	18.7%	12.6%
More Valencian than Spanish	1.2%	1.6%	2%	2.9%	2.1%	2.3%	1.6%	2.5%
Interchangeable	8.1%	7.5%	15.7%	14.7%	15%	10.8%	12.2%	9.7%
More Spanish than Valencian	1.8%	4.4%	1.8%	6.7%	1.6%	4.2%	1.7%	4.6%
Always or generally Spanish	53.1%	58.2%	49%	54.9%	54.9%	58.6%	64.8%	69.8%

Source: Generalitat Valenciana. *Enquesta sobre l'ús del valencià 2001 and Knowledge and social use of Valencian 2021*

As can clearly be observed, use of Valencian/Catalan in all contexts has decreased at an alarming level. These numbers show how important it is for the regional and State governments to introduce compensatory measures to reverse this situation. Nonetheless, the previous regional government was incapable of articulating a response and the current

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[https://ceice.gva.es/documents/161863132/168013490/Enquesta+sobre+l%27%C3%BAs+del+valenci%C3%A0\\_2001.pdf/da3ff265-edbd-45cc-b633-b4de1eb6e54a](https://ceice.gva.es/documents/161863132/168013490/Enquesta+sobre+l%27%C3%BAs+del+valenci%C3%A0_2001.pdf/da3ff265-edbd-45cc-b633-b4de1eb6e54a)

64

[https://ceice.gva.es/documents/161863132/174616028/enquesta+%C3%BAs+del+valencia%CC%80+2021\\_web\\_en.pdf/4b7e1bb6-8a95-2847-49f4-06cc6328703e?t=1674558044651](https://ceice.gva.es/documents/161863132/174616028/enquesta+%C3%BAs+del+valencia%CC%80+2021_web_en.pdf/4b7e1bb6-8a95-2847-49f4-06cc6328703e?t=1674558044651)

government is not in favour of language promotion and has already announced actions against promotion of Valencian/Catalan such as the closure of the Office of Linguistic Rights<sup>65</sup>.

Undertakings of Spain concerning Valencian/Catalan in the Valencian Community gathered by the Committee of Experts of the ECRML on its fifth report on the application of the Charter in Spain:

**Article 7.1.d Facilitation and/or encouragement of use of Valencian/Catalan in public and private life - partly fulfilled**

Besides the funds the Valencian government allocates to the Acadèmia Valenciana de la Llengua (AVL), the official language institute in the region, no funds are specifically allocated for language promotion.<sup>66</sup> As can be observed in Figure 14 below, the budget allocated to the AVL represents an extremely small proportion of the total budget.

**Figure 14: Valencian regional budget allocated to the AVL from 2016 to 2022**

Year	Language budget	Total budget	Proportion of total budget allocated to language budget
2016	€3,043.76	€17,155,819.50 €	0.018%
2017	€3,157.13	€17,724,974.08 €	0.018%
2018	€3,229.01	€19,956,909.56 €	0.016%
2019	€3,339.41	€22,096,214.22 €	0.015%
2020	€3,407.26	€23,021,985.48 €	0.015%
2021	€3,469.38	€25,627,550.85 €	0.013%
2022	€3,540.59	€27,967,471.34 €	0.013%

Source: Generalitat Valenciana<sup>67</sup>

<sup>65</sup> [https://www.ara.cat/paisvalencia/govern-valencia-modifica-llei-plurilinguisme-suprimeix-l-oficina-drets-linguistics\\_1\\_4818301.html](https://www.ara.cat/paisvalencia/govern-valencia-modifica-llei-plurilinguisme-suprimeix-l-oficina-drets-linguistics_1_4818301.html)

<sup>66</sup> <https://hisenda.gva.es/va/web/presupuestos/hacienda-presupuestosanteriores>

<sup>67</sup> <https://hisenda.gva.es/va/web/presupuestos/hacienda-presupuestosanteriores>

### **Articles 8.1.ai, 8.1.bi and 8.1.ci Pre-school, primary and secondary education in Valencian/Catalan**

In the period 2017-2021, the Valencian government ignored the recommendations of the Committee of Ministers and the Committee of Experts and continued to implement Law 4/2018, which was declared non-compliant with the ECRML.

### **Article 8.1.di Technical and vocational education in Valencian/Catalan - not fulfilled**

According to data provided in the compliance report submitted by Spain, 72.2% of vocational education centres teach less than 37% of classes in Valencian. The low percentages suggest that it is very difficult to make technical and vocational education available in Valencian/Catalan.

### **Articles 9.1.ai, 9.1.bi and 9.1.ci Conducting criminal, civil and administrative proceedings in Valencian/Catalan - partly fulfilled**

In the 'Catalan in the Balearic Islands' section, it was outlined that Article 231 of the Organic Law of Judicial Power places power with the judge (in other words, not the citizen) to decide the language of the proceedings. In the same section, it was explained that the Spanish Parliament has refused to consider a motion and proposed bill to modify the Article, which also affects the situation in Valencia. The Spanish government continues to argue that current legislation already guarantees the right to conduct proceedings in a co-official language, ignoring the fact that in reality it is the judge, not the citizen, who chooses the language of the proceedings.

Moreover, a Valencian court, namely, the Court of First Instance and Instruction No. 2 of Vinaròs, refused to translate a court judgement into Valencian/Catalan. When the claimant argued he had this right (as stated in the ECRML), the judge argued that it was a convention which, once ratified, needs to be implemented in domestic law, and since Spanish law does not include an obligation to translate the court judgement, the court was under no obligation to do so. For reference, the whole statement is included in Annex 2.

In the 'Catalan in Catalonia' section, a series of statistics were presented on the failure to comply with the right to receive documentation in Catalan, as was the case for 81.3% of the parties that requested it. Unfortunately, as is the case in the Balearic Islands, the judicial authorities in Valencia do not collect statistics on the language used in the courts, nor do they possess a tool that allows parties to choose the language of the proceedings, which currently requires an additional request. However, data available by language on the CENDOJ<sup>68</sup> case law search engine shows that of the 133,514 judicial decisions registered in the database from 2017 to 2021, none of them were in Valencian/Catalan; they were all in Spanish.

Therefore, the civil society organisations signing this report ask the Committee of Experts to recommend that the Spanish Ministry of Justice and the Valencian regional government implement a tool for each user in the justice system to choose whether he/she receives judicial documentation in Valencian/Catalan or Spanish. We also ask the Committee to recommend that the Spanish government, the Spanish judiciary and the Valencian regional government collect and publish data on the language in which documentation is requested and the language in which procedural documentation, orders and rulings are issued. As mentioned previously, the General Council of the Judiciary has repeatedly failed to comply with Article 563 of the Organic Law of Judicial Power, as it does not present language-related statistics on proceedings in its report to the Spanish Parliament. This means that data on use of regional languages in the judicial system is unavailable and indicates that the legislative bodies do not see this as a concern to be addressed.

#### **Article 10.1.ai and 10.2.a Use of Valencian/Catalan by the regional and national authorities - partly fulfilled**

In Valencia, there are 13,197 State body official positions,<sup>69</sup> none of which require knowledge of Catalan, except in the case of certain roles. In other words, knowledge of the regional language is only sometimes recognised as a relevant merit. As seen in the data in Figure 15,

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<sup>68</sup> Statistics compiled by the authors from the CENDOJ search engine:

<https://www.poderjudicial.es/search/indexAN.jsp>

<sup>69</sup>

[https://transparencia.gob.es/transparencia/transparencia\\_Home/index/PublicidadActiva/OrganizacionYEmpleo/Relaciones-Puestos-Trabajo.html](https://transparencia.gob.es/transparencia/transparencia_Home/index/PublicidadActiva/OrganizacionYEmpleo/Relaciones-Puestos-Trabajo.html) (Last consulted in July 2023.)

adapted from the Spanish government’s transparency portal, this is the case for 2.05% of these types of roles.

Figure 15: State body official positions in Valencia for which knowledge of Valencian/Catalan is considered a merit

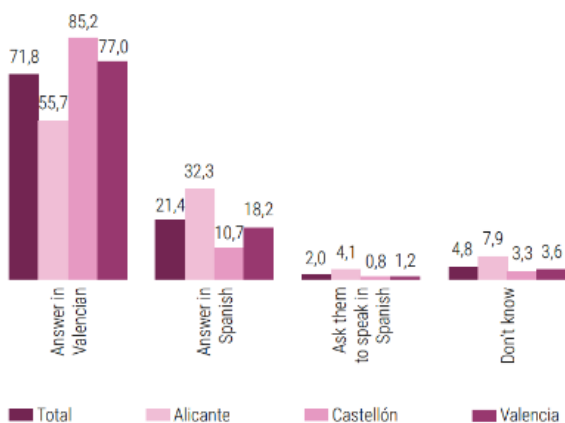
Region	Total number of State body official positions	Number of jobs for which knowledge of Valencian/Catalan is considered a merit	Percentage of jobs for which knowledge of Valencian/Catalan is considered a merit
Valencia	13,197	270	2.05 %

Source: Spanish government Portal de la Transparencia. Relaciones de puestos de trabajo

Furthermore, the statistics in Figure 16 below show that not all public workers answer in Valencian/Catalan when users address them in Valencian/Catalan. For example, in 2021, 21.4% of public workers stated that they do not reply to users in Valencian when they speak to them in this language. Thus, it is not ensured that users will be answered in their choice of language despite speaking to public officials in this language.

Figure 16: Valencian regional government employees' answer to the question "When addressed by a user speaking Valencian, you..."

**When addressed by a user speaking Valencian, you...**



Source: Generalitat Valenciana, 2022. Use of Valencian in the Administration of the Generalitat

### **Article 10.1.b National administrative texts and forms in Valencian/Catalan - partly fulfilled**

Of the 470 State websites analysed by Plataforma per la Llengua, only 139 of them have some content in Catalan, with just four of them offering a complete Catalan version. It is also worth noting that 61 of these websites with content in Catalan also have a separate version for Valencian, which contradicts the scientific consensus that they are the same language, thus creating linguistic fragmentation and artificial divisions.

Some of the Spanish government's most important online administrative processes are not available in Valencian/Catalan. This is the case of one of the most prominent websites, *Tu Seguridad Social*, the social security website on which inhabitants can check their retirement contributions, request a European Health Insurance Card or apply for parental leave, which is not available in Valencian/Catalan. Similar online official processes that cannot be completed in Valencian/Catalan include communicating a change of address to the General State Administration, checking the number of points on a driver's license,<sup>70</sup> receiving information on State benefits and downloading official certificates of university degrees awarded.

Problems are also found with regional government websites. For example, the page containing documentation and searchable data for the Provincial Council of Alicante does not have a Valencian/Catalan version.<sup>71</sup> Similarly, some public hospital websites do not have versions available in Valencian/Catalan.<sup>72</sup>

### **Article 10.1.c Drafting documents in Valencian/Catalan - partly fulfilled**

Royal Decree 130/2019 regulates operation of the National Database of Subsidies (BDNS), in which all public subsidies granted by organisations, such as municipalities, must be published.<sup>73</sup> The Decree stipulates that the terms of these subsidies must be written in Spanish and complementarily in a co-official language. The obligatory nature of uploading these terms in

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<sup>70</sup> In Spain, driving licenses have a score associated with them. Drivers lose points for each offence. If they run out of points, they lose their license.

<sup>71</sup> <http://documentacion.diputacionalicante.es/index3.asp>

<sup>72</sup> <https://www.san.gva.es/es/web/sanidad/webs-departaments-de-salut> (Consultation date: 30 October 2023.)

<sup>73</sup> <https://www.boe.es/boe/dias/2019/03/30/pdfs/BOE-A-2019-4671.pdf>

Spanish means that public institutions do create a version in Valencian/Catalan. In this way, the Spanish government essentially discourages the use of the regional language.

#### **Article 10.3.a Provision of public services in Valencian/Catalan - partly fulfilled**

Official use of Valencian/Catalan language is recognised in legislation and all public institutions are required to promote the use of the local language in all activities (according to the regional Law 4/1983 on the Use and Teaching of Valencian). Nonetheless, in calls for tenders, some service concession contracts for other companies carried out by the region's government did not require knowledge of Valencian, despite the services affecting the population. One example is the 2018 call for tenders for the home telecare service for the region's System for Autonomy and Care for Dependency (SAAD), in which neither the technical specifications nor the specific administrative specifications required that those providing telecare were proficient in Valencian/Catalan.<sup>74</sup>

#### **Article 10.3.b Submitting a request to and receiving a reply from public service providers in Valencian/Catalan - partly fulfilled**

When requests are made in writing, the latest data, included in Figure 17 below, show that 26.6% of public employees do not reply in Valencian to requests they receive in that language.<sup>75</sup> Moreover, some of them demand to be written to in Spanish. Special focus should be placed on the region of Alicante, where the percentage increases to 41.8% (including 3.8% of the workers that ask the user to write in Spanish).

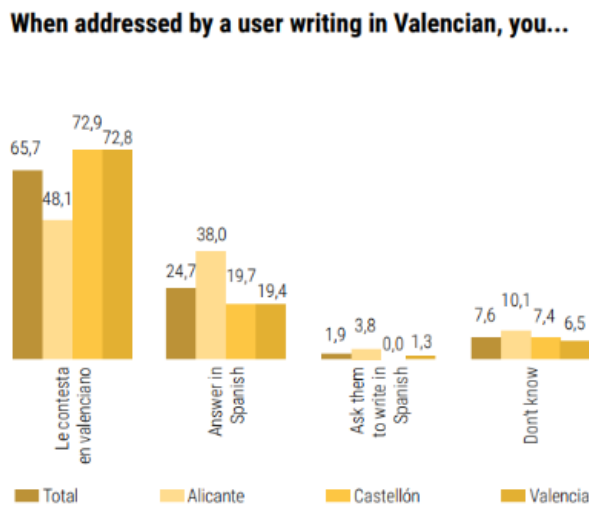
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<sup>74</sup> [https://contrataciondelestado.es/wps/wcm/connect/a88f40c4-8b5d-492c-bbb9-eb6808a39633/DOC\\_CD2017-628932.html?MOD=AJPERES](https://contrataciondelestado.es/wps/wcm/connect/a88f40c4-8b5d-492c-bbb9-eb6808a39633/DOC_CD2017-628932.html?MOD=AJPERES)

<sup>75</sup>

[https://ceice.gva.es/documents/161863132/369079624/%C3%9As+del+valenci%C3%A0+en+l%27Administraci%C3%B3+2022\\_web\\_en.pdf/3089920c-21f5-6485-16bb-dc8719339bf3?t=1674558446941](https://ceice.gva.es/documents/161863132/369079624/%C3%9As+del+valenci%C3%A0+en+l%27Administraci%C3%B3+2022_web_en.pdf/3089920c-21f5-6485-16bb-dc8719339bf3?t=1674558446941)

Figure 17: Valencian regional government employees' answers to the question "When addressed by a user writing in Valencian, you..." \*



Source: Generalitat Valenciana, 2022. Use of Valencian in the Administration of the Generalitat

\* There is a typo in the official chart in English. The first category of the chart is written in Spanish. "Le contesta en valenciano" means "Answer in Valencian".

#### Article 10.4.a Translation or interpretation - partly fulfilled

The Spanish government's report for the period of study cites Salt.usu, a tool to translate from Valencian/Catalan to Spanish and from Spanish to Valencian/Catalan and proofread texts in Valencian/Catalan. It is automated translation software that is made available for free. However, this does not provide sufficient evidence for this Article of the ECRML to be considered fulfilled because additional tools are required, other than machine translation, to ensure high-quality, accurate, secure service is provided in any context.

#### Article 10.4.b Recruitment and training of officials and public service employees in Valencian/Catalan - partly fulfilled

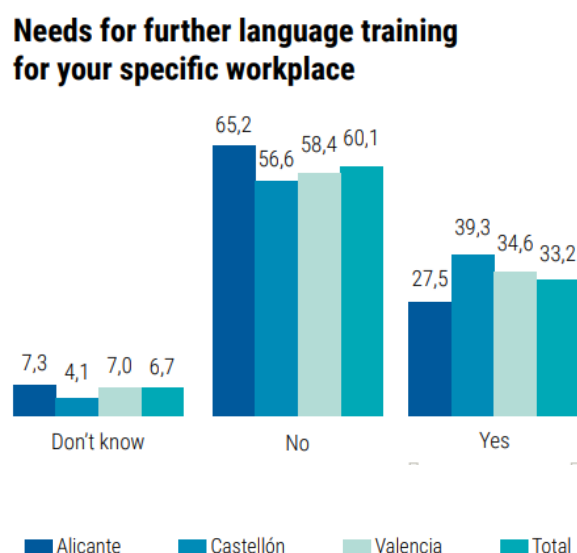
As shown in Figures 18 and 19 below, when public service employees of the regional government were asked about their training in Valencian/Catalan, 31.8% of employees declared that they could somewhat speak Valencian/Catalan and 2.8% declared that they could



not speak it at all; 35.3% declared they could somewhat write in Valencian/Catalan and 8.1% declared that they did not know how to write it at all; and 33.2% acknowledged that they need more language training to carry out their roles.<sup>76</sup>

Figures 18 and 19: Knowledge of Valencian/Catalan and needs for further Valencian/Catalan language training among public service employees of the Valencian regional government

	Total
<b>Understand Valencian</b>	
Not at all	0,2
A little	5,8
Quite well	23,8
Perfectly	69,9
Don't know	0,3
<b>Know how to speak Valencian</b>	
Not at all	2,8
A little	31,8
Quite well	34,8
Perfectly	30,3
Don't know	0,3
<b>Know how to read Valencian</b>	
Not at all	1,5
A little	10,1
Quite well	36,6
Perfectly	51,5
Don't know	0,3
<b>Know how to write Valencian</b>	
Not at all	8,1
A little	35,3
Quite well	38,4
Perfectly	18,0
Don't know	0,2



Source: Generalitat Valenciana, 2022. Use of Valencian in the Administration of the Generalitat

### Article 11.3 Interests of users of Valencian/Catalan represented within media bodies - not fulfilled

<sup>76</sup>

[https://ceice.gva.es/documents/161863132/369079624/%C3%9As+del+valenci%C3%A0+en+l%27Administraci%C3%B3+2022\\_web\\_en.pdf/3089920c-21f5-6485-16bb-dc8719339bf3?t=1674558446941](https://ceice.gva.es/documents/161863132/369079624/%C3%9As+del+valenci%C3%A0+en+l%27Administraci%C3%B3+2022_web_en.pdf/3089920c-21f5-6485-16bb-dc8719339bf3?t=1674558446941)

In 2016, the Valencian regional government created the Valencian Media Corporation (VMC), and in 2018 it reinstated the region's public television station in Valencian/Catalan under the name À Punt. Decisions concerning the public channel are made by the steering committee of the VMC. In semi-compliance with Article 11.3 of the ECRML, regional Law 6/2016 states the Corporation should have a citizens' council and that one of the members of this body should be appointed by the AVL, the region's main language body whose members are appointed by the government. However, the citizens' council only has the function of an advisory body on programming and content and does not have decision-making power.

### **Article 13.2.a Financial and banking regulations provisions in Valencian/Catalan - not fulfilled**

Decree 1/2019 updated the Statute of Consumers and Users of Valencia and stated that:

1. Consumers and users have the right to use any of the official languages of Valencia.
2. The Valencian government will promote the use of Valencian in companies and professionals' relations with consumers and users. To this end, it shall adopt measures to ensure that the general terms and conditions of contracts and commercial offers are also provided in Valencian, especially those relating to basic services.

However, any change or sanctions on companies that do not comply have not been observed. While the promotion of Valencian in the economic sphere is included in the regional Ministry of Education, Culture and Sport's Strategic Plan for Subsidies 2020-2023,<sup>77</sup> the language policy subsidies do not go as far.<sup>78</sup> Equally, only some town councils in medium-sized towns such as Sagunt<sup>79</sup> and Nules<sup>80</sup> have offered companies a specific call for applications to promote the language in economic areas.

It should be pointed out that Spanish financial or banking regulations do not provide for the use of regional or minority languages in drawing up payment orders or other financial documents.

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<sup>77</sup> [https://dogv.gva.es/datos/2020/04/07/pdf/2020\\_2809.pdf](https://dogv.gva.es/datos/2020/04/07/pdf/2020_2809.pdf)

<sup>78</sup> <https://ceice.gva.es/va/web/dgplgm/subvencions>

<sup>79</sup> <https://aytosagunto.es/va/actualitat/l-ajuntament-de-sagunt-dedica-10-000-euros-a-la-promocio-social-del-valencia/>

<sup>80</sup> <https://www.castelloninformacion.com/nules-promocio-del-valencia/>

Article 13.2.c Use of Valencian/Catalan in hospitals, retirement homes and hostels – not fulfilled

In the survey on knowledge and social use of Valencian/Catalan for 2021,<sup>81</sup> participants were asked about the language they spoke in medical clinics. Their answers are presented in Figure 20 below.

Figure 20: Language spoken by inhabitants in medical clinics in Valencian-speaking areas in 2021<sup>82</sup>

Valencian-speaking area	
<i>Language spoken in medical clinics</i>	
Always Valencian	13,4
Generally Valencian	2,7
More Valencian than Spanish	1,3
Interchangeable	8,1
More Spanish than Valencian	3,5
Generally Spanish	4,0
Always Spanish	65,3
Other languages	1,1
Don't know	0,6

Source: *Generalitat Valenciana, 2021. Knowledge and social use of Valencian*

As seen above, 65.3% of people answered that communication with medical professionals was always in Spanish, and the survey results overall suggest that this is the field in which Spanish is used most frequently. It is also a field in which many cases of language discrimination occur: almost 40% of cases of language discrimination presented in Plataforma per la Llengua's latest

<sup>81</sup>

[https://ceice.gva.es/documents/161863132/174616028/enquesta+%C3%BA+del+valencia%CC%80+2021\\_web\\_en.pdf/4b7e1bb6-8a95-2847-49f4-06cc6328703e?t=1674558044651](https://ceice.gva.es/documents/161863132/174616028/enquesta+%C3%BA+del+valencia%CC%80+2021_web_en.pdf/4b7e1bb6-8a95-2847-49f4-06cc6328703e?t=1674558044651)

<sup>82</sup> Note that inhabitants residing in traditionally non-Valencian-speaking areas are not included.

report took place in the context of the provision of health services<sup>83</sup>, which are usually public rather than private. Said report on language discrimination explained that discrimination for speaking Catalan in public healthcare increased by more than 15% compared to the previous year. Similarly, data gathered by numerous associations in the region show that six health service refusals or language change demands occurred in 2021<sup>84</sup> and this figure increased to 13 in 2022.<sup>85</sup>

Lastly, it is also worth noting that the new government has lowered the number of points awarded for knowledge of Valencian/Catalan in the next public exams to access permanent jobs in the health sector in the region<sup>86</sup>. This further reduces the incentive for health workers to learn the regional language.

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<sup>83</sup> <https://www.plataforma-llengua.cat/que-fem/estudis-i-publicacions/307/informe-de-discriminacions-linguistiques-2021-prefieres-que-te-hable-en-catalan-o-que-te-de-hora-para-la-vacuna>

<sup>84</sup> [https://escolavalenciana.org/web/wp-content/uploads/2021/12/Informe\\_Drets\\_Linguistics\\_2021.pdf](https://escolavalenciana.org/web/wp-content/uploads/2021/12/Informe_Drets_Linguistics_2021.pdf)

<sup>85</sup> [https://escolavalenciana.org/web/wp-content/uploads/2022/12/Informe\\_Drets\\_Linguistics\\_2022.pdf](https://escolavalenciana.org/web/wp-content/uploads/2022/12/Informe_Drets_Linguistics_2022.pdf)

<sup>86</sup> [https://www.apuntmedia.es/noticies/societat/sanitat-rebaixara-puntuacio-valencia-proximes-oposicions\\_1\\_1644691.html](https://www.apuntmedia.es/noticies/societat/sanitat-rebaixara-puntuacio-valencia-proximes-oposicions_1_1644691.html)

Undertakings of Spain concerning Valencian/Catalan in Valencia marked as fulfilled by the Committee of Experts of the ECRML which we request to be revised

### **Article 8.1.i Supervisory body responsible for monitoring the progress achieved in the teaching of Valencian/Catalan**

The Valencian regional government that governed between 2015 and 2023 has not published any results from diagnostic tests of key competencies including competence in Valencian/Catalan. Through the approval of national Law 3/2020 of 29 December, which modifies Law 2/2006 of 3 May on education, diagnostic tests are mandatory throughout Spain. This is complied with in the region through local Decree 106/2022 of 5 August on the organisation and curriculum of primary education. However, the execution of these tests and the possible publication of their results are expected to take place during the 2023-2024 academic year, not in the period of study, for which no results are available.

### **Article 9.3 National statutory texts available in Valencian/Catalan**

As noted in previous sections, the most important national statutory text in Spain, the Official State Gazette, does not have a Valencian/Catalan version. While there was one previously, it was interrupted in 2021,<sup>87</sup> and it has not been reimplemented at the time of writing, despite an agreement being reached for its translation through artificial intelligence that was to begin in 2023.<sup>88</sup>

### **Article 12.1.f Encouraging participation of users of Valencian/Catalan in providing facilities and planning cultural activities**

Articles 5.2 and 9.2 of Decree 5/2013 of 4 January on the organisation and functioning of CulturArts establish who is to form the board of directors and the advisory council of the Valencian Institute of Culture (formerly CulturArts). These articles determine that the board of directors shall consist of members of the regional government and that the advisory board shall consist of members of the government and members of cultural industries and

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<sup>87</sup> [https://www.boe.es/diario\\_boe/calendarios.php?c=c](https://www.boe.es/diario_boe/calendarios.php?c=c)

<sup>88</sup> <https://www.naciodigital.cat/noticia/232169/govern-espanyol-pagara-traduccion-boe-llengues-cooficials>

companies. However, there is no provision requiring a representative of the interests of Valencian/Catalan speakers within any of these boards.

#### **Article 13.1.d Encouraging use of Valencian/Catalan in economic and social life, and Article 13.2.d Safety instructions in Valencian/Catalan**

Legislative Decree 1/2019 of 13 December approves the revised text of the Statute of Consumers and Users of the region. Linguistic rights are detailed in Article 8, establishing the right to be addressed in Valencian/Catalan and the regional government's duty to promote the use of Valencian/Catalan in companies and professionals' relations with consumers and users, but it is limited to the conditions of contracts and commercial offers. Despite this, there is no reference to the information necessary for the use and handling of goods and services, including safety information.

While the promotion of Valencian in the socio-economic sphere is included in the regional Ministry of Education, Culture and Sport's Strategic Plan for Subsidies 2020-2023,<sup>89</sup> the language policy subsidies do not go as far.<sup>90</sup> Equally, only some town councils in medium-sized towns such as Sagunt<sup>91</sup> and Nules<sup>92</sup> have offered companies a specific call for applications to promote the language in the social and economic areas.

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<sup>89</sup> [https://dogv.gva.es/datos/2020/04/07/pdf/2020\\_2809.pdf](https://dogv.gva.es/datos/2020/04/07/pdf/2020_2809.pdf)

<sup>90</sup> <https://ceice.gva.es/va/web/dgplgm/subvencions>

<sup>91</sup> <https://aytosagunto.es/va/actualitat/l-ajuntament-de-sagunt-dedica-10-000-euros-a-la-promocio-social-del-valencia/>

<sup>92</sup> <https://www.castelloninformacion.com/nules-promocio-del-valencia/>

## 5. Catalan in Aragon

Reform of the Statute of Autonomy of Aragon ended in 2022 via Organic Law 15/2022, but it was proposed and drafted during the period under examination. For that reason, we believe the Committee of Ministers' recommendation was ignored, as reference is yet to be made to the Catalan language, which is spoken in the region, where its speakers continue to suffer discrimination due to non-recognition.

It is also important to point out that the current Aragonese regional government is introducing measures that are in direct opposition to Article 7.1.c of the ECRML, as it plans to abolish the General Directorate of Language Policy and eliminate financial aid to non-profit organisations in the field of language policy.<sup>93</sup>

## 6. Valencian/Catalan in Murcia

Similar to the case of Aragon, the Statute of Autonomy of the Region of Murcia, its most important law, was reformed in 2021 via the approval of Constitutional Law 1/2021, yet it failed to include reference to Valencian/Catalan, as previously recommended for immediate action by the Committee of Experts.

Additionally, it should be noted that, although the Valencian government subsidises the promotion of the use of Valencian/Catalan by local councils and allows the three municipalities with a Catalan-speaking population of Yecla, Jumilla and Abanilla to apply for grants for campaigns, training, retraining or the establishment of language services. Only the municipality of Yecla used to apply for the Valencian subsidies but they stopped during the COVID19 restrictions period<sup>94</sup> and have not been recovered. None of the three councils applied for this aid in 2022 or 2023.<sup>95</sup>

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<sup>93</sup> [https://x.com/vox\\_es/status/1687442451173158912?s=20](https://x.com/vox_es/status/1687442451173158912?s=20)

<sup>94</sup> <https://elperiodicodeyecla.com/clases-valenciano-yecla/>

<sup>95</sup> <https://ceice.gva.es/documents/161863132/370530665/IP+Ajuntaments.pdf/45097384-7834-aa0e-36dd-9537418bf25c?t=1684757933960>

## **7. Specific requests for the protection and promotion of the Catalan language**

Following the exploration of the Spanish State's failures to implement the ECRML, the civil society organisations signing this report ask the Committee of Experts to request that the State:

- a. Change the PERTE strategy, which currently provides 97.3% of its funding for projects in support of the Spanish language and only 2.7% to those in support of co-official languages, by multiplying by five the allocation to projects in these languages and ensuring this is reflected in the General State Budgets for the coming years.
- b. Ask the regional governments to gather data on the languages used in technical and vocational education.
- c. Require the Balearic Islands' educational authorities to measure again students' oral proficiency in both Catalan and Castilian and to publish results.
- d. Monitor the languages used in sentences, orders and procedure documentation, as well as the language requested by the parties involved, as is done in Catalonia via the 'e-justícia' platform.
- e. Amend Article 15 of Law 39/2015, which states that the language of the proceedings processed by the General State Administration shall be Spanish when directing them to non-autonomous forms of General State Administration bodies, to guarantee wider use of the Catalan language in this area.
- f. Recommend that the Spanish Ministry of Justice and the regional governments implement a tool that would allow each party involved in proceedings to choose to receive judicial documentation in Catalan/Valencian or Spanish.
- g. Recommend that the Spanish government and the Spanish judiciary collect and publish data on the language in which documentation is requested and the language in which sentences, orders and procedure documentation are published.
- h. Call for a more agile system to register and resolve complaints related to unlawful requests for translation. We believe that issuing a document unlawfully requesting the translation of a document into Spanish should be considered an infringement by the person issuing the document.



- i. Carry out linguistic training mediation in the Balearic Islands and Valencia, as undertaken in Catalonia.
- j. Recommend that the Spanish government and regional governments include in their calls for tenders specific language requirements for concessionary companies to guarantee the co-officiality of Catalan and Valencian/Catalan.
- k. Ask the European Commission to amend Article 15.2 of Regulation 1169/2011 to allow language regulations for languages different than official languages of the European Union.

**Contributors:**

Acció Cultural de la Franja

Acció Cultural del País Valencià

ASCUMA. Associació Cultural del Matarranya

Associació de Juristes en Defensa de la Llengua Pròpia

Ciemen (Centre Internacional Escarré per a les Minories Nacionals)

Escola Valenciana

Grup de Periodistes Ramon Barnils

Moviment Franjolí

Obra Cultural Balear

STEI (Sindicat de Treballadores i Treballadors - Intersindical de les Illes Balears)

**Coordinators:**

Plataforma per la Llengua

Fundació Catalunya Fons