

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

Strasbourg, 9 May 2014

MIN-LANG (2014) PR 5

**EUROPEAN CHARTER FOR REGIONAL OR MINORITY LANGUAGES**

**Fourth periodical report  
presented to the Secretary General of the Council of Europe  
in accordance with Article 15 of the Charter**

**SPAIN**



MINISTRY  
FOR FINANCES AND  
PUBLIC ADMINISTRATIONS

STATE SECRETARY  
FOR PUBLIC ADMINISTRATIONS

DIRECTORATE GENERAL  
FOR COORDINATION OF COMPETENCES WITH AUTONOMOUS  
COMMUNITIES AND LOCAL ENTITIES

**FOURTH REPORT ON THE APPLICATION BY SPAIN OF THE  
EUROPEAN CHARTER FOR REGIONAL OR MINORITY  
LANGUAGES, OF THE COUNCIL OF EUROPE  
2010 - 2013**

## INDEX

	PAGE
I. INTRODUCTION.....	3
II. LANGUAGES RECOGNISED AS CO-OFFICIAL IN THE STATUTES OF AUTONOMY OF THE AUTONOMOUS COMMUNITIES .....	4
A) SITUATION OF THESE CO-OFFICIAL LANGUAGES IN EACH AUTONOMOUS COMMUNITY .....	4
Catalan in Catalonia.....	4
Catalan in the Balearic Islands.....	32
Galician in Galicia .....	46
Valencian in Valencia.....	69
Basque in the Basque Country.....	90
Basque in Navarre .....	116
Occitan/Aranese in the Aran Valley.....	142
B) CO-OFFICIAL LANGUAGES IN THE GENERAL STATE ADMINISTRATION	160
III. NON-OFFICIAL REGIONAL OR MINORITY LANGUAGES .....	160
Asturian in Asturias.....	160
Languages and language modalities native to Aragon .....	170
Tamazight in Melilla .....	175
Darija in Ceuta .....	178

## I. INTRODUCTION

This fourth report by the Kingdom of Spain, 2010-2013, on the application of the European Charter for Regional or Minority Languages, is made in response to the provisions in this respect set out in Article 15 of the Charter, according to which the first report should be presented one year following the entry into force of the Charter, and subsequent ones should be presented to the General Secretariat of the Council of Europe at three-yearly intervals after the first report. The Charter came into force for Spain on 1 August 2001, and so the first report was presented in 2002, the second one (for the period 2002-2005) in 2006, and the third one (for the period 2006-2009) in 2010.

As indicated in the previous reports, it is immediately apparent from these documents that multilingualism is one of the essential features of modern Spain, established in the form of Autonomous Communities, a structure that generates cultural, social and economic wealth, as well as a common heritage that should be respected and promoted, not only to comply with the commitments arising from the Charter, but also to meet Spain's constitutional, statutory and legal obligations.

This Report addresses the issues raised with respect to the previous one by the Committee of Experts, and the recommendations made by the Committee of Ministers of the Council of Europe.

In this Introduction it should be stressed that both the progress made and, on occasion, the perpetuation of the former situation with regard to compliance with the commitments made in relation to the European Charter for Regional or Minority Languages, have taken place against a background of significant budgetary constraints arising from the economic crisis that has affected Spain during the period described in the Report.

This Report was prepared with the cooperation and information provided by the Autonomous Communities in question, by the cities of Ceuta and Melilla, and by the ministerial departments of the Central Government.

In view of the volume of information provided by the authorities consulted, this report includes, as concisely as possible, or in summary, fundamentally the changes made and recent activities during the period in question, as requested by the General Secretariat of the Council of Europe, and does not reproduce the information provided in previous reports made by the Kingdom of Spain.

This Report was coordinated by the Ministry for Finances and Public Administrations (Secretariat of State for Public Administration), through the Directorate-General for Coordination of Competences with the Autonomous Communities and Local Entities.

February 2014

## II. LANGUAGES RECOGNISED AS CO-OFFICIAL IN THE STATUTES OF AUTONOMY OF THE AUTONOMOUS COMMUNITIES

### A) SITUATION OF THESE CO-OFFICIAL LANGUAGES IN EACH AUTONOMOUS COMMUNITY

#### CATALAN IN CATALONIA

##### 1. INTRODUCTION

###### Data on the number of speakers

**56. The Committee of Experts encouraged the Spanish authorities to carry out surveys in cooperation with the speakers of regional or minority languages in order to have accurate updated data concerning the number of users of regional or minority languages and their geographic distribution.**

Studies have reported that Catalan is spoken by over 10 million people, in Spain, Andorra, France and Italy (Sardinia). A Catalan speaker is defined as a person who can both understand Catalan and speak it.

The most recent data available on language proficiency and the habitual use of Catalan in Catalonia reflect the following: the population of Catalonia, according to the Idescat population register, is about 7,500,000 (in 2012, the figure was 6,439,000 persons aged over 14 years), of whom approximately 17% are of foreign origin; in 2008, there were 4,823,400 persons Catalan-speakers aged over 15 years in Catalonia. These data were obtained from the 2008 Survey of Language Use (EULP08), which also reported the following data on the Catalan-language skills of the population aged over 15 years in Catalonia:

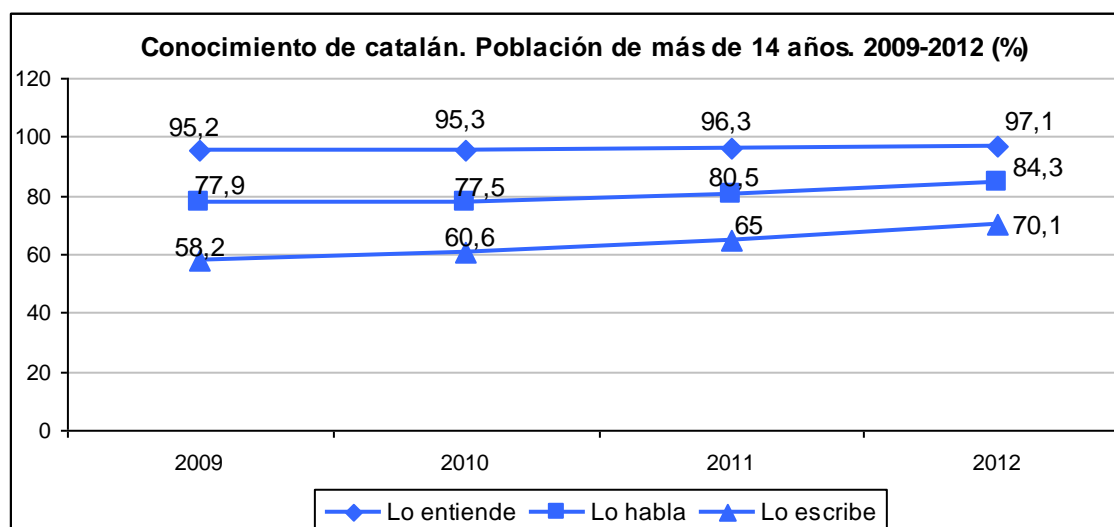
**Survey of Language Use, Catalonia, 2008**

	<b><i>Understand it</i></b>	<b><i>Speak it</i></b>	<b><i>Read it</i></b>	<b><i>Write it</i></b>
Percentage	94.6%	78.3%	81.7%	61.8%
Absolute numbers	5,832,000	4,823,400	5,034,400	3,807,300
Total population >15 years	6,162,500			

The Official Survey of Language Use in Catalonia is conducted every five years, and the 2013 edition is currently in preparation. Therefore, the data for the period 2009-2011, which are presented below, are for the years 2009-2012, and obtained from the Barometer of Communication and Culture.

There has been a progressive increase in the proportion of Catalan speakers among the population. Thus, the 2012 data show that 97.1% of the adult population understand Catalan, 84.3% can speak it and 70.1% can write it.

<b>Knowledge of Catalan</b>	<b>2012</b>	<b>Increase since 2009</b>
Understand it	6,252,269	213,139
Speak it	5,428,077	484,947
Write it	4,513,739	819,639
Total population aged >14 years	6,439,000	93,750



Source: FUNDACC, *Barómetro de la Comunicación y la Cultura*, 2009-2012.

Almost 100% of the adult population in Catalonia understand and can speak Castilian. This percentage has remained constant despite increasing immigration in recent years.

## Legislative changes

With respect to the application of the Charter, the following significant developments took place during the period covered by this report:

- A drastic reduction in budgets assigned to activities that enhance the implementation of the Charter (mainly due to the financial and economic crisis).
- Further development of legislation in Catalonia with respect to the Catalan and Occitan/Aranese in Aran, languages, to better apply the Charter in areas subject to this new regulation, and to develop the regulatory provisions concerning linguistic issues that are specified in the Catalan Statute of Autonomy of 2006, approved by Organic Act 6/2006 of 19 July, on the reform of the Statute of Autonomy of Catalonia.

During the period described in this report, the Parliament of Catalonia has conducted significant legislative activity with respect to language issues. It has developed and greatly expanded the legal framework, with nine laws, two of which are specifically linguistic, and the following seven sectoral laws with special impact on language issues, listed in order of adoption:

- Act 12/2009, of 10 July, on Education

This Act develops the language regime applicable within the education system, as derived from the Statute of Autonomy. It seeks to ensure that the entire school

population, whatever their habitual language when entering the education system, complies with the duty and exercises the right to achieve oral and written proficiency in Catalan and Castilian. Appeals have been presented to the Constitutional Court regarding certain aspects of this Act.

○ *Act 10/2010, of 2 May, on reception for immigrants and returnees to Catalonia*

This Act regulates the issue addressed in its title, namely the right to receive assimilation assistance, including language education. Appeals have been presented to the Constitutional Court regarding certain aspects of this Act.

○ *Act 13/2010, of 21 May, on the Statistical Plan for Catalonia, 2011-2014*

This Act is intended to facilitate the implementation of a language census, to obtain statistics on language use by the population and by institutions and companies, together with a system of linguistic indicators. Appeals have been presented to the Constitutional Court regarding certain aspects of this Act.

○ *Act 17/2010, of 3 June, on Catalan sign language*

This Act develops the relevant articles of the Statute and the basic national legislation regarding sign language.

○ *Act 20/2010, of 7 July, on Film Act*

This Act regulates questions such as promoting different versions of film titles – original, dubbed and subtitled in Catalan – and the percentages of copies of films released in Catalonia, as dubbed or subtitled versions, which must be distributed in Catalan, and the exemptions applicable. The latter regulation has been challenged by the European Commission for possible contravention of the principle of the free movement of services. Appeals have been presented to the Constitutional Court regarding certain aspects of this Act.

○ *Act 22/2010, of 20 July, on the Consumer Code of Catalonia*

This Act regulates consumers' language rights, the language requirements of consumer relations and violations of language rights. It partially replaces the language-related provisions of the former Market Discipline Act 1/1990 and, in its entirety, Act 3/1993 on the Statute for Consumers. Appeals have been presented to the Constitutional Court regarding certain aspects of this Act.

○ *Act 29/2010, of 3 August, on the use of electronic media in the public sector in Catalonia*

This Act regulates, in electronic media enabling communication between the public and the government, the creation of multilingual tools that include the official languages, in order to facilitate document processing, consultation and participation, in citizens' language of choice.

○ *Act 33/2010, of 1 October, on youth policies*

This Act regulates the promotion and protection of the use of Catalan and of Occitan-Aranese by young people.

## 2. APPLICATION OF THE CHARTER

### Article 7 – Objectives and principles

#### Paragraph 1

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

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

In addition to the legislation specified in other sections, the Catalan Government has approved or modified regulations containing provisions relating to the use of languages, such that, at least, the use of the official languages is allowed and that of Catalan and, where appropriate, Occitan-Aranese is promoted.

Furthermore, in addition to the promotional activities and institutional arrangements detailed throughout this report in the respective sections, many agreements have been reached among institutions affected by these issues in Catalonia regarding the normalisation and extension of the use of Catalan.

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

In addition to the information provided in previous reports by Spain, the following actions have been taken by the Catalan Government in relation to the period concerned.

The concept of language volunteer has been implemented in Catalan universities, in the form of language exchanges aimed at facilitating the understanding and use of Catalan by students from the rest of Spain or from abroad. In this practice, a Catalan speaker is partnered with a non-Catalan student, so that each may converse in their own language and at the same time learn and practice their partner's language.

Language exchange volunteer programmes	2009-10	2010-11	2011-12
Number of language exchange volunteer partnerships	1,838	2,485	1,534

Tax deductions continue to be available with respect to donations made to foundations and associations recorded in the register of non-profit organisations dedicated to the promotion of the Catalan language, subject to the applicable regulations. From 2012 to 2013, the number of such entities increased significantly, from 86 to 120.

In addition, various provisions have been issued governing the award of grants for initiatives aimed at promoting the use of Catalan in Catalonia.

***e) the maintenance and development of links, in the fields covered by this Charter, between groups using a regional or minority language and other groups***



***in the State employing a language used in identical or similar form, as well as the establishment of cultural relations with other groups in the State using different languages;***

In 2012, Catalonia assumed the vice presidency of the Network to Promote Language Diversity. This Network was created in 2007 with the aim of influencing EU language policies on the recognition of regional and minority languages and on the management of linguistic diversity in general.

***179. The Committee of Experts regretted the lack of appropriate cooperation between communities sharing identical or similar languages, such as Valencia with Catalonia and the Balearic Islands. It therefore encouraged the authorities to promote mutual cooperation and understanding for the benefit of the languages.***

The Ramon Llull Foundation, previously referred to in Spain's third report, was incorporated on 31 March 2008 under an agreement between the Government of Andorra and the Ramon Llull Institute (administered by the Catalan Government) and is based in Andorra. On 15 January 2009, the Foundation was associated with the General Council of the Eastern Pyrenees (Northern Catalonia, France), the city of Alghero (on the island of Sardinia, Italy), and the Ramón Llull Network of Valencian Cities, a grouping of 25 towns and cities in the Autonomous Community of Valencia. As indicated before, the main aim of this Foundation is to study, promote and preserve the Catalan language and to foster its external presence and that of the cultural environments in which it is employed. In 2010, the Foundation promoted the presence of Catalan as the guest of honour at the Paris *Expolangues* Fair, and organised the Ramón Llull Prize for Catalan Writing, which until then had been administered by the Government of Andorra.

Regarding collaboration with the Balearic Islands, in 2010 an addendum was attached to the 2009 cooperation agreement between the Governments of the Balearic Islands and of Catalonia, to enable the mutual reception of TV channels in their respective territories and to promote cooperation in audiovisual matters. In the same year, a specific cooperation agreement was signed between the two Governments with respect to the dubbing or subtitling of films in Catalan.

In late 2012, the Government of the Balearic Islands decided not to make any financial contribution to the Ramon Llull Institute in 2013, in accordance with its criteria of budget austerity and taking into account that it has its own agencies for the dissemination of language and culture, such as the Consortium-Institute for Balearic Studies.

As regards collaboration with Aragon, in 2010 a collaboration protocol was signed between the Department of Education of the Catalan Government and the Department of Education, Culture and Sport of the Government of Aragon. In the same year, moreover, a collaboration agreement was signed between these two Autonomous Communities to facilitate the diffusion of television broadcasts by public-sector channels in each other's territories.

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

The Catalan Government promotes adult education courses throughout the region, through the Consortium for Language Normalisation (CPNL) and the online course *Parla.cat* [www.parla.cat](http://www.parla.cat).

Registrations for Catalan courses provided by the CPNL have varied significantly in the last four years, and two opposing biennial trends can be distinguished. On the one hand, the years 2008-2009 and 2009-2010 presented the highest growth to date in numbers of students enrolled, up to 117,608. But on the other hand, in 2010-2011 and 2011-2010 this trend was

reversed, with registrations falling back to 98,444. This decline is accounted for by the present economic and financial crisis and by the reduction in immigration to the region. Nevertheless, classroom courses continue to play an essential role in helping immigrants adapt, with elementary and basic-level courses representing 70% of all enrolled students. 66% of the students in these courses were born abroad.

The online course *Parla.cat* was launched by the Catalan Government in late 2008, to make learning Catalan accessible to all. The course is structured into four levels of learning: basic, elementary, intermediate and fluent, which correspond to levels A2, B1, B2 and C1, respectively, of the Common European Framework of Reference for Languages of the Council of Europe. Students can choose between two types of study: open (free of charge) or tutored. In 2012, the platform had had over 130,000 registered users, from an initial level of only 10,097 in 2008.

In university education, there are Catalan-language courses and plans for linguistic and cultural integration.

Government-funded Catalan courses for international students and for those from elsewhere in Spain are mostly non-classroom based, or in the form of blended learning, and supplied through the *Parla.cat* portal. In 2011-2012, 3,465 foreign students were registered for these courses.

University plans for linguistic and cultural integration are supported by and provided in collaboration with the Secretariat for Universities and Research. These plans are aimed at students who come to Catalonia under student-mobility programmes, and present activities to facilitate knowledge of the linguistic and cultural environment in Catalonia, together with others aimed at enhancing relations between different languages and cultures. Among these activities are the language partnerships described above. In 2011-2012, a total of 6,022 students took part in these linguistic and cultural integration plans.

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

As stated above, in 2010 a collaboration protocol was signed between the Department of Education of the Catalan Government and the Department of Education, Culture and Sport of the Government of Aragon.

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

In this respect, please note the following actions.

The Citizenship and Immigration Plan 2009-2012, adopted by the Catalan Government, brings together the various programmes and activities carried out by Government departments, and also impacts on the Catalan model for the integration of immigrants, which has evolved over many years and involves not only the regional Government but also local governments, economic and social partners, civil society organisations and society at large, including newcomers to the region. Its main objective is to develop, advance and coordinate immigration policies in Catalonia. Outstanding actions in this respect include the language integration plans of the Consortium for Language Normalisation (CPNL), with the provision of Catalan-language courses and educational support actions for the holiday period, which in 2009 and 2010 provided language integration projects for young people recently arrived, under family reunification schemes.

Various resources and materials for language integration programmes have been created, including a database in this respect, comprising a virtual space with over 400 records (such as “Living together” or “Living in Catalonia. Learn Catalan from ...”). During 2012 this facility received a total of 6,715 queries

Also noteworthy is the newcomers’ adaptation portal in Catalonia ([www.acollida.gencat.cat](http://www.acollida.gencat.cat)), which offers basic, useful and interesting information for persons who have just arrived in Catalonia or plan to do so. It is available in the ten languages most common among immigrants to Catalonia: Catalan, Castilian, English, French, Arabic, Tamazight, Chinese, Urdu, Romanian and Russian.

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

Please see the information provided in this respect in the following areas of the report on Catalan in Catalonia: letter e) of this paragraph and the article on the Ramón Llull Foundation; in Part III, Article 8 “Education”, paragraph 2; in Article 12 “Cultural services and activities”; paragraph 3; in Part III, Article 11, section 2; and in Article 14, paragraph 1.a).

#### **Paragraph 2**

***The Parties undertake to eliminate, if they have not yet done so, any unjustified distinction, exclusion, restriction or preference relating to the use of a regional or minority language and intended to discourage or endanger the maintenance or development of it. The adoption of special measures in favour of regional or minority languages aimed at promoting equality between the users of these languages and the rest of the population or which take due account of their specific conditions is not considered to be an act of discrimination against the users of more widely-used languages.***

In Catalonia, the Language Guarantee Offices continue to operate.

#### **Paragraph 4**

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

Catalonian Government Decree 142/2012, of 30 October, created the Social Council for the Catalan Sign Language. This Decree developed the earlier Act 17/2010, on the Catalan sign language, and provided fresh impetus to the recognition of this language by extending its encoding. This legislation complies with the provisions in this regard set out in Article 50.6 of the Statute of Autonomy of Catalonia. The Council was created as an advisory and consultation agency, enabling participation by society in the Government’s language policy on Catalan sign language, and has been assigned many functions in this area. Its 14 members include representatives of the regional administration, users of Catalan sign language and professionals in this field.

Furthermore, the Catalonian Government approved Decree 371/2011, of 19 July, on the cross-cutting organisation of language policy. This Decree provides the Directorate-General for Language Policy with a more streamlined and operative interdepartmental structure, thus ensuring a greater capability for cross-cutting penetration and action, and enhanced coordination with the Government of the Autonomous Community in this field.

Finally, under Decree 117/2012 of 9 October, the Statutes of the Institute of Catalan Letters were approved.

#### **Paragraph 5**

***The Parties undertake to apply, mutatis mutandis, the principles listed in paragraphs 1 to 4 above to non-territorial languages. However, as far as these languages are concerned, the nature and scope of the measures to be taken to give effect to this Charter shall be determined in a flexible manner, bearing in mind the needs and wishes, and respecting the traditions and characteristics, of the groups which use the languages concerned.***

The Comprehensive Plan for the Roma population in Catalonia 2009-2013, approved by Government Decision GOV/114/2009, of 30 June, represents a continuation of the first such Plan (2005-2008), and incorporates improvements and changes arising from joint work between the Government and the various Roma associations and those working with the Roma people. Among other basic general objectives, it seeks to administer action policies to benefit the Roma population in Catalonia, including as a significant element the recovery of the Romani language. Numerous activities (conferences, training sessions, workshops, exhibitions, etc.) have been organised in the framework of this Plan.

### **PART III**

#### **Article 8 – Education**

##### **Paragraph 1**

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

***b)***

***i) to make available primary education in the relevant regional or minority languages; or***

***c)***

***i) to make available secondary education in the relevant regional or minority languages;***

Catalonia maintains its policy of welcoming school-age immigrants, as described in Spain's third report. In education, the following programmes are being continued:

- Plan for Language and Social Cohesion: the most visible impact of this Plan is the creation of reception classrooms for newcomer students (1,180 classrooms in 2009-2010, 1013 in 2010-2011 and 950 in 2011-2012) and the introduction of neighbourhood education plans (95, among 80 municipalities).
- Language Immersion Programme Update Plan: this plan reached 221 schools and 3,317 teachers in 2009-2010. In 2010-2011, it was first extended to secondary schools, with the application of strategies to implement a comprehensive language adaptation programme.

During this period, too, Order ENS/205/2011, of 28 July, was published, announcing a public tender for the award of grants to collaborating private schools to support adaptation and Catalan-learning processes for foreign newcomer students.

Shortly afterwards, Decree 101/2010, of 3 August, was issued, to regulate teaching during the first stage of pre-school education. This Decree stipulated that Catalan, as the native language of Catalonia, should normally be used as the language of instruction and learning,

and that the internal and external activities of the educational community, both oral and written, as well as communication with the students' families, should normally be in Catalan. It also provided that children have the right to be taught in Catalan and not to be separated into different schools or class groups by reason of their habitual language. The Decree also stated that the students' individual language rights would be respected in accordance with the current law.

At the same time, Decree 102/2010, of 3 August, on the autonomy of schools, was issued. This Decree governs, in the framework of each school's education regime, the language programme applicable, which must be carried out taking into account the sociolinguistic reality of the school's environment and in accordance with the language rules laid down in the legally-established educational system. This Decree repealed the previous legislation on the subject, dating from 1983.

**251. ... .. In a series of decisions in 2010 and 2011, the Supreme Court ruled in their favour in that Castilian is to be introduced as the language of instruction "proportionately and equally to Catalan at all class levels". The Committee of Experts asks the authorities to report on how much practical impact this decision has had on the Catalan language education in the next periodical report.**

Among the provisions of the Statute of Autonomy of Catalonia, Article 35 on language rights in the field of education states that "Each individual has the right to receive an education in Catalan, as established in this Statute. Catalan shall be used as the teaching and learning language for university and non-university education", and that "Pupils have the right to receive an education in Catalan at the non-university level". The Constitutional Court ruled that these provisions were in accordance with the Constitution (STC 31/2010, FJ 24), but stipulated that they should always be interpreted in the terms set out in the legal ruling in question.

The Constitutional Court stated in this legal ruling that "... nothing prevents the Statute in this sense from recognising the right to be taught in Catalan, and for this to be the teaching and learning language at all levels of education. However there is nothing to prevent Spanish from being the object of an identical right enjoyed with Catalan as a teaching and learning language..."; that "from the perspective of Article 27 CE it must be concluded that neither the content of the Constitutional right to education recognised in that provision, nor its paragraphs 2, 5 and 7 in particular can take away the right to be taught in just one of the two co-official languages of the Regional Territory, at the election of the subjects"; that "the public powers - the State and the Autonomous Community - are authorised to determine the use of the two co-official languages of an Autonomous Community as languages for communicating that teaching, according to the distribution of competencies in the sphere of education"; that "Since both languages must be not just taught, but also a means of communication in the educational process as a whole, both co-official languages constitutionally must be recognised by the public powers as teaching and learning languages and therefore each individual has the right to be taught in either of them"; and that "Consequently it is perfectly legitimate for Catalan to be the centre of gravity of this model of bilingualism, in accordance with the objective of linguistic regulation, although always with the limit that this does not exclude Spanish as a language used for teaching, so that the knowledge and use of this language is guaranteed in the Autonomous Community".

The above-mentioned Constitutional ruling, which is questioned by the Catalan Government, on the grounds that once again it encourages litigation by parents who wish education in Castilian for their children, has been taken into account in subsequent pronouncements by the Supreme Court.

It should be recalled that Catalan Act 12/2009, of 10 June, on education, recognises the right of linguistic choice for the parents of children in primary education, but not that of those in higher levels of education. Nevertheless, the report by the Catalan Government highlights

the high level of Castilian language proficiency among students in the Autonomous Community (71.2% in Castilian, and 73.7% in Catalan).

In particular, the rulings of the Supreme Court in recent years have recognised (STS 19 February 2013) the right of appellant parents to have their children, in the school and year in which they are enrolled, to be educated in both Catalan and Castilian as languages of instruction, and have ruled that the Catalan educational administration should adopt the necessary measures to enable this outcome. This means that parents' rights are not satisfied by the mere provision to their children of individual attention in Castilian, but that this measure should affect the entire school and student group corresponding to the appellants' children. The Court added that the proportions of the use of Castilian and Catalan in satisfying this right should be decided by the Catalan Government.

That judgment, too, is opposed by the Catalan Government, which considers that Article 27 of the Constitution does not provide the right to be instructed in the language of choice of parents, students or guardians.

Regarding the impact of this ruling on the teaching of Catalan, the Catalan Government observes in its report that the linguistic environment in the education system in Catalonia remains basically unchanged from previous years.

Finally, reference should be made to new national legislation, promulgated under the exclusive competence of the State, derived from Article 149.1 paragraph 30 of the Constitution, which empowers the State to issue basic rules for the implementation of Article 27 of the Constitution, to ensure the compliance of public authorities with their obligations in the field of education. The legislation in question is Organic Act 8/2013, of 9 December, to improve educational quality (LOMCE). This Act, based on the above-mentioned rulings by the Constitutional Court and the Supreme Court, includes a provision (the 38th Additional Provision) which, after noting that the education authorities must guarantee the right of students to be taught in Castilian, the official language of the State, and in the other co-official languages in their respective territories, and that Castilian is the language of instruction throughout the State and that the co-official languages are also languages of instruction in their respective Autonomous Communities, in accordance with their Statutes and the applicable regulations, stipulates that the education authorities must guarantee the right of students to receive lessons in both official languages, and schedule teaching in accordance with the criteria applicable. This provision also states that as parents have the right for their children to receive instruction in Castilian, within the framework of education management, if the annual schedule of the competent education authority does not ensure, from public funds, the satisfaction of this right, in which Castilian is used as the language of instruction, the Spanish Ministry of Education, after verification of this situation, will pay in full, on behalf of the corresponding education authority, the real schooling costs for these students in private schools where this language option exists, under the conditions and procedures legally applicable, and these costs will be chargeable to the education authority in question.

These provisions of the LOMCE are disputed by the Catalan Government, which holds that Catalonia already complies with the objective of these provisions by guaranteeing, in this respect, the co-official status of Castilian and Catalan in its Autonomous Community.

e)

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

In this area, the regulations applicable and the actions taken continue as reported previously, in general terms, with the exception of the changes and data presented below.

The presence of Catalan in the University system is uneven, varying considerably from one degree course to another, but overall it is around 60%.

In 2010, Decree 128/2010, of 14 September, on the accreditation of the language proficiency of teachers in the Catalan university system, was adopted.

During this period, activities aimed at the promotion and dissemination of Catalan in universities continued to be supported. Such funding offers are made annually. In 2010, the offer of aid for projects and activities aimed at language normalisation (NORM) amounted to €819,521.91 and the corresponding figure for 2011 was €560,000.00. In 2012, the NORM funding was replaced by a new concept, INTERLINGUA, the value of which amounted to €726,400.00 that year.

In 2010 and 2011, the previously-established system of funding for the publication and distribution of Catalan-language university textbooks and manuals, and of scientific and technical books, whether in paper or electronic format, was maintained (€330,281.36 in 2010, and €197,615.19 in 2012). Financial assistance for Ph.D. students, to promote the use of Catalan in doctoral theses, was also continued.

In 2011, collaborative activities were conducted in this field in the framework of the activities of the Commission, based on the parameters of the Common European Framework of Reference for Languages, with respect to the unification of Catalan-teaching programmes.

In the academic years from 2010-2011 to 2012-2013, the use of Catalan in university education, compared with that of other languages present in the Catalan university system, was as follows:

Language-use proportions in university teaching			
Language	2010-11	2011-12	2012-13
Catalan	76.2%	75.9%	72.4%
Castilian	21.7%	17.9%	18.1%
English	1.6%	4.7%	6.6%
Others	0.5%	1.5%	2.9%

In this respect, the INTERCAT platform, a set of electronic resources for learning about Catalan language and culture, is specially designed for mobility students visiting Catalan universities. Also available is the application for mobile devices *Guies de conversa universitària* (University Conversation Guide), which combines Catalan with Castilian, French or English, and presents various communicative situations that may be encountered by mobility students at a Catalan university.

All the above activities are conducted in close collaboration and cooperation between the Secretariat for Universities and Research and the universities of Catalonia. The Language Policy Office of the Secretariat is the unit responsible for coordinating university language services and for implementing the language policies decided by the competent government department for universities and with the consent of the University Council of Catalonia.

The Catalan government, through various institutions and agencies, also provides financial support for university research in the area of Catalan language.

Finally, the statutes of some Catalan universities contain provisions favourable to the Catalan language, in the framework of the current co-officiality of Castilian and Catalan; this is the case of the Rovira i Virgili University and the Polytechnic University of Catalonia, which have modified their Statutes in this sense.

f)

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

Decree 161/2009, of 27 October, which regulates the provision of the compulsory secondary education syllabus in adult education, and which partially repeals Decree 213/2002 of 1 August, states: "Catalan, as the native language of Catalonia, is normally used as the language of instruction and learning and in the internal and external activities of the education community including oral and written activities of students and teachers, presentations by teachers, textbooks and learning materials, learning activities and evaluation".

With respect to non-formal education, Order VCP/233/2010, of April 12, amended Order VCP/491/2009 of 12 November, to consolidate and update the education qualifications, diplomas and certificates equivalent to the certificates of knowledge of Catalan issued by the Secretariat for Language Policy.

***Paragraph 2***

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

The Ramon Llull Institute, referred to above, is also active in the teaching of Catalan outside Catalonia. In addition, it funds the University Network of Catalan Studies and University Chairs and centres for Catalan studies.

The Catalan Government also participates in this field, promoting the use and presence of Catalan in Catalan communities abroad, and supporting the organisation of Catalan courses at language centres worldwide.

The Delegation of the Catalan Government in Madrid, during the years 2009-2012, organised 61 Catalan courses at different levels, for a total of 1,114 adults and children. These numbers are increasing year-on-year.

Furthermore, Catalan courses are regularly offered by the Official School of Languages in Madrid.

It should also be noted that the Cervantes Institute, which forms part of the Ministry of Foreign Affairs and Cooperation, offers Catalan-language classes; in 2011-2012, it conducted 147 activities promoting Catalan worldwide, and received 202 registration applications, together with another seven Catalan courses given at the Madrid Space for Iberian Languages, which received 174 registrations. These activities included meetings with writers and artists held in various cities around the world, translations of Catalan poetry into other languages, the performance of events highlighting Catalan traditions (San Jordi Day in Tokyo, theatre performances in Prague, etc.) and collaboration with institutions to promote Catalan culture, for example with the government of Catalonia, the Ramon Llull Institute, the City of Barcelona and the Pompeu Fabra University, among others.

**Article 9 – Judicial authorities**

***Paragraph 1***

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



a) *in criminal proceedings:*

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

ii) *to guarantee the accused the right to use his/her regional or minority language; and/or*

iii) *to provide that requests and evidence, whether written or oral, shall not be considered inadmissible solely because they are formulated in a regional or minority language; and/or*

iv) *to produce, on request, documents connected with legal proceedings in the relevant regional or minority language, if necessary by the use of interpreters and translations involving no extra expense for the persons concerned;*

b) *in civil proceedings:*

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

ii) *to allow, whenever a litigant has to appear in person before a court, that he or she may use his or her regional or minority language without thereby incurring additional expense; and/or*

iii) *to allow documents and evidence to be produced in the regional or minority languages, if necessary by the use of interpreters and translations;*

c) *in proceedings before courts concerning administrative matters:*

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

ii) *to allow, whenever a litigant has to appear in person before a court, that he or she may use his or her regional or minority language without thereby incurring additional expense; and/or*

iii) *to allow documents and evidence to be produced in the regional or minority languages, if necessary by the use of interpreters and translations;*

#### **Recommendation of the Committee of Ministers of the Council of Europe**

**1. Amend the legal framework with a view to making it clear that the criminal, civil and administrative judicial authorities in the autonomous communities will conduct the proceedings in co-official languages at the request of one party;**

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

**273. The Committee of Experts strongly urges the authorities:- to take the necessary measures to increase the proportion of judicial staff in Catalonia at all levels and**

***particularly among judges and prosecutors, who are able to use Catalan as a working language in courts.***

In relation to the possible use of co-official languages by the judicial, criminal, civil and administrative authorities, the following provisions set out in Article 231 of the Organic Act on Judicial Power are applicable:

- 1.- In all judicial actions, the judges, magistrates, prosecutors, court secretaries and other officers of the courts shall use Castilian, the official language of the State.
- 2.- Judges, magistrates, prosecutors, court secretaries and other officers of the courts may also use the official language of the corresponding Autonomous Community, if none of the parties objects on the grounds that due to their insufficient proficiency in this language their legal rights would thereby be prejudiced.
- 3.- The parties, their representatives, those addressing them, witnesses and expert witnesses may use the official language of the Autonomous Community in whose territory the proceedings take place, in both oral and written statements.
- 4.- Judicial actions conducted and the documents presented in an Autonomous Community shall, without need of translation into Castilian, have full force and effect. As standard procedure, they will be translated when they are to have effect outside the jurisdiction of the judicial bodies situated in the Autonomous Community, except in the case of Autonomous Communities with the same co-official language. They will also be translated when so required by law or at the request of a party on the grounds of insufficient language proficiency, as above.
- 5.- At the oral proceedings, any person who knows the language used, on making the requisite oath or promise to this effect, may be co-opted to act as an interpreter.

This article has been interpreted in a judgment handed down by the High Court of Justice of Catalonia on 16 October 2003, subsequently confirmed by the Supreme Court ruling of 12 June 2007, to the effect that “in judicial proceedings the general rule is that Castilian should be used, and the language specific to a Autonomous Community can only be used in the territory of that Autonomous Community, under the conditions established by Article 231 of the Organic Act on Judicial Power”.

Training for judges and magistrates is the responsibility of the General Council of the Judiciary, which provides both initial and ongoing training programmes, including courses in the co-official languages; this is done without prejudice to the judicial staff training activities that may also be conducted by the Autonomous Communities in their own regions.

This training is taken into account in the assessments made when judicial posts must be filled. In this respect, the Organic Act on Judicial Power states that knowledge of the language of an Autonomous Community is positively valued for the purposes of appointing the President of the High Court of Justice and the President of the Courts of the Autonomous Communities that have their own co-official languages, and is considered a preferential merit in the appointment of judges and magistrates to courts located in such Autonomous Communities.

Another relevant factor is that according to the rules on the judiciary, adopted by Resolution 2/2011 of the Plenary of the General Council of the Judiciary, additional years of seniority are awarded to persons who demonstrate proficiency in a co-official language in procedures to resolve personnel transfers to the geographic area in question.

Linguistic training for members of the State Prosecution Service and of the Court Secretaries Service is currently provided by the Ministry of Justice. Training for other staff in the administration of justice (administrative and trial management officials, administrative and trial document clerks, judicial cooperation personnel, forensic physicians, etc.) is now provided by

the Autonomous Communities that have their own co-official language and which have received the corresponding transfers of powers to obtain material resources, personnel and funding for the correct functioning of the judicial system. This is the case of all the Autonomous Communities that have their own co-official language, with the exception of the Balearic Islands, which have yet to receive the necessary transfer of powers.

As concerns measures to ensure that a sufficient proportion of justice administration personnel are proficient in the co-official languages to perform their functions in the Autonomous Communities that have such languages, the Organic Act on Judicial Power includes various provisions relating to access to these staff groups. Thus, the positions offered in the Autonomous Communities that have received the transfer of powers with respect to personnel management are of a territorial nature and successful applicants for these positions must be assigned to the Autonomous Community in question. In general, this procedure facilitates the award of job positions in Autonomous Communities with their own language to applicants residing in the same geographic area. Moreover, in Autonomous Communities with their own language, other than Castilian, the selection examination process includes a specific, optional test by means of which proficiency in this language can be demonstrated. Forms for the selection process, as well as general information on the website, are provided in bilingual versions.

**78. ... The Committee of Experts asks the Spanish authorities to clarify, in the next periodical report, Royal Decree 775/2011 of 3 June regarding access to the profession of lawyer. The Decree obliges lawyers to sit an exam, but no reference is made to the knowledge of co-official languages.**

Royal Decree 775/2011, of 3 June, approving the regulation of Act 34/2006, of 30 October, on access to the professions of lawyer and court solicitor, requires lawyers to pass an exam, but makes no reference to knowledge of co-official languages. It should be noted that the evaluation of access to the legal profession is a single process, identical throughout Spain. This evaluation ascertains the proficiency, in practice, to exercise the profession of lawyer or court solicitor, and analyses skills and knowledge of a legal nature, but not other instrumental skills, such as the knowledge of co-official languages. In short, the training procedure is intended to equip persons to practise the profession of lawyer or court solicitor, in a single, homogeneous way, throughout the national territory. The training of lawyers and court solicitors is the responsibility of their respective professional associations.

The information provided above with respect to Article 9, Paragraph 1, of the Charter, is applicable to all the co-official languages of the Kingdom of Spain discussed in this Fourth Report.

## **Actions by the Justice Department of the Government of Catalonia**

### **1.1. General actions**

In this respect, the actions of the Government of Catalonia are focused on its own areas of responsibility, which are basically limited to executive powers on the organisation of justice, on the promotion and development of Catalan and on safeguarding the language rights of citizens. The Government does not have significant legislative powers concerning the status of the language in this field. The actions taken in the period 2010-2012, which are described below in greater detail, include the training of judicial staff (3,052 students) and of professional groups working in the judicial field (1,226 students), the translation and review of judicial documents and the automatic translation service that is made available to justice administration officials and members of the legal professions, collaboration agreements between the Catalan Government and professional associations in the legal field, the continuing support for the Justice Observatory (an organisation for analysis, reflection, discussion, participation and action proposals on matters related to the justice administration

in Catalonia; this body incorporates a working group on questions of language and justice), and advice and outreach facilities provided by a network of language experts in support of legal officials and professionals. In addition, work has continued to ensure the provision of consolidated basic legislation in Catalan, and to improve access to this legal information with the incorporation of the legislative database into the legal portal of the Autonomous Community of Catalonia.

## 1.2. Linguistic proficiency of judicial officials and Catalan-language training

The Catalan Government remains active in the area of language training, in the exercise of its powers, which are related to the Catalan language and to training judicial officials in this respect.

During the period under discussion, an optional training programme in Catalan was offered to all staff working in the field of the administration of justice. The following levels of language were offered: A basic, A elementary, B intermediate and C fluent, together with Catalan legal language (the first four correspond to A2, B1, B2 and C1 of the Common European Framework of Reference).

The following table shows the data for justice officials who registered for these Catalan-language courses during the period referred to, and also for 2009.

	A basic	A elementary	B	C	J	TOTAL
2009	70	62	164	456	485	1,237
2010	48	33	159	381	579	1,200
2011	68	86	118	296	320	888
2012	23	90	143	335	640	1,231

The total figure of 4,556 judges and officials enrolled for Catalan-language courses reflects the considerable effort made by the Catalan Government to achieve a sufficient level of language proficiency among the personnel working in the administration of justice.

## 1.3. Language use within the administration of justice in Catalonia

There have been no significant changes in language use in this field, and thus the data obtained from the survey and fieldwork conducted in October and November 2008, detailed in the previous report, remain largely unaltered.

On the other hand, special mention should be made of the slow but progressive fall in the proportions of rulings (12.7% in 2012) and of procedural documents (12.7% in 2012) issued in Catalan in the geographic territory of Catalonia.

As in the previous period, the Department of Justice of the Catalan Government has deployed a technical and linguistic support team to assist the judicial offices. In 2012, this team received a total of 3,730 requests for translation and for document editing assistance.

In addition, the Government has established an adaptation plan for judicial staff taking up a position in Catalonia for the first time. When judges, prosecutors and court secretaries first take up their posts, they are offered a briefing on the linguistic and legal resources available to facilitate the acquisition of Catalan-language proficiency and are given a digital memory device with this information. Once in the workplace, a linguistic expert arranges a meeting to inform them individually of the best options for language learning and to offer help and advice in the early stages of their work in Catalonia. Other judicial staff, as part of their initial training

before taking up their job, are given a training session on linguistic rights and legislation and provided with access to the resources necessary to carry out their professional obligations.

In addition to these services, the staff intranet can be used by all judicial staff to access online services that are useful in facilitating the understanding and use of the Catalan language, such as legal and general dictionaries, handbooks of grammar and linguistic criteria, guides for drafting legal and judicial texts, compendiums, terminology search engines and a mailbox for language queries. Another aspect of particular importance is the automatic translator, which has a lexical database incorporating various specialised works of judicial terminology. By means of this application, the judge or other judicial official can send any document to be translated, from his/her workplace, and then request its linguistic editing by the language service or do so him/herself.

In 2013, the Catalan Government, seeking to normalise the use of Catalan in the administration of justice and as a measure to guarantee the right to use Catalan by the judiciary, stipulated (by Government Resolution dated 7 May 2013) that "... in legal proceedings in the ordinary courts in which the Government or the Administration of Catalonia or public sector agencies is party, in the first procedural act in which it is possible to do so, their representation and defence shall request of the competent jurisdictional body that the proceedings be conducted in Catalan at all levels of the proceedings taking place in Catalonia". This measure is intended to foster a standard pattern of Catalan use in this field.

As regards the documents received by the courts, the data compiled by the court register show that the majority of the documents that initiate court proceedings (from public administrations, law enforcement agencies, the prosecution service or from private individuals) are written in Catalan (58.75% in 2010, 62.84% in 2011 and 62.60% in 2012).

In fields involving greater intervention as parties by government or public-sector organisations (municipalities, the Catalan Government, universities, public bodies, local and regional police forces, social services, etc.), such as the instruction phase, criminal proceedings or cases involving minors, the percentage of documents in Catalan used to initiate the judicial record is much higher than in jurisdictions where the initial documentation usually takes the form of a summons or an action brought by a private individual (under civil, commercial or social law). In the contentious-administrative courts, although there is a high degree of involvement by public lawyers, most appeals are presented by individuals, and so Catalan is less commonly used, although slightly more so than in the former cases. In short, the data show that judicial interlocutors in the private sector make very much less use of Catalan in their professional affairs than do those in the public sector, and that this fact is paralleled by the scant use of Catalan in the corresponding proceedings before courts and tribunals.

#### **1.4. Collaboration agreements with legal and judicial professional associations**

In 2010-2012, to promote the use of Catalan in this area, the Catalan Government reached agreements with relevant professional associations, such as the Council of Bar Associations of Catalonia, the Council of Colleges of Court Solicitors of Catalonia, the College of Notaries of Catalonia and the Secretariat of Mercantile and Real Estate Property Registrars of Catalonia. Among the activities covered by these agreements is the provision of Catalan-language training courses, public-speaking courses for lawyers and a linguistic quality plan for lawyers.

Other noteworthy features for these legal and judicial bodies are the online access to language support products and the free availability of an automatic translator.

#### **1.5. The Catalan Observatory of Justice**

The Catalan Observatory of Justice was created by Catalanian Decree 197/2009 of 22 December. It provides a forum for analysis, reflection, discussion, participation and action proposals on matters related to the administration of justice in Catalonia, and seeks to promote communication and exchange among persons and institutions in this field. Its plenary session is chaired by the President of the Catalanian Government, and its members include the heads of public institutions and professional corporations in the legal and judicial fields. Its activities began in October 2011. In 2012, the working group set up for this purpose issued the report *La llengua catalana a la justícia* (The Catalan Language in Justice), on the basis of which a Manual of Best Practices in the Legal and Judicial Sphere was published.

Beyond a doubt, the Observatory has made a positive impact in relation to the situation of the Catalan language, by bringing together all the agents involved in the administration of justice and providing a framework for the formulation and promotion of policies to enhance this situation.

### **1.6. Safeguarding citizens' linguistic rights in relation to the provisions of the Charter**

The Catalanian Government has accorded special attention to proceedings related to safeguarding citizens' rights derived from Article 9.1 of the Charter. As highlighted throughout this section, all the actions and initiatives mentioned are aimed at creating a framework in which citizens interacting with the justice system can make unobstructed use of Catalan and be answered in the same language. It is also important to note the information provided to the public through the website of the Justice Department, that provided to judicial personnel through their intranet and the availability of a complaints-attention service in this field.

### **1.7. Catalan in official legal publications and in legislative texts**

In this respect, please see the remarks regarding paragraph 3 of Article 9 of the Charter, since this is directly related to the use of Catalan in the administration of justice in Catalonia.

#### **Paragraph 2**

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

***a) not to deny the validity of legal documents drawn up within the State solely because they are drafted in a regional or minority language;***

With respect to the Commercial Register, Article 1 of Order 1698/2011 by the Minister of Justice (JUS), of 13 June, approving the model for the presentation of consolidated financial statements to the Commercial Register, authorised the Directorate-General of Registries and Notaries of the Ministry of Justice to publish translations of the Castilian-language model of annual accounts into the other languages of the Autonomous Communities, in harmony with the Constitutional principle of co-officiality of Castilian and the languages of Autonomous Communities within their respective territories.

***b) not to deny the validity, as between the parties, of legal documents drawn up within the country solely because they are drafted in a regional or minority language, and to provide that they can be invoked against interested third parties who are not users of these languages on condition that the contents of the document are made known to them by the person(s) who invoke(s) it; or***

***c) not to deny the validity, as between the parties, of legal documents drawn up within the country solely because they are drafted in a regional or minority language;***

Although the Catalan Government has conducted its executive powers in the normal way, under Article 147.1 of the Statute of Autonomy of Catalonia, with respect to the appointment of notaries, through the announcement, administration and resolution of competitive procedures to this end, it should be noted that on 29 July 2011, an agreement was signed between the Catalan Government and the Catalan Association of Notaries (an agreement that replaced the earlier one dated 23 December 2009) to promote measures to enable the linguistic integration of notaries newly arrived in Catalonia and to provide training for those already holding a post in Catalonia. This agreement sought to improve the linguistic competence of notaries and that of staff working in notarial offices, and to enable the compilation of data on the knowledge of Catalan and its use in documentation. In preparing this agreement, informative sessions were held on the right to linguistic choice, the Lexcat database and the online translator for notarial deeds, among other questions.

As regards the use of Catalan in notarial documents, the statistics for 2012, following the pattern that began in 2006, reflect a fall in the absolute number of authorised documents within notarial offices in Catalonia, both in Catalan and in Castilian, as a result of the economic crisis affecting the country. In the past five years, the percentage of deeds written in Catalan has remained at around 11%, compared to the 88% written in Castilian. This decrease is also apparent in the policies analysed, in this case, affected also by the restructuring of the banking sector.

### **Paragraph 3**

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

As indicated in the previous report, under a cooperation agreement signed between the Official State Gazette (BOE) and the Catalan Government, since 1998 all statutory Acts and some Regulations have been published in Catalan. Currently these texts are available from 1979. The BOE pays the cost of publication and distribution, and refunds 50% of the translation costs paid by Catalonia. In 2012, 290 supplements were published in Catalan, together with 209 provisions, of which 53 were laws or rules of equivalent effect.

The Lexcat project was created in 2006 by the Catalan Government to enable the online publication, in Catalan, of the consolidated legislation currently in force. During the period referred to in this report, three advances are of particular importance: the expansion of the catalogue of available laws; the improved technical performance of the online publication of statutory texts; and the publication in Catalan, in paper format, in 2010, of the Civil Procedure Act and of the Criminal Procedure Act, and the distribution of these texts to judges and judicial secretaries in the respective jurisdictional areas.

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

### **Paragraph 1**

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

**a)**

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

***ii) to ensure that such of their officers as are in contact with the public use the regional or minority languages in their relations with persons applying to them in these languages; or***

*iii) to ensure that users of regional or minority languages may submit oral or written applications and receive a reply in these languages; or*

*iv) to ensure that users of regional or minority languages may submit oral or written applications in these languages; or*

*v) to ensure that users of regional or minority languages may validly submit a document in these languages;*

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

The information related to paragraph 1 of this Article in the Charter is provided in point II.B of the present report by Spain.

### **Paragraph 2**

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

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

In the opinion of the Catalan Government, during the reporting period there has been no decrease in the use of Catalan in the administration of the Government or in that of the local authorities of the territory of Catalonia.

In accordance with the linguistic rules and regulations in force, these local authorities and the Catalan Government maintain the same criteria of good linguistic practices and, therefore, continue to use and promote the use of Catalan, using the majority language of the State when its citizens so desire and when so required.

In this respect, too, Decree 127/2010, of 14 September, to regulate the Catalan Network of Information, Publication and Tourist Assistance Services, is intended to ensure satisfactory attention is provided not only in Catalan and in the other official languages, but also in other languages commonly encountered in the tourism sector.

During this period, few local governments have adopted regulations on the use of Catalan. The majority of municipalities in the most populated areas already have such linguistic rules, as required under the language laws in force since early 1983.

### **Paragraph 3**

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

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

## **Recommendation of the Committee of Ministers of the Council of Europe**

**4. Ensure the presence of all regional or minority languages in State public services.**



Both the Catalan Language Policy Act of 1998 and other linguistic rules in force in Catalonia set out specific requirements for financial and insurance companies (Article 15), for public companies (Article 30), for those providing public services (Articles 30 and 31), for those operating in collaboration with the public sector or which receive subsidies (Article 33), for certain types of businesses or activities and for some companies that manufacture labelled products.

Furthermore, Act 22/2010, of 20 July, on the Consumer Code of Catalonia, states that consumers, in their relations as such, have the right, in accordance with the provisions of the Statute of Autonomy and the applicable law on language issues, to be addressed orally and in writing in the official language of their choice (Article 128-1, 1).

**Paragraph 4**

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

***a) translation or interpretation as may be required;***

The information related to paragraphs 1, 3 and 4 of this Article 10, as regards the Administration of the State, is provided in point II.B of the present report by Spain.

**Article 11 – Media**

**Paragraph 1**

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

***a) To the extent that radio and television carry out a public service mission:***

***i) To ensure the creation of at least one radio station and one television channel in the regional or minority languages;***

Of all the media, language use is most equal in the radio, although Catalan is becoming increasingly present in this medium, and the two most popular radio stations (the public station *Catalunya Radio* and the private one, *RAC1*), broadcast entirely in Catalan. The audience data are as follows:

	Language used	2009	2010	2011	2012
Radio	Catalan	48.5%	53.3%	57.4%	57.9%
	Castilian	62.7%	60.2%	60.9%	59.9%

Television has much larger audiences, and in this medium Castilian is considerably more prevalent, because there are many more channels. The TV audience data are as follows:

	Language used	2009	2010	2011	2012
Television	Catalan	52.9%	53.6%	59.6%	63.3%
	Castilian	85.0%	85.7%	86.8%	86.9%

♦ **The presence of Catalan in privately-owned radio and TV channels in Catalonia**

In relation to privately-owned broadcasting in Catalonia, more than half of the frequencies used by private radio stations broadcast 100% in Catalan, and in the rest the proportion of programmes in Catalan is around 50%, according to the computational criteria established in the regulations in this respect. The private television channels in Catalonia, in general, comply with the percentage of broadcasts in Catalan that is legally required.

The most recent survey of private television (2011), based on a sample of 19 TV channels, reported that 58% transmitted entirely in Catalan; 21% transmitted over 60% (64-73%) of their programming in Catalan; and in the remaining 21%, the presence of Catalan as the main programme language was below 50%. A striking fact is that in 95% of the channels analysed, virtually all the self-produced programming is in Catalan.

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

Sales of newspapers in Catalan have increased considerably in the past three years, coinciding with the emergence of the new daily *Ara* and the new edition in Catalan of the daily *La Vanguardia*. The mainstream daily press in Catalan increased its circulation by 83% in two years (2011-2012), and now represents about a third of all copies sold in Catalonia.

With respect to the digital press in Catalan, in 2013, three of the major titles gained readers, compared to 2012, while others fell back slightly.

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

The Catalan Government awards annual grants to media published in Catalan or Aranese, and to communication projects that aim to incorporate Catalan or Aranese into their programmes or sections.

Between 2009 and 2012, these subsidies were provided in nine specific areas, divided by medium (print, digital media, radio and television) and purpose. While structural subsidies are designed to ensure the continuity of media supplied in Catalan or Aranese, project subsidies contribute to the creation of new initiatives that benefit communication in Catalan. Between 2010 and 2012, the Government funded subsidies to a value of €35 million.

**Paragraph 2**

**The Parties undertake to guarantee freedom of direct reception of radio and television broadcasts from neighbouring countries in a language used in identical or similar form to a regional or minority language, and not to oppose the retransmission of radio and television broadcasts from neighbouring countries in such a language. They further undertake to ensure that no restrictions will be placed on the freedom of expression and free circulation of information in the written press in a language used in identical or**

***similar form to a regional or minority language. The exercise of the above-mentioned freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.***

As observed in response to question 179, in February 2010 an addendum was attached to the Agreement signed in January 2009 between the Government of the Balearic Islands and the Catalan Government to enable the mutual reception of television channels. This addendum detailed the channels and programmes subject to such reciprocity.

In November 2012, the Government of the Balearic Islands terminated IBSAT, its satellite channel, and so this programming ceased to be available in Catalonia.

On 25 June 2010, an agreement on transfrontier television was signed between the Government of the Principality of Andorra, the Catalan Government and the municipalities of La Seu d'Urgell, Puigcerdà, Tremp, La Pobla de Segur, El Pont de Suert and Sort. This agreement regulated the reception of *Televisión de Cataluña* in Andorra and enabled *Andorra Televisión* to be viewed in the above-mentioned municipalities.

In October 2010, the Government of Aragon and that of Catalonia signed an agreement to enable the public-sector television channels of each territory to be viewed in that of the other.

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

### ***Paragraph 1***

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

- a) to encourage types of expression and initiative specific to regional or minority languages and foster the different means of access to works produced in these language;***

Catalonian Act 20/2010, of 7 July, on the cinema industry, is the regulatory framework governing the film and audiovisual industry, concerning, among other aspects, the production, distribution, marketing and exhibition of films and audiovisual works, the promotion, preservation and dissemination of film heritage and the promotion of films in the original version and of those dubbed or subtitled in Catalan.

The Catalan Institute of Cultural Companies (ICEC), which until 2011 was known as the Catalan Institute of Cultural Industries (ICIC), continues its activity, mainly through the provision of grants and subsidies for Catalan companies and other entities and agencies to promote the dissemination and consumption of cultural works. Its main areas of activity, which include the promotion of the Catalan language, are the audiovisual industry, the performing arts, music, literature and the visual arts.

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

Previous reference was made in Spain's Third Report (pages 377 and 378) to the difficulties encountered in screening films that are dubbed or subtitled in Catalan.

In recent years, the initiative of showing a season of children's films in Catalan has become consolidated, and audiences for it have increased.

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

As stated above, the Catalanian Government, through its Department of Culture, publishes an annual report on the grants awarded in which the use of Catalan is taken into consideration as an assessment criterion. While this factor is not essential to the grant in question being awarded, the policy is to support the incorporation of Catalan in sectors such as the performing arts, audiovisual works and literature.

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

The Catalanian Government has approved Decree 116/2012, of 9 October, on the legal deposit system (repealing the 1981 and 1982 regulations in this respect), to regulate the management of the legal deposit system, in accordance with State Act 23/2011, of 29 July, on the legal deposit system, and Act 4/1993, of 18 March, on the library system in Catalonia.

**h) if necessary, to create and/or promote and finance translation and terminological research services, particularly with a view to maintaining and developing appropriate administrative, commercial, economic, social, technical or legal terminology in each regional or minority language.**

In this respect, TERMCAT, the Centre for Catalan Terminology, continues the activities begun some years ago.

### **Paragraph 3**

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

The Ramon Llull Institute is very active in this field, promoting the presence of Catalan language and culture in international exhibitions and events (in cultural sectors such as literature, art, cinema and music).

## Article 13 – Economic and social life

### Paragraph 1

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

***a) to eliminate from their legislation any provision prohibiting or limiting without justifiable reasons the use of regional or minority languages in documents relating to economic or social life, particularly contracts of employment, and in technical documents such as instructions for the use of products or installations;***

Catalonian legislation with respect to language issues remained unchanged during the period in question, although during 2012 some new regulatory provisions were made which did impact upon Catalan language rights, albeit indirectly (such as legislation concerning mediation in private law, tourist accommodation and travel agencies).

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

Changes in language use in the workplace since 2007 have been characterised by the increased use of all languages: Catalan, Castilian and, above all, other languages. By 2012, the proportion of people who use Catalan at work had risen to 70.4% (an increase of over 10 percentage points compared to 2007), while that of those using Castilian reached 78.6%. There was a notable increase in the proportion of use of other languages in the workplace, to 13.9%.

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

Article 34 of the Statute of Autonomy recognises the right to language choice in establishments open to the public, albeit subject to the adoption of subsequent legislation to this effect, which has since been passed, namely Act 22/2010, of 20 July, on the Consumer Code of Catalonia.

The above-mentioned Article 34 of the Statute, on the linguistic rights of consumers and users, states that “Everyone has the right to be addressed in speech and in writing in the official language of their choice in their capacity as users or consumers of goods, products and services. Organisations, businesses and establishments open to the public in Catalonia are subject to the duty of enabling language choice in the terms established by law”. This provision was declared constitutional under Constitutional Court ruling 31/2010, albeit interpreted in the terms set out in the corresponding legal justification, namely that the duty of private organisations, businesses or establishments open to the public to enable linguistic choice cannot mean the imposition on these bodies, their owners or their personnel of any individual obligation to use either of the two official languages in a general, immediate and direct form in their private relations, this being so because the right to be addressed in either of these languages can only be enforced in relations between government bodies and citizens.

The main change in this area is the adoption of the above-mentioned Act 22/2010, of 20 July, on the Consumer Code of Catalonia, which stipulates the linguistic rights and obligations previously regulated by Act 3/1993, of 5 March, on the Consumer Statute, and Act 1/1998, of 7 January, on language policy. Act 22/2010 repealed Act 3/1993, and maintained and complemented the regulation of Act 1/1998 with respect to socio-economic issues. Its provisions addressed, among other areas, the language rights of consumers, the language requirements of documentation and the details regarding product use that should be made available to consumers. However, certain

provisions of this Act have been challenged before the Constitutional Court, which has yet to pass judgment.

Most of the provisions governing language rights in the socio-economic area are set out in the website <http://www.gencat.cat/llengua/legislacio>.

Measures to promote the use of Catalan in economic and social activities in Catalonia, or promoted by the Catalan Government (in the understanding that Article 50 of the Statute of Autonomy contains provisions relating to the promotion and dissemination of Catalan in these areas) include measures such as awareness-raising campaigns and industry-specific actions (subsidies, grants, awards, etc.), the PROFIT programme, on customer-service training (courses in commercial sectors such as catering, hotels and retail trade), linguistic volunteering (partnerships to practice Catalan), the *Oberts to catalá* (Open to Catalan) campaign for the retail trade, services and tourism, information provided on the Catalan Government's websites, the "Company helpline" (to advise companies and entrepreneurs) and language-related clauses inserted in announcements offering subsidies and grants to support companies and organisations.

## **Paragraph 2**

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

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

Regarding the application of this recommendation, Article 15 of Act 1/1998, on language policy, which was cited in the Third Report by Spain, remains in force in Catalonia.

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

### **Recommendation of the Committee of Ministers of the Council of Europe**

**5. Ensure the presence of all regional or minority languages in the provision of health care services.**

***319. ... Representatives of the speakers drew the attention of the Committee of Experts to the fact that in some sectors, services in Catalan are still unavailable. The Committee of Experts ... encourages the authorities to comment on this in the next periodical report.***

The public and the public/private healthcare systems in Catalonia are subject to the same linguistic rules as are all areas of public administration dependent on the Catalan Government.

In the area of private healthcare, the language rights and duties set out in the Statute of Autonomy of 2006, in Act 1/1998, of 7 January, on language policy, and in Act 22/2010, of 20 July, on the Consumer Code of Catalonia, are applicable.

In addition to the above-mentioned regulations, many initiatives have been applied to promote the use of Catalan in healthcare. For example, the Catalan Government regularly organises general Catalan-language courses for staff working in health centres, as well as specific courses tailored to the needs of various professional groups and specialised courses on health science terminology. More than 350 healthcare professionals have enrolled in these Catalan-language courses.

Other actions in this respect include the Sant Jaume d'Olot Language Normalisation Plan, the Melisa Programme (for language mediators in healthcare), the use of the TERMCAT database for the dissemination of health terminology in Catalan, the digital publication in 2011 of a health magazine in Catalan, the activities of the Consortium for Language Normalisation to provide language training for healthcare workers, and the provision of advice and translations of labels, signs and forms to reinforce the presence of Catalan in the public healthcare sector in Catalonia.

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

***322. The Committee of Experts ... ask the authorities to provide more information on safety instruction in Catalan in the next periodical report.***

The provisions in this respect contained in the Consumer Code of Catalonia (Act 22/2010), according to which safety instructions, information and data should be stated in Catalan, have been challenged before the Constitutional Court, which has yet to pass judgment. Given the present disparity between national regulations (which prioritise the provision of information in these respects in Castilian) and Catalan legislation, which has led to numerous legal disputes, manufacturers currently choose, in general, to use Castilian in their labelling.

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

In 2011, the Catalan Consumer Agency described the changes made in the new Consumer Code of Catalonia, in briefings presented to leading business organisations.

## **Article 14 – Transfrontier exchanges**

### ***Paragraph 1***

***The Parties undertake:***

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

***325. The Committee of Experts encourages the authorities to pursue bilateral agreements with the countries in which the same or similar languages are spoken.***

There is a high level of communication, collaboration and information exchange between the Catalan Government and relevant agencies and institutions that make use of Catalan.

As regards Andorra, as well as the conventions signed concerning the media (as described above), on 10 September 2010, the Government of Andorra signed a collaboration agreement with Catalan cinemas to screen more films in Catalan.

With respect to Northern Catalonia, in March 2010 the *Euroinstitut Transfronterer Català* (the Transfrontier Catalan Euro-Institute), formed by the universities of Perpignan and Girona, initiated its activities, and on 8 October 2010, the Girona office was inaugurated of the Perpignan Mediterranean Area Community, an association that includes Perpignan and over 20 other municipalities in the region. Although neither organisation seeks primarily to promote Catalan, their existence certainly favours the dissemination of this language.

The Catalan Government Office in Perpignan also contributes to the dissemination and promotion of Catalan language and culture, sponsoring activities such as Catalan-language courses and the organisation of tests to award certificates of Catalan proficiency. A total of 473 adults enrolled in these tests during the period 2010-2012.

In Alghero (Sardinia), municipal actions with respect to Catalan have continued since the previous reporting period (for example, the course in Catalan language learning) and this has been encouraged by the increased presence of Catalan-speaking tourists and by the establishment of a Catalan Government Office in the city (the Lull Centre) which, among other aims, seeks to facilitate contacts between institutions in Alghero and elsewhere in Sardinia and the Catalan Government.

As a result of this contact with Catalan institutions, on 31 March 2009 the Catalan Government and the city authorities of Alghero signed an agreement to promote the social use of Catalan and the dissemination of Catalan culture in the city, over a period of ten years. Under this agreement, the Lull Centre would support the dissemination and teaching of Catalan in its Algherese modality, for different uses and levels, providing technical and logistical support, as well as any advice required, to develop appropriate teaching resources, and to address other aspects that will be detailed in a future joint action plan, to be reviewed annually.

Reference should also be made to the Vives University Network, which is constituted of 21 universities located in 4 European countries (Spain, France, Italy and Andorra), and which in their respective areas share the Catalan language as a factor of cultural importance.

Finally, the various editions of the Congress of Language Services for Catalan-speaking Territories (CONVIT) have highlighted the importance of the relationship between language and the economy. In the second edition of this Congress, in 2011, it was observed that one of the strategic lines of business activity is the incorporation of languages as part of their social responsibility.



# **CATALAN IN THE BALEARIC ISLANDS**

## **1. INTRODUCTION**

### **Data on the number of speakers**

**56. ... The Committee of Experts encouraged the Spanish authorities to carry out surveys in cooperation with the speakers of regional or minority languages in order to have accurate updated data concerning the number of users of regional or minority languages and their geographic distribution.**

In 2010, a questionnaire was commissioned on linguistic use to assess the current situation of the Catalan language in the Balearic Islands and to compare the data with those of previous surveys. The main issues assessed in the linguistic module are:

- Knowledge of the four skills (listening comprehension, oral expression, reading comprehension and written expression).
- Use of the Catalan language in different social contexts (habitual use, language change and inter-generational transmission).
- Opinions on language questions.

The aim of the questionnaire was to obtain information about citizens' knowledge of, use made and attitudes toward the Catalan language at a time when recent major demographic changes suggest significant changes in these respects will take place. Full details of the data can be found through the following link: <http://www.caib.es/govern/archivo.do?id=792554>

The statistical data resulting from the replies to the 2010 questionnaire on the Catalan language skills of the population of the Balearic Islands are as follows:

### **Balearic Islands**

	Understand it	Speak it	Read it	Write it
Percentage	85%	63.41%	70.82%	47.90%
Total population	888,840			

### **Mallorca**

	Understand it	Speak it	Read it	Write it
Percentage	85.47%	63.37%	71.48%	47.78%
Total population	708,502			

### **Menorca**

	Understand it	Speak it	Read it	Write it
Percentage	88.99%	68.50%	72.69%	53.18%
Total population	70,591			

### **Ibiza**

	Understand it	Speak it	Read it	Write it
Percentage	78.51%	59.45%	65.03%	45.20%
Total population	102,076			

## Formentera

	Understand it	Speak it	Read it	Write it
Percentage	90.85%	73.03%	68.79%	46.72%
Total population	7,671			

### Legislative and organisational changes

In the period covered by the report, various changes of an organisational nature have taken place within the Autonomous Community, to rationalise the number of agencies and bodies involved and to reduce their number. Thus, in April 2012 the Institute of Balearic Studies was renamed the Consortium-Institute of Balearic Studies, and it was assigned functions concerning non-formal instruction in Catalan, the certification of adult proficiency tests in Catalan, language assessment in secondary and high school education, exemption from such assessment, certificates of equivalency in Catalan, the study of varieties of Catalan in the Balearic Islands, linguistic counselling in IB3 (the regional broadcasting corporation) and the promotion and defence of linguistic rights, among others.

Another, related, issue is the adoption of Decree 16/2011, of 25 February, on the evaluation and certification of knowledge of Catalan, which amended the certification system officially accrediting knowledge of Catalan among the adult population, including people resident beyond its linguistic boundaries. The certificates awarded correspond to the Common European Framework of Reference for Languages (CEFR) established by the Council of Europe.

Other new provisions, for example, the Balearic Islands Audiovisual Act 5/2013, of 1 October, are addressed in the relevant point of this response to the report.

Numerous other provisions (Orders and Decrees) concerning degrees, diplomas and certificates of proficiency in Catalan have also been adopted in this period.

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

Decree 15/2013, of 19 April, regulates the approach taken to languages in non-university education in the Balearic Islands. The aim of this Decree is that by the conclusion of compulsory education, students should possess the language and communication skills required in both official languages (Catalan and Castilian) and in one foreign language (preferably English).

All non-language subjects or modules (in the case of vocational education) may be taught in either of the two official languages or in the foreign language. In fact, all three languages should be taught and studied in the corresponding language areas and constitute, simultaneously, the means by which non-linguistic subjects are taught, and this teaching should be divided in a balanced way among the three languages.

Implementation of this project began in 2013-2014, at least in the first year of the second cycle of pre-school education (children aged 3 years), in the first, third and fifth years of primary education and in the first year of compulsory secondary education (ESO). In high school and vocational education, it will be introduced progressively depending on the resources available to each school or college.

The Regional Ministry of Education, Culture and Universities has trained a total of 3,875 teachers to implement this project. These teachers have been prepared to obtain certification

from the Official School of Languages. Moreover, courses have been given to teachers who, although they already had the qualifications required to teach a subject in English, needed to improve their speaking proficiency.

Among the measures adopted by the Regional Ministry of Education, Culture and Universities to monitor the introduction of the compulsory trilingual model so that the introduction of the compulsory trilingual model does not disproportionately affect education in the co-official languages, including their promotion and support structure, are the following:

- Legislation has been adopted to ensure a comprehensive approach is taken to language teaching.
- Counselling will be provided on teaching the native language of the Balearic Islands, as part of the Integrated Language Project.
- Counselling will be provided on actions to be taken in language teaching at schools and colleges, suggesting organisational strategies and offering teaching guidelines for the language to be used in primary education.
- Seminars and specific training courses will be organised on the use of language in education.
- Educational materials for language teaching will be promoted and coordinated.

## **2. APPLICATION OF THE CHARTER**

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

#### **Paragraph 1**

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

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

***132. The Committee of Experts asks the authorities to provide information, in the next periodical report, on the implementation of the General Language Normalisation Plan for the Balearic Islands.***

Under this Language Normalisation Plan, the Regional Ministry of Education, Culture and Universities has updated the rules for qualifications to teach Catalan and to teach in Catalan in the Balearic Islands in public non-university education. In this respect, the rules for the Linguistic and Cultural Education Plan have also been updated. The corresponding Parliamentary Order is being prepared and will be issued once it is approved. Rules for academic standards and curriculums, teacher training, planning, etc., in language teaching, have also been prepared.

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

***179. The Committee of Experts regretted the lack of appropriate cooperation between communities sharing identical or similar languages, such as Valencia with Catalonia and the Balearic Islands. It therefore encouraged the authorities to promote mutual cooperation and understanding for the benefit of the languages.***

Regarding cooperation between Autonomous Communities that share identical or similar languages, to promote cooperation and mutual understanding for the benefit of these languages:

- We are continuing to work with the Education Ministry of the Catalanian Government, in matters relating to the adaptation and publication of teaching materials, taking into account the cooperation agreement signed between the two institutions.
- Educational and teaching exchanges are taking place with the Catalan Teaching Services for Catalan-speaking communities, and with the corresponding Directorate-General with responsibilities for language policy:
  - a) The programme *Gust per la lectura* (Enjoyment of reading) is being continued, in collaboration with the Education Ministry of the Catalanian Government.
  - b) Exchanges have begun among students following the *Gust per la lectura* programme.
  - c) A programme of participation by teaching centres in a shared activity (the ARCE programme) is sponsored by the Ministry of Education (the programme is “Learning literature through ICT”, and the participating centre, the Pau Casesnoves Secondary School).
  - d) Exchanges of students and teachers with their counterparts from other Catalan-speaking institutions are being encouraged.
- Active collaboration continues in the field of terminology, where regular contacts have been established, as detailed in the comments on Article 12, paragraph 1, letter h.
- There has been close cooperation (in intensive training sessions) between the Directorate-General for Culture and Youth and the official language schools in Catalonia, which have advised the department responsible for convening tests in Catalan regarding the training of examiners for tests that have been adapted to the CEFR.

### **Part III**

#### **Article 8 – Education**

##### ***Paragraph 1***

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

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

***633. The Committee of Experts urges the authorities to make available Catalan-medium primary and secondary education in the Balearic Islands.***

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

**636. The Committee of Experts encourages the authorities to make available technical and vocational education in Catalan.**

The co-official status of Castilian and Catalan in the Balearic Islands is guaranteed by the provisions in this respect of the corresponding Statute of Autonomy (Articles 4, 35 and 36.2), and by Act 3/196 of 29 April on linguistic normalisation (Articles 18, 20 and 22.3). This legislation has been referred to in previous reports by Spain. This co-official status of the two languages in education has been underlined by the jurisprudence of the Spanish Constitutional Court and of the Spanish Supreme Court, which have repeatedly ruled that in Autonomous Communities which have co-official languages, the two should be treated as vehicular languages in all stages of education.

Moreover, measures taken to provide and guarantee pre-school, primary and secondary education in Catalan, include, among many others, learning support and counselling for schools, teachers and the education community; promotion and coordination to develop teaching materials, rules and academic management; the coordination of programmes to promote the use of Catalan in schools; publications in this respect; language integration workshops for young newcomers; and learning-stimulus activities.

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

**639. ... The Committee of Experts again urges the authorities to provide information on the proportion of subjects taught in Catalan at University level in the next periodical report.**

Previous reports by Spain have referred to the use of Catalan in the University of the Balearic Islands (UIB). The Survey of Language Use (2011-2012), a biennial publication, prepared by the UIB Language Service, presents the use of Catalan, by departments and by degree of use.

The study is based on students' answers to questions regarding the language most often used by their teachers, the language in which class materials are mainly presented, and the language in which exam questions are presented.

This study has been published by the Balearic Islands Autonomous Community and can be freely consulted. It is a large publication, providing data on the number of students consulted, the percentage of use of languages in each university department and the percentage of use of Catalan in university entrance exams. Among other findings, it reports that subjects are taught in Catalan in 44.5% of the departments, in Castilian in 40.7%, and in both Catalan and Castilian or in other languages in the remaining departments.

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

**649. The Committee of Experts asks the authorities to provide information on the developments with regard to monitoring of teaching in regional or minority languages in the next periodical report.**

A provision is currently being drafted to regulate the operation of the Technical Advisory Committee for Teaching in Catalan (currently inactive). Its duties will mainly involve preparing and issuing reports on the teaching of Catalan in education, studying applications for exemption from assessment of proficiency in Catalan, studying applications for the approval of study plans in Catalan, reporting on the award of certificates in this field and proposing to the corresponding regional ministry measures to improve the teaching of Catalan.

## **Article 9 – Justice**

**658. The Committee of Experts urges the Spanish authorities to take the following measures with a view to complying with Article 9:**

- **take the necessary measures to increase the proportion of judicial staff in the Balearic Islands, at all levels and particularly among judges and prosecutors, able to use Catalan as a working language in courts;**
- **develop adequate training schemes for the judicial staff as well as for lawyers.**

### **Recommendations of the Committee of Ministers of the Council of Europe**

- 1. Amend the legal framework with a view to making it clear that the criminal, civil and administrative judicial authorities in the autonomous communities will conduct the proceedings in co-official languages at the request of one party.**
- 2. Take the necessary legal and practical measures to ensure that an adequate proportion of the judicial staff posted in the autonomous communities concerned by the application of Article 9 of the Charter have a working knowledge of the relevant languages.**

Please see the general, non-specific information for the Autonomous Community, provided for Article 9 of the Charter, and Recommendations 1 and 2 of the Committee of Ministers, in the section of this report on Catalan in Catalonia.

## **Actions in the Autonomous Community**

Article 10 of the Balearic Islands Language Normalisation Act states: “1. In the territory of the Autonomous Community of the Balearic Islands, all citizens have the right to address the Justice Administration in the official language of their choice, and no kind of translation shall be required of them. Moreover, this choice must not result in any delay in the processing of their claims”. Moreover, “2. Regarding the language used, all actions, documents and forms, published or drafted in Catalan, are fully valid and effective before the courts and judges of the Balearic Islands”. In addition, “In all cases, the parties are entitled to be informed in the language of their choice”.

Furthermore, although the Autonomous Community of the Balearic Islands does not have the legislative power to provide resources for the Justice Administration, the corresponding

personnel have access to the courses organised by the Balearic Islands School of Public Administration (EBAP) to obtain official certification in Catalan language proficiency.

In 2011, 64 Catalan language courses were organised, exclusively for personnel of the Balearic Islands Justice Administration, with a total of 227 students enrolled. In 2012, 99 students enrolled in 24 courses and in 2013, 34 students enrolled. These courses range from elementary level to advanced, although specific courses in administrative language are also offered. Online study is also possible.

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

### **Paragraph 1**

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

- a)***
  - i) to ensure that the administrative authorities use the regional or minority languages; or***
  - ii) to ensure that such of their officers as are in contact with the public use the regional or minority languages in their relations with persons applying to them in these languages; or***
  - iii) to ensure that users of regional or minority languages may submit oral or written applications and receive a reply in these languages; or***
  - iv) to ensure that users of regional or minority languages may submit oral or written applications in these languages; or***
  - v) to ensure that users of regional or minority languages may validly submit a document in these languages.***
  
- b) to make available widely used administrative texts and forms for the population in the regional or minority languages or in bilingual versions;***

Information relating to Paragraph 1 of this Article of the Charter is set out in point II.B) of this report by Spain.

### **Paragraph 3**

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

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

**Recommendation of the Committee of Ministers of the Council of Europe**

**4. Ensure the presence of all regional or minority languages in State public services**

***691. The Committee of Experts again invites the authorities to inform in the next periodical report on the use of Catalan in public services.***

The Language Normalisation Act was amended by Act 9/2012 of 19 July (BOIB. No. 106 of 21 July 2012), in which Title II provides with respect to the official use of Catalan:

#### Article 8

1. Citizens have the right to use Catalan, in oral or written form, in their relations with the public administration in the Balearic Islands.
2. In the Balearic Islands, administrative actions are valid and fully effective whatever the official language used.

#### Article 9

1. Public documents issued in the Balearic Islands must be written in the official language chosen by the author, or, if there is more than one author, in the language they agree on. In there is any dispute, the documents must be written in both languages. Copies will be issued in the language used in the original.
2. Public authorities acting in the Autonomous Community must ensure that all printed documents and official forms used in the public administration, and available to the public, are written in Catalan and Castilian.

#### Article 11

1. With respect to the inclusion of documents in the public records of the Autonomous Community, entries must be in the official language in which the document was declared, assigned or drafted, or in which the statement was made. If the document is bilingual, this must be recorded in the official language used by the person who presents it to the registry. In any case, entries must be made in the language requested by the person or persons (by common consent) concerned.
2. With respect to the issue of certifications, the officials responsible for these records must ensure their translation into any of the official languages of the Autonomous Region, at the request of the person requesting the document.

Regarding the Mallorca Island Council, the regulations currently in force provide that Catalan and Castilian must be used by the Council's administrative bodies. The regulations governing the use of Catalan specify that Catalan may be used in all areas of the institution (general, oral, administrative, institutional relations, relations with citizens, notices and publications, records, etc.).

Regarding the Menorca Island Council, both in its internal regulations and in those concerning the use of official languages, the provisions are similar to those of the Mallorca Island Council, and fully guarantee the language rights of citizens.

#### **Paragraph 4**

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

***a) translation or interpretation as may be required;***

***693. The Committee of Experts invites the authorities to comment on the implementation of this undertaking with regard to public services in the next periodical report.***

The provisions of the above-mentioned Balearic Islands Language Normalisation Act, as amended in 2012, enable and require the fulfilment of this undertaking.

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



**697. The Committee of Experts invites the authorities to comment on the recruitment or training policy of public services in the next periodical report.**

Today, the vast majority of staff working for the public administration of the Autonomous Community of the Balearic Islands possess a certificate of proficiency in Catalan to ensure that citizens' linguistic rights can be met.

In addition, the implementation of Decree 92/1997, of 4 July, which regulates the teaching of and in Catalan in the Balearic Islands, in non-university schools and colleges, and that of Decree 16/2011, of 25 February, on the evaluation and certification of proficiency in Catalan, means that the education system in the Balearic Islands ensures the existence of a large number of potential applicants to civil service employment who can assure compliance with the citizens' right of free choice of official language. Therefore, it is no longer necessary to require of these employees the possession of a certain level of proficiency in Catalan.

In this respect, Act 9/2012, of 19 July, amending Act 3/2007, of 27 March, on the Civil Service in the Autonomous Community of the Balearic Islands, eliminates the general requirement of a given level of proficiency in Catalan as a requirement to enter employment in the Administration or to take any job, with certain exceptions, for example, posts in public teaching, language consulting, information and customer service and call centres.

Finally, an important role is played by the Balearic School of Public Administration (EBAP), under its statutes approved by Decree 31 /2012, of 13 April, in providing training activities and personnel selection for public administrations in the Balearic Islands. EBAP trains officials of the General Administration of the Autonomous Community, of local governments and of personnel of the General State Administration posted to the Balearic Islands. In 2012 and 2013, EBAP published teaching materials for use in the courses it organises annually. In 2011, 67 courses were given to 1,875 students; in 2012, there were 53 courses for 1,490 students, and in 2013, 32 courses for 880 students. Some of these courses are offered online.

Information responding to paragraphs 1, 3 and 4 of this Article 10, referring to the General State Administration, is provided in section II.B) of this report on Spain.

## **Article 11 – Media**

### **Paragraph 1**

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

***a) to the extent that radio and television carry out a public service mission:***

***i) to ensure the creation of at least one radio station and one television channel in the regional or minority languages; or***

**706. ... The Committee of Experts encourages the authorities to ensure the existence of at least one television station broadcasting in Catalan in the Balearic Islands.**

IB3 Television, the regional broadcaster for the Balearic Islands, broadcasts content in Catalan (in the Balearic Island variety), Castilian and English 24 hours a day. Specifically, 52.60% of the content is in Catalan, 17.80% in Castilian and 1.28% in English. The remaining content is constituted of musical videos, self-promotion and advertising (which is also wholly

or partly in Catalan). All IB3's own audiovisual productions last year were produced in Catalan.

IB3 Radio uses the Balearic form of Catalan in all its output (news, entertainment, sports, etc.).

The Formentera Island Council uses Catalan in its Radio Illa and ensures that the programmes it creates are in Catalan. This use by local radio, which is taken as a yardstick by many, enhances both the dissemination and the learning of the language.

***iii) to make adequate provision so that broadcasters offer programmes in the regional or minority languages;***

The Balearic Islands Audiovisual Act 5/2013, of 1 October, was adopted in the context of existing legislation with respect to audiovisual questions in the Balearic Islands and complements this legal system. This law presents some points that specifically address language issues in this area, granting users the right to receive audiovisual communication including programming that reflects the cultural and linguistic diversity of the Balearic Islands; it requires broadcasters to promote awareness of the two official languages of the Balearic Islands and their dissemination, and establishes as fundamental lines of institutional action the strategic nature of the audiovisual sector as an instrument for the promotion and dissemination of the region's culture and language and the need to ensure appropriate treatment of its two co-official languages (Articles 6, 25 and 36).

***b)***

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

***c)***

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

***710. ... The Committee of Experts urges the authorities to encourage and/or facilitate the creation of at least one radio station in Catalan in the Balearic Islands.***

As indicated above, IB3 Radio uses Balearic Catalan for its entire production (news, entertainment, sports broadcasts, etc.).

As also noted above, the Formentera Island Council uses Catalan in Radio Illa, a fact that enhances dissemination of the language and, at the same time, contributes to the learning of Catalan, by virtue of this radio station's yardstick, local status.

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

***715. The Committee of Experts invites the authorities to comment on the audiovisual productions in Catalan produced on the Balearic Islands in the next periodical report.***

Audiovisual productions in Catalan produced by IB3 in the last year include the following in-house productions: *Uep com anam*, a programme on farmers and country life; *Això és mel*, which describes the islands, their people, food and scenery; *Tira Tira*, with proposals for excursions, walks, hiking, and mountaineering, by land, sea and air; and the fiction series *Migjorn* and *Mossèn capellà*.

***e)***

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

**719. The Committee of Experts ... encourages the Spanish authorities to maintain their support for newspapers in Catalan.**

Mallorca Island Council favours the promotion of Catalan in the press, providing grants to various organisations in this respect, such as the Public Institution Antoni Maria Alcover and Premsa Forana de Mallorca.

Moreover, since 2010 Menorca Island Council has provided financial aid to promote the use of Catalan in the local press and continues to edit a cultural magazine, *Àmbit*, that is published entirely in Catalan. Since the last quarter of 2011 this magazine has been published in digital format, through the website of the Menorca Island Council.

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

**723. The Committee of Experts ... encourages the Spanish authorities to provide concrete examples of audiovisual productions financed by the funds, or other existing measures for financial assistance to audiovisual productions, in the next periodical report.**

In this respect, please see the above response to Question 715.

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

**726. ... The Committee of Experts asks the authorities to provide information on the training of media staff in Catalan in the next periodical report.**

Since 2012, the Balearic Studies Institute has provided language consulting services to the Balearic Islands Public Broadcasting Corporation.

In 2005, the Mallorca Island Council, in conjunction with the University of the Balearic Islands, published the *Llibre d'estil per als mitjans de comunicació orals i escrits [Style book for oral and written communication]*, which was reprinted in 2010, to facilitate the work of audiovisual media personnel.

Furthermore, in 2011, 2012 and 2013 the Mallorca Island Council organised specific training courses in Catalan for media personnel, on subjects such as phonetics, elocution, journalistic writing, vocal technique and improving diction and phonics.

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

### **Paragraph 1**

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

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

**735. The Committee of Experts asks the authorities to provide more specific information about these cultural activities and the direct participation by Catalan speakers.**

During this period, the programmes established in previous years have been maintained, including book clubs, storytelling in the Palma library and the culture project *Viu la cultura* (*Live culture*). Catalan is used exclusively in these programmes.

Also in 2013, numerous activities related to Catalan culture were held, such as the commemoration of the centenary of the birth of the poet Maria Villangomez, a great writer and poet in Ibizan-Catalan literature, and the commemoration of the third centenary of the birth of Friar Junípero Serra.

The Mallorca Island Council has published various literary works, all in Catalan, related to the culture of Mallorca. During 2012-2013, these included the books *A Robines també plou o La rebel·lió dels titelles*, by Llorenç Moyà and *La vida en rosa*, by Bernat Vidal i Tomas, in the "L'In6" narrative collection, together with *Ofrena de sonets. Flama*, by Miquel Dolç, *Poesía completa*, by Miquel Gayà Sitjar and *Totes les aus del món. Versions de poesia galaiocoportuguesa*, by Josep Maria Llompart, in the "Mixtàlia" poetry collection.

In addition, the Mallorca Island Council publishes in Catalan and in other languages all the catalogues for cultural activities in Mallorca, under the collective title *Cultura en xarxa* (Culture online), and provides various lines of support for activities promoting Catalan language and culture. It also manages a network of 70 libraries that function in Catalan and publish in Catalan material from their archives and museums. These activities are promoted on their websites in Catalan.

The Menorca Island Council, too, has scheduled numerous activities in recent years to promote Catalan language and culture. In 2011, it created the web for popular culture, organized a Conference on Popular Culture and commemorated the 50th anniversary of the completion of the *Diccionari català-valencià-balear*. In 2012, support continued to be provided for text and music publishing in Catalan, together with aid for contemporary music concerts and music festivals in Catalan.

Similarly, the Ibiza Island Council is continuing to support numerous activities in this area, for example by encouraging the use of Catalan among young people, through prizes for fiction and poetry, and through the signing of an agreement in 2011 with the Regional Ministry of Education to carry out activities aimed at the normalisation and dissemination of Catalan in various aspects of society in Ibiza. Furthermore, in 2010 and 2012 support was given for text publishing in Catalan in Ibiza.

**h) if necessary, to create and/or promote and finance translation and terminological research services, particularly with a view to maintaining and developing appropriate administrative, commercial, economic, social, technical or legal terminology in each regional or minority language.**

**740. ... The Committee of Experts asks the authorities to clarify whether there is adequate cooperation with Catalonia with regard to compliance with this undertaking.**

The Terminology Office of the University of the Balearic Islands continues to devote efforts to the essential task of terminological research and to resolving terminology queries.

Cooperation activities with Catalonia by the Terminology Office of the University of the Balearic Islands in recent years include the following:

In 2010, the NEOXOC project was initiated with the Pompeu Fabra University to undertake research and development concerning a network of neology observatories of geolectal varieties of Catalan. In the same year, a meeting was held at the Polytechnic University of Catalonia at which terminology projects conducted at the *Xarxa Vives (Vives Network)* universities were presented.

In 2011, a cooperation agreement was concluded with the TERMCAT Terminology Centre, for the computer processing of terminological data. In the same year a collaborative process was initiated by the Working Group on Terminology and Nomenclature, within the Vives Network of Universities, to exchange information on terminology projects developed by these universities.

In 2012, in collaboration with the Institute of Catalan Studies, a conference was held on science and terminology (“New Challenges in the European Framework for Higher Education. Dissemination of Scientific and Technical Terminology”).

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

### **Paragraph 2**

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

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

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

### **Recommendation of the Committee of Ministers of the Council of Europe**

**5. Ensure the presence of all regional or minority languages in the provision of health care services.**

***753. The Committee of Experts invites the authorities to comment on the developments with regard to this undertaking in the next periodical report.***

The Regional Ministry of Health and the Regional Ministry for Family and Social Welfare have a permanent, exclusive language consulting service with specialised technical staff. Campaigns, handbooks and publications are written in Catalan.

Medical personnel have access to Catalan-language courses provided by the Balearic School of Public Administration (EBAP). 732 people enrolled for these courses in 2012, and 360 in 2013.

The personnel of the Mallorca Island Council have the necessary language proficiency to respond in Catalan, including those employed in nursing homes and hostels that are managed directly by the Council (Bonanova Home for the Elderly, Huialfàs de sa Pobla Home and Felanitx Assisted Living Home). In the Home for the Elderly, the residents are addressed in Catalan. The Son Espases University Hospital in Palma de Mallorca has its own language

service, and its signposting, documentation, forms, cards and stamps are all in Catalan, although external documentation to users is usually bilingual.

The Formentera Island Council has a linguistic advisory service, which signed an agreement in 2012 with the Formentera Hospital for staff training in Catalan. This agreement was expanded in 2012-2013 to provide a new course in Catalan for beginners, for 20 persons.

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

***756. ... The Committee of Experts strongly urges the Spanish authorities to further elaborate on this undertaking in their forthcoming report, regarding in particular, safety instruction (food, in construction sites and in lifts, fire instructions, etc.).***

In addition to applicable State regulations in this respect, the Safety Service of the Government of the Balearic Islands issues versions in Catalan of all documentation addressed to users, and also regarding emergency plans and information for workers about building-evacuation procedures.

As regards food security, the Food Safety and Nutrition Service portal allows users to choose the language in which they wish to receive information. Bilingual handbooks in this respect are available.

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

***759. ... The Committee of Experts strongly urges the Spanish authorities to come back to the issue of the availability of information on general consumers' rights in Catalan in their next periodical report.***

Under the Consumers and Users Charter of the Autonomous Community of the Balearic Islands (Balearic Islands Act 1/1998), information provided to consumers must be written in at least one of the two official languages. Moreover, the labelling of healthcare or safety products must include information at least in the official language of the State. In addition, the government of the Balearic Islands must promote the use of Catalan in product labelling and in service information.

Finally, with regard to education and training activities for consumers and users, in 2010 and 2012 publications were issued for the dissemination of specialised vocabularies and other materials to facilitate the use of Catalan in contracts and, in general, in business and professional activities. Furthermore, a well-known artist has been contracted to design cartoons to encourage responsible forms of consumption.

# GALICIAN IN GALICIA

## 1. INTRODUCTION

### Data on the number of speakers

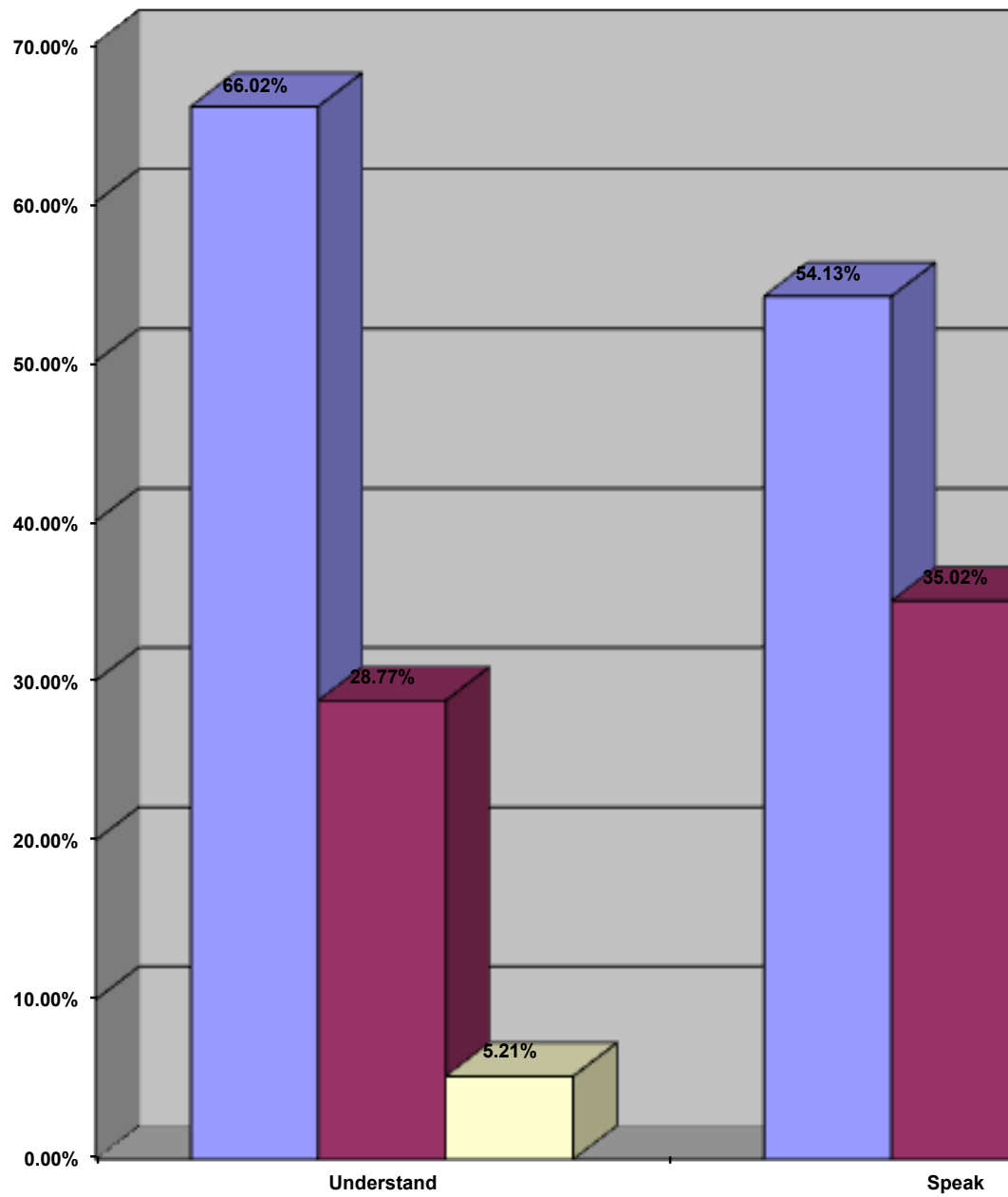
**56... The Committee of Experts encouraged the Spanish authorities to carry out surveys in cooperation with the speakers of regional or minority languages in order to have accurate updated data concerning the number of users of regional or minority languages and their geographic distribution.**

According to data provided by the Galician Institute of Statistics in its “*Survey of living conditions of families. Leisure and cultural habits, 2008*”, which addressed a study population aged 5 years and over and resident in the Autonomous Community of Galicia, of the almost 2,800,000 inhabitants of Galicia, 1,500,000 are habitual speakers of Galician, and another 500,000 use it as a second language. The habitual use of languages other than Galician and Castilian is limited to an extremely small minority of the population, estimated at little over 1%.

Moreover, around 50,000 people habitually speak Galician in Galician-speaking areas in the neighbouring autonomous communities of Asturias and of Castilla y León. In addition, important centres of Galician speakers are to be found in the migrant population of Galicia in other Autonomous Communities and Spanish cities (Madrid, Barcelona, the Basque Country and the Canary Islands), in Europe (Portugal, France, Switzerland, Germany, UK and Netherlands) and the Americas (Argentina, Chile, Uruguay, Brazil, Venezuela, Cuba, Mexico and the United States).

In regard to knowledge of Galician in Galicia, the levels of proficiency are shown below, distinguishing between oral comprehension (Understand), oral proficiency (Speak), reading proficiency (Read) and written proficiency (Write).

## Proficiency in Galician (%)





The General Secretariat for Language Policy (SXPL), within the Galician Ministry of Culture, Education and University Planning, is responsible for the promotion and teaching of Galician, together with the management, planning, coordination and execution of language policy of the Galician Government. Its fundamental goal is to promote the development and implementation of legislation arising from Article 5 of the Statute of Autonomy of Galicia. The evolution of the SXPL budget during the period in question is as follows: €15,572,633 in 2010, €9,251,115 in 2011, €8,135,514 in 2012 and €5,724,478 in 2013.

As can be seen, the SXPL budget has decreased, as the result of a significantly adverse economic environment, which has required the rationalisation of expenditure and the application of principles of effectiveness and efficiency, and procedures to optimise the use of available resources. The SXPL designed operational programmes for the period 2010-2013, all of which featured the activation of strategies involving agents of social co-responsibility in the normalisation of the Galician language.

The SXPL website provides legislative information concerning the Galician language, including full information on the Charter. This information can be found at: [http://www.xunta.es/linguagalega/lexislacion\\_0](http://www.xunta.es/linguagalega/lexislacion_0).

In addition, there exists a broad, diverse range of formally-constituted agencies and organisations that work for the protection and development of Galician in all areas of society. These bodies include the Galician Royal Academy, the Galician Language Institute, the Council for Galician Culture and many others. The Galician Government has requested information and ad hoc data from some of these agencies in developing the present report.

## **Legislative changes**

During the period in question the following rules and regulations relating to the Galician language were adopted:

- Decree 201/2011, of 13 October, regulating the use of Galician in the Internet presence of the General Administration of Galicia and of the public sector in this Autonomous Community.
- Act 2/2012, of 28 March, on general protection for consumers and users. Chapter VI (Arts. 45 and 46) and references throughout the text.

## **2. APPLICATION OF THE CONTENT OF THE CHARTER**

### **Article 8 – Education**

#### ***Paragraph 1***

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

***954. The Committee of Experts strongly urges the authorities to make available Galician-medium education.***

Legislation with respect to education, and specifically the presence of Galician in education, has varied since the last report, with the publication of Decree 330/2009, which regulates the curriculum for pre-school education in the Autonomous Community of Galicia, and with that of Decree 79/2010, on multilingualism in non-university education in Galicia (replacing Decree 124/2007 which regulated the use and promotion of Galician in the education system), and the

subsequent cancellation in 2012, by the High Court of Galicia, of paragraphs 5.2 and 12.3 of the latter Decree, the first of which directly affects pre-school education.

Article 15 of the above-mentioned decree 79/2010, of 20 May, on multilingualism in non-university education in Galicia, requires each school to constitute a task force (EDLG) to promote the use of Galician in schools.

To support the work of these EDLG, the SXPL publishes offers of support for projects to promote the use of Galician in non-university education in schools and colleges dependent on the Galician Ministry of Culture, Education and University Planning. Two such offers are published each year, one for public schools and one for private ones. The total budget for this action in the period 2010-2013 amounted to €1,441,300.

Language-promotion measures and activities related to the EDLG include aspects such as competitions, exhibition design and management, the provision of teaching materials and resources through the SXPL website, visits to schools and colleges, direct advice to EDLG coordinators and team members, technical support and telephone and online counselling to the teams and their members, collaboration with the media to publicise the benefits of EDLG activities, and collaborative work with the University of Santiago de Compostela, the Galician Language Institute and the University of Vigo.

**a)**

***i) to make available pre-school education in the relevant regional or minority languages;***

The outcome of these legislative changes, and most directly with respect to the publication of Decree 330/2009, is that in pre-school education teachers should use in the classroom the native language that is predominant among the children, although the other co-official language should also be introduced, gradually, in order to ensure that by the end of this stage of education, the children have a similar command of both languages.

The revocation of paragraph 5.2 of Decree 79/2010 means that the predominant language among students cannot be determined by the automatic transfer of data obtained from surveys of families regarding the mother tongue of the students. Instead, this should be a decision taken by the educational administration on the basis of parameters that will be established. Therefore, the school in question must take a decision taking into account both the data provided by the families and the information reported by sociolinguistic studies of the school's context within society. Furthermore, the other co-official language must be present in classes, in order to comply with the requirement that all students should acquire a similar mastery of both Galician and Castilian by the conclusion of pre-school education.

As concerns the practical application of this rule, according to a report published by the Education Inspection Department of the Galician Ministry of Culture, Education and University Planning, in 2012-2013, the predominant language among students was Galician in 46.6% of the classes for children aged 3-6 years, and Castilian in 53.4% of these classes.

According to Decree 79 /2010, to achieve multilingualism in non-university education in Galicia, up to one third of the timetable can be taught in a foreign language, but at present no such multilingualism exists in pre-school education. Thus, the vehicular languages for teaching children aged 3-6 years are Galician and Castilian (except in the foreign language class, which is timetabled to be taught 1 hour per week). For children aged 0-3 years, according to data issued by the Galician Consortium for Equality and Welfare Services, which groups over 80% of the schools comprising the *Galiña Azul* network, in 43.3% of the classes Galician is the majority language used, and in 56.5%, Castilian is predominant. In any case, in their individual interactions teachers are required to adapt their own speech to the children's native language, and the documentation and teaching materials are usually provided in Galician, regardless of the predominant language in the classroom.

The Galician Ministry of Culture and Education has launched programmes such as *Nós tamén creamos* [*We, too, create*] to encourage the presence of Galician in pre-school and primary schools, whatever the students' predominant language. These programmes include the provision of children's books in Galician, as well as training and advice for teachers enabling them to work with their students to create short animation films using a stop-motion technique, inspired by the books provided. Each year, 60 schools are selected to participate in *Nós tamén creamos*, and the selection criteria prioritise schools located in Castilian-speaking environments, as determined by the latest sociolinguistic data available. A budget of €44,912.42 was allocated to this project for 2012-2013, and next year the programme will become an annual event, its duration will be extended and it will be offered to a broader range of teachers.

In recent years, the Galician government has commemorated International Mother Language Day (established by UNESCO in 1999), with events in different schools to raise awareness among families about the importance of passing on knowledge of the Galician language to forthcoming generations.

**b)**  
***i) to make available primary education in the relevant regional or minority languages;***

The legislation currently in force in this respect is Decree 79/2010, on multilingualism in non-university teaching in Galicia (paragraphs 5.2 and 12.3 of this Decree were revoked in 2012 by the Galician High Court of Justice). Under paragraph 12.3, in the classroom or in the preparation of papers and exams for non-language subjects, students were allowed to use the co-official language of their choice, regardless of which language was stipulated for the provision of each subject according to the school's language regime. However, the Galician High Court of Justice ruled that, in general, students must use the language in which each subject is taught, in order to ensure language proficiency.

Decree 79/2010 states that Castilian must be used in the teaching of mathematics, and Galician in that of Knowledge of the Environment, which includes material relating to geography, history and natural sciences. For the rest of the non-language subjects, the aim is to achieve a balance between Galician and Castilian in the distribution of teaching hours. This target is largely achieved, according to a report by the Education Inspection Department for the year 2012-2013. This analysis was based on data for over 85% of Galician schools, and concluded that on average 50.9% of teaching hours were given in Galician, 47.5% in Castilian and 1.6% in a foreign language.

**c)**  
***i) to make available secondary education in the relevant regional or minority languages;***

**954. The Committee of Experts strongly urges the authorities to make available Galician-medium education.**

The above-mentioned legislative changes with respect to primary education also affect secondary education, which is equally subject to Decree 79/2010, together with the changes required by the Galician High Court of Justice.

In compulsory secondary education, the following subjects must be taught in Galician: social sciences, geography, history, natural sciences, biology and geology. Castilian must be used to teach mathematics, technology, physics and chemistry. In the remaining subjects, a balance between the languages should be established. This goal is largely achieved, according to a report by the Education Department for the year 2012-2013. According to this report, an analysis of over 90% of Galician schools shows that the average weekly schedule was as follows: 47.6% of teaching hours were given in Galician, 50.8% in Castilian and 1.5% in a foreign language.

In high school education, each school must determine in its own language regime for the subjects to be taught in Galician and in Castilian, such that a balance in the use of each language is established. According to data provided by the Education Inspection Department, 50.5% of class hours are taught in Galician, 49.4% in Castilian and 0.1% in a foreign language.

**d)**

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

The legislative changes outlined above also affect vocational education, which is governed by Decree 79/2010, which requires a balanced distribution of teaching hours for the two co-official languages to ensure the students are proficient in both. This balance should be stipulated in the school's language regime, which must be presented to the Education Inspection Department for monitoring. Moreover, in each technical training module the students must learn the specific vocabulary in both official languages.

**e)**

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

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

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

As noted in Spain's Third Report on compliance with the Charter, in Galicia there are three public universities, each of which has a Galician-language normalisation service and departments for Galician teaching and research. In both cases, the structure is permanent, with specialised personnel. In all three universities, the main language used must be Galician.

To plan and coordinate work in this field, the Inter-University Committee on Language Policy was set up, incorporating the three Galician universities, on 23 June 2009. The work of the Committee was focused on the need to combat preconceived ideas so that Galician might be used in a normal way, facilitating its use as a language of culture and also as a language to be used in teaching and research. Other goals stipulated were to achieve savings in human and material resources, and to coordinate and inter-communicate places, spaces and services. One of the Committee's most important activities was to promote the campaign "*Scientists work in Galician, too*" (<http://www.engalegotamensefaiciencia.eu/>), which was implemented by the language normalisation areas and by the audiovisual services of the three universities.

The research study "Science in Galician" was conducted in 2012 to examine the impact of the use of Galician in teaching, according to Galician and State administrations. The aim of this study was to draft and present proposals for change and for a broader objective recognition of the use of the Galician language in universities. €1,323,026 was assigned to agreements and contracts with the three Galician universities for training, research and promotion and development of the Galician language for the period 2010-2013.

### **University of A Coruña**

During 2012, eleven departments conducted activities that were evaluated by the Monitoring Committee as part of the university's language normalisation plan.

In 2013, the Language Normalisation Committees continued to support departments at the university, which made various funding requests for activities to promote Galician. These departments also helped publicise the activities of the Language Normalisation Service (LNS). Twelve schools applied for funding in 2013, and to date nine of them have convened or conducted a related activity, in conjunction with the LNS. Within the university, this service has carried out various activities in 2010-2013, including advisory work, training and promotion, as well as the production of publications and other language resources.

### **University of Santiago de Compostela**

Although the University has not yet published reports in this respect for the period 2010-2013, the information available can be found on its website: <http://www.usc.es/gl/servizos/snl/>.

### **University of Vigo**

The Language Normalisation Service of this University also carries out advisory work, training and promotion, as well as the production of publications and other language resources.

### **Teaching in Galician at universities outside Galicia**

Galician is currently studied in 37 universities, and 29 of these have lecturers working in Centres for Galician Studies, teaching subjects related to the Galician language, adapted to the needs of students in each university (historical grammar, conversation courses, language and civilization courses, etc.). In addition, numerous other activities related to the Galician language and, in general, to Galician culture, complement university study programmes.

During the period 2010-2013, Galician was taught in university faculties and Galician study centres in the following countries: Germany, Argentina, Brazil, Chile, Croatia, Cuba, Spain, USA, Finland, France, Hungary, Italy, Ireland, Mexico, Poland, Portugal, United Kingdom, Russia and Uruguay.

The Spanish universities in question were those of Alicante, the Autónoma in Barcelona, the University of Barcelona, Deusto, Extremadura, Granada, the Complutense in Madrid, Murcia, Salamanca and the University of the Basque Country.

### **Other modes of higher education**

This sub-section includes the annual summer courses in Galician Language and Culture for Foreigners, presented under an agreement signed between the Galician Language Institute and the Galician Royal Academy. In addition, grants are provided for foreign graduates in research projects undertaken at the Ramón Piñeiro Centre for Humanities Research, supervised by the General Secretariat for Language Policy.

**f)**

- i) to arrange for the provision of adult and continuing education courses which are taught mainly or wholly in the regional or minority languages; or***
- ii) to offer such languages as subjects of adult and continuing education; or***
- iii) if the public authorities have no direct competence in the field of adult education, to favour and/or encourage the offering of such languages as subjects of adult and continuing education;***

As noted in Spain's Third Report on compliance with the Charter, linguistic competence in Galician is certified by CELGA (a language certification system created in accordance with the Common European Framework of Reference for Languages), which is administered by the Galician Ministry of Education.

The General Secretariat for Language Policy (SXPL) organises annual tests for each level of language proficiency. In addition, to promote knowledge of Galician and competence in its use (both to prepare for the proficiency tests and for general language instruction), the SXPL organizes Galician study courses, which are held annually. The SXPL organised 106 such courses in 2010 (6,030 students), 152 in 2011 (4,560 students), 126 in 2012 (3,780 students),

and 121 in 2013 (3,630 students). During the same period, the SXPL also organised other types of adult education, such as courses for people living outside Galicia who are interested in studying the language (6 courses in 2010, with 180 students, and 3 in 2011 with 90 students) and refresher courses for teachers engaged in the online provision of special language courses (1 course in 2010, 2 in 2011 and 1 in 2012). It also conducted a training meeting for grant recipients (33 students) who teach outside Galicia, to update teaching techniques and to provide training on specific topics and also to facilitate communication links among them for better understanding and the exchange of experiences.

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

The stated goals of the study plans currently in force, set out in Decrees 330/2009 (pre-school education), 130/2007 (primary education), 133/2007 (compulsory secondary education) and 126/2008 (high school education), include knowledge of Galician language and literature and of the students' natural, social and cultural environment, with special attention to the unique features of Galicia. These goals are required to be achieved by means of the different class subjects offered at each stage of the education process, as follows.

In pre-school education, fundamentally in terms of the personal environment and languages (communication and representation).

In primary education, particularly in the subjects of Galician language and literature and environmental awareness.

In compulsory secondary education (ESO), in the subjects of Galician language and literature, social sciences, geography and history (in the four years of ESO), the first and second foreign language, Latin, classical culture, history and culture of religions, visual and plastic arts and music. Furthermore, although not exactly corresponding to the culture of Galicia, the students also study the Statute of Autonomy (in the citizenship classes), geology and the major ecosystems and protected areas of Galicia (in the natural sciences class).

In high school, although almost all subjects place a special emphasis on aspects relevant to the reality of Galicia, the most direct focus in this respect concerns Galician history and culture, which are studied in various subjects, including Galician language and literature, Spanish history, the history of philosophy, the history of art, geography, 20th century Galician literature, and the history of music and dance and the performing arts.

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

The situation with regard to vocational education was addressed in Spain's Third Report on compliance with the Charter. Regarding continuing education, Decree 79/2010 of 20 May on multilingualism in non-university education in Galicia stated that "education staff admitted through selective admission procedures who teach subjects regulated by Organic Act 2/ 2006 of 3 May, on Education, shall, during their practical training, take a specific course in terminology, styles, languages appropriate to the subject and sociolinguistic aspects, enabling them to perform their functions and duties appropriately in Galician".

In order to comply with the objective set out in the above-mentioned Decree, the Teacher Training Service organises, after each phase of selective entry examinations, a Galician-language course for trainee teachers. In the period 2010-2011, 43 such courses were held: 27 in 2010-11 and 8 in each of the following periods, 2011-2012 and 2012-2013.

In addition, in the period 2010-2013, various continuing education courses were given to teachers, to reinforce their skills both in Galician language and in other aspects of their professional performance, including courses on linguistic communicative competence and the teaching of language and literature using new technologies.

In this respect, too, refresher courses are provided for teachers collaborating in the provision of online language courses, and a training meeting is provided by the SXPL for trainee teachers working outside Galicia, to update their knowledge of teaching practice and of specific issues.

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

***964. ... The Committee of Experts urges the authorities to provide information on this undertaking in the next periodical report.***

The education inspection service of the competent Galician Ministry in this area is responsible for the inspection of all schools, services, programmes and activities that constitute the education system in Galicia, both publicly owned and private, at all levels, in order to ensure compliance with the education laws, to contribute to improving the education system and the quality of education and to ensure enjoyment of the rights and the observance of the obligations of everybody involved in teaching and learning.

For the year 2012-2013, the computer management program for schools, *Xade*, was equipped with specific data-entry fields for information to be recorded on the use of the Galician language.

## ***Paragraph 2***

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

In this respect, the following collaborative activities are relevant:

With Catalonia: the Galauda Project promotes the teaching of Galician language and culture in secondary schools in Catalonia. In addition to classroom activities, the schools participating in this project also organise group visits to emblematic sites of Galician culture in Barcelona, such as the Sargadelos Gallery, the University of Barcelona and the Galician Centre. They also participate in activities organised in Barcelona, such as the Comic Fair, or competitions such as Mediterranean Tales (*Cuentos en el Mediterráneo*). The students round off the school year with a trip to Galicia.

With Castilla y León: the education departments of the governments of Galicia and of Castilla y León have agreed a framework of collaboration to incorporate Galician into study plans in primary and secondary education. Under this protocol, primary school students who wish to do so can study the subjects of natural, social and cultural environment or arts education in Galician, one hour a week, with the same subject content as is given to the students studying exclusively in Castilian, and in secondary education the subject of social sciences can be studied in Galician throughout ESO, also with the same subject content as for the students studying in Castilian. In addition, Galician language and culture is offered as an optional subject in the 4th year of ESO and in the first and second years of high school. Moreover, school trips are organised to visit the region of Bierzo in Galicia, to familiarise students with different towns and cities and to enable them to visit the main centres of culture and heritage.

With the UK, Argentina and Venezuela: The Galician government has a permanent collaboration agreement with the schools Cañada Blanch in London, Santiago Apóstol in Buenos Aires and Castelao in Caracas, so that the Galician language can be studied in these cities.

## Article 9 – Justice

### Recommendations of the Committee of Ministers of the Council of Europe

1. Amend the legal framework with a view to making it clear that the criminal, civil and administrative judicial authorities in the autonomous communities will conduct the proceedings in co-official languages at the request of one party.
2. Take the necessary legal and practical measures to ensure that an adequate proportion of the judicial staff posted in the autonomous communities concerned by the application of Article 9 of the Charter have a working knowledge of the relevant languages.

**974. -The Committee of Experts urges the Spanish authorities to take the necessary measures to increase the proportion of judicial staff in Galicia, at all levels and particularly among judges and prosecutors, who are able to use Galician as a working language in courts.**

Please see the general information, non-specific information to the Autonomous Community, provided with respect to Article 9 of the Charter, and with respect to Recommendations 1 and 2 of the Committee of Ministers, in the section of this report on Catalan in Catalonia.

### Actions taken by the Galician Government

The Justice Department of the Galician Government, in collaboration with SXPL, is responsible for promoting the use of Galician in the administration of justice. Both organisations are working to equip the judicial and jurisdictional system in Galicia with the tools and resources needed to facilitate and enhance the protection of the language rights of the general public and of justice system staff in Galicia, and to increase the level of use of the Galician language in the judicial field.

The major actions carried out in this respect include the following:

- The development and print publication of the Galician Legal Dictionary. The Dictionary also has an online version, accessible on the Government's intranet for all public sector staff, including those in the administration of justice. Also available are other language tools, such as the Galgo spellchecker and automatic translators of language pairs.



- Collaboration with the activities of the Galician Legal Brotherhood (*Hermandad Jurídica Gallega*).
- Cooperation in the annual publication of the Galician Law Review (*Rexurga*).
- Since 2006, an agreement has been in force with the State Prosecutor's Office to enhance and promote the use of Galician in the area subject to the Prosecutor's Office of the High Court of Justice of Galicia.
- Collaboration with the School of Legal Practice and the Law Society of Santiago, including the organisation of the Justice and Language Day.
- Collaboration with the University of Santiago in publishing a glossary of essential terms in civil law.
- The development of a code of Galician civil law by the Ramón Piñeiro Language Research Centre in collaboration with the Parliament of Galicia.
- Collaboration, through an agreement between the Ministry of the Presidency and the Official State Gazette, to produce an edition in Galician of regulatory rules and codes.
- The performance of activities to extend the use of Galician among justice department personnel in Galicia.
- The existence of language teams in the High Court of Justice of Galicia, in the provincial courts of Lugo, Ourense and Pontevedra, in the Directorate General of Justice and in the offices of the Deans of Santiago and Vigo.
- The creation of the Justice Portal in Galicia ([www.exustiza.es](http://www.exustiza.es)) as a public information channel in Galician and Castilian, which increases accessibility to the justice system through new means of access, information services and streamlined channels of communication and dialogue. It includes information for the public, government employees and legal professionals about rights, types of procedures and the regulations applicable. This website enables court forms to be generated online in PDF format or downloaded.
- Since late 2011, the external website of the Directorate General of Justice has provided e-forms in Galician for payment procedures and documents for presentation to the Civil Registry. The legal regulations are also available in electronic format. Information and forms for the Registry of Partnerships can also be obtained in Galician, together with the full body of regulations of the Civil Law of Galicia.
- The Galician Government has fully implemented the MINERVA NOX software application, which is part of the programme of new technologies in the justice system.

The Galician Government, in the exercise of its powers regarding the provision of personal, material and financial resources necessary for the functioning of the administration of justice throughout its territory, is responsible for the initial and continuing training of officials in the justice system. This training is conducted by the Galician School of Public Administration. As the result of collaboration between the latter and the SXPL, a total of 40 courses in Galician legal language, eight of which were provided online, were taught during the period 2010-2013.

**Paragraph 2. The Parties undertake:**

- a) ***not to deny the validity of legal documents drawn up within the State solely because they are drafted in a regional or minority language.***

Please see the general information, non-specific to the Autonomous Community, provided with respect to Paragraph 2.a) of Article 9 of the Charter, in the section of this report on Catalan in Catalonia.

## Article 10 – Administrative authorities and public services

### **Paragraph 1**

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

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

Information concerning Paragraph 1 of this article in the Charter is given in point II.B) of the present report by Spain.

### **Paragraph 2**

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

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

## **Local Administration**

One of the most significant developments in the promotion of the use of Galician in public administrations in Galicia during the period 2010-2013 was the launch, in October 2011, of the Language Revitalisation Network, a voluntary association linked to the Regional Ministry of Culture, Education and University Planning through the General Secretariat for Linguistic Policy, whose main objectives are to promote the coordination of actions in the field of language revitalisation and to increase the effectiveness of these actions in the field of local government.

By July 2013, this Network was composed of 153 local authorities, together with the Provincial Councils of A Coruña, Pontevedra and Ourense, working in coordination and cooperation with other organisations. This online resource will constitute a major priority for the SXPL in the years to come, enabling continuing dialogue on language issues between local and regional authorities. The budget for the Network's activities during the period 2010-2013 amounted to €205,676.90 (€3,740.03 in 2010, €62,045.83 in 2011, €69,031.42 in 2012 and €70,859.62 in 2013).

In addition to the above, a grant-funding facility has been provided to local authorities in Galicia to promote the use of the Galician language. The aim of this facility is to foster the provision of a language service, either through its creation or via the maintenance or strengthening of existing services, and to promote the planning and development of programmes for the promotion and revitalisation of Galician in municipalities or municipal associations with over 3,000 inhabitants. To do this, the facility was assigned a budget of €602,668.00 in 2010, €420,000.00 in 2011, €520,000.00 in 2012 and €400,000.00 in 2013.

## **Access to public employment and training**

Article 35 of Act 2/ 2009 of 23 June, on the public sector in Galicia, refers to the accreditation of knowledge of Galician in entrance examinations to public service in Galicia. The selective examinations held for access to employment in the administration of the Autonomous Community of Galicia and local authorities in Galicia must include a test of proficiency in Galician, except for candidates who accredit prior knowledge of Galician in accordance with

the regulations currently in force. The rules for the examinations set out the nature of all tests and stipulate how they are to be assessed. In addition, some tests must be completed in Galician for posts that require special knowledge of the Galician language.

The SXPL organises annual training courses in Galician administrative language, for personnel in different areas of public administration. These courses were designed in collaboration with the Galician School of Public Administration (EGAP), the Official Language Schools, the National Institute of Public Administration (INAP) and the Directorate General for Justice. A total of 11,340 public-sector employees participated in these courses during the period 2010-2013.

### **Paragraph 3**

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

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

### **Recommendation of the Committee of Ministers of the Council of Europe**

#### **4. Ensure the presence of all regional or minority languages in State public services**

### **Paragraph 4**

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

- a) translation or interpretation as may be required;***

Information concerning Paragraphs 1, 3 and 4 of Article 10, as regards the administration of the State, is given in point II.B) of the present report by Spain.

## **Article 11 – Media**

### **Paragraph 1**

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

- a) to the extent that radio and television carry out a public service mission:***

- ii) to ensure the creation of at least one radio station and one television channel in the regional or minority languages;***

According to Act 3/1983 of 15 June on linguistic normalisation in Galicia, the Galician language should be the standard language used in radio, television and other media managed by the institutions of the Autonomous Community or within their area of competence. The Act also states that the Galician Government should provide financial and material support to media that are not dependent on the Government for them to utilise Galician, and should promote the production, dubbing, subtitling and exhibition in Galician of films and other audiovisual media.

In accordance with these provisions, Act 9/1984 of 11 July, provides for the creation of the Galician Radio and Television Corporation (CRTVG), to perform “the public service mission of promoting, disseminating and furthering the Galician language”. Therefore, Galicia has a public enterprise that is responsible for the direct management of public broadcasting services under the authority of the Autonomous Community of Galicia.

According to its report on corporate social responsibility (through the UN Global Compact for 2011), the CRTVG, through its four TV channels (two terrestrial and two satellite) and three radio channels (two analogue and digital and one that is exclusively analogue), transmits 61,000 hours annually in Galician, of which 5,700 are cultural and information programmes, 2,600 are for children and 10,700 hours are newscasts. In addition, the CRTVG website, <http://www.crtvg.es/> can be considered a fifth channel, as it continuously provides content in Galician.

**b)**

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

***1015. The Committee of Experts again asks the authorities to provide specific information on this undertaking in the next periodical report.***

**c)**

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

***1018. The Committee of Experts again asks the authorities to provide specific information on this undertaking in the next periodical report.***

A recent and very noteworthy occurrence is the proliferation of local media, both public and private, that utilise Galician as the normal language of communication or introduce it as such. These media have large audiences in their own areas and their coverage has become increasingly important because of the proximity of the information provided. These media include Radio Fene, Radio Estrada, Radio Oleiros, Canal Rías Baixas TV, Correo TV and Santiago TV.

***ii) to encourage and/or facilitate the broadcasting of television programmes in the regional or minority languages on a regular basis;***

In this respect, online television programmes have been launched, such as “Galician Language in Society” and “Language, camera and action”, accessible on the linguagalega.tv channel ([www.linguagalega.tv](http://www.linguagalega.tv)), and 50 programmes on current international issues, each with a duration of 4-5 minutes, are made available on the IGADIT channel.

TVG has broadcast 230 new episodes of the programme “*Ben falado*” (Well said!), a mini-space that informs and educates, and brings viewers closer to everyday situations using the Galician language. This programme has a market share of 18%.

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

***1021. ... The Committee of Experts asks the authorities to comment on this undertaking in the next periodical report.***

The films and series shown by Galician TV are all dubbed into Galician. Audience ratings confirm that the films are dubbed into Galician are as popular among viewers as the same films dubbed into Castilian. Annual spending on dubbing into Galician is €3.3 million.

As concerns broadcast media that are not dependent on the Galician Government, regional disconnections by Spanish National Television and Radio (RTVE) are mainly transmitted in the Galician language, with the collaboration of a team of linguists to ensure the quality of the texts that are produced.

e)

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

***1026. The Committee of Experts is concerned about the negative development with regard to this undertaking and asks the authorities to provide information in the next periodical report.***

The digital newspaper format has enabled publishers which provide content exclusively or mainly in Galician to exchange the paper format for a major online presence. This is the case of *Galicia Hoxe* (<http://www.galiciahoxe.com/>) *Xornal de Galicia* (<http://xornalgalicia.com/>) and others which, from the outset, are increasingly opting for the digital medium as a means of expansion. The latter group includes *Galicia Confidencial* (<http://www.galiciaconfidencial.com/>), which has a daily readership of 6,000, *Noticieirol Galego* ([www.noticieirogalego.com](http://www.noticieirogalego.com)) and *Praza Pública* (<http://praza.com/>), among many others. Currently, a large number of titles are published entirely in Galician.

Moreover, most publications with a significant presence in paper format also have a digital version in Galician, thanks to automatic translators used on their websites. This is the case of *La Voz de Galicia* (<http://www.lavozdeg Galicia.es/?idioma=galego>) *Faro de Vigo* (<http://galego.farodevigo.es/>) and *El Progreso* (<http://elprogreso.galiciae.com/?lang=gl>).

Another aspect of interest is the question of the news agencies, which provide daily information to many media outlets and press offices, performing a strategic role which facilitates the introduction of news items in Galician in the other media. The General Secretariat for Language Policy has signed collaboration agreements with the agencies that provide the largest volumes of information, i.e., *Europa Press Comunicación SA*, *Agencia Efe SA* and *Axencia Galega de Noticias*.

The first Galician Press Association was formed in 2013. This associative body was created in order to promote, coordinate and strengthen the presence of media written entirely in Galician.

f)

***i) to cover the additional costs of those media which use regional or minority languages, wherever the law provides for financial assistance in general for the media; or***

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

The departments of the Galician Government with responsibilities for Media and Language Policy have been working for two decades to implement public policies and measures aimed at enhancing the use of Galician in the private media, through two lines of assistance: on the one hand, an awards programme for journalism and broadcasting companies, prioritising the percentage of publications and information aimed at normalising and disseminating the language, identity and culture of Galicia; and on the other, a line of financial support provided

exclusively for companies that publish periodicals written entirely in Galician, in order to facilitate the expansion of Galician language and culture in journalism.

By media type, during the period analysed, the financial assistance provided by the Galician Government for the purpose of promoting Galician was distributed as follows: €4,069,142.57 for newspapers, €813,417.28 for radio, €254,472.43 for internet and €1,405,754.72 for magazines.

Evidently, a major effort has been made to increase the presence of Galician in the media, in both paper and digital formats, and as well as radio and specialised press outlets.

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

### **Paragraph 1**

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

***a) to encourage types of expression and initiative specific to regional or minority languages and foster the different means of access to works produced in these languages;***

Article 25 of Act 3/1983 of 15 June on linguistic normalisation states that the Galician government should promote the standardisation of the use of Galician in commercial, advertising, cultural, social, sports and other activities.

The Government of Galicia, and in particular its Ministry of Culture, Education and University Planning, supports the cultural activities of different organisations and institutions in its territory which involve the promotion of the use of the Galician language. For this purpose, it has established appropriate partnership agreements, financial aid and other forms of assistance. This work to promote the presence of Galician is assisted by the SXPL and the General Secretariat for Culture. To date, the financial contributions of these two bodies to projects of this nature amount to €1,004,923.23 (€298,498.23 in 2010 and €235,475 in each of the years 2011, 2012 and 2013).

During the period 2006-2008, the 18 principal companies working in Galician in the performing arts received from the Galician Government a total of €3,669,391.16, and in the period 2009-2012 they received €5,312,398.

The Galician Agency for Cultural Industries (AGADIC) forms part of the General Secretariat for Culture (SGC), and much of its extensive production is in Galician. AGADIC is directly responsible for the management of three important channels of theatrical and musical distribution, in collaboration with numerous local authorities and private entities throughout Galicia. The Galician Network of Theatres and Auditoriums, the Galician Network of Concert Halls, the Galician Network of Live Music and the Cultural Routes circuit jointly ensure stability in the scheduling of shows and concerts with a Galician accent, while contributing to providing a broad-based, plural and open body of cultural activities, in terms both of its content and of its geographic decentralisation. As an example of the contribution by AGADIC to the promotion of Galician, it offered grants in 2011 for the development and promotion of audiovisual talent in Galician.

Another part of the SGC is the cultural complex “Culture City”, which manages eight museums, throughout Galicia, in which all the information provided appears at least in Galician.

## **The promotion and dissemination of literature written in Galician**

A good example of the vigour of the Galician language is provided by the Calvet language barometer (2012) (<http://wikilf.culture.fr/barometre2012/index.php>), which weights the degree of internet penetration, among other variables. In this respect, Galician ranks 49th in a list of 563 languages analysed.

Another relevant indicator is in the field of book publishing. According to data provided by the Galician Association of Publishers, 73.6% of the titles published in 2011 were in Galician, an increase of 1.3% compared to the previous year. In 2011, Galician publishers sold 1,949,256 copies in Galician, accounting for 16.1% of the total market in Galicia.

As regards support for major projects by Galician publishers, over €700,000 have been invested in grants to support the promotion, production and publication of books in Galician by leading publishers.

This important work also includes campaigns to promote reading, through activities such as the *Bocaberta* campaign organized by the SXPL to promote the use of Galician by children and young people, through a series of activities related to the use of language in play. This campaign had a total budget of €864,340.68 for activities carried out in 2010-2011.

In the *Living Letters* programme, numerous activities in Galician have been organised in 128 libraries. During its four years' activity, the programme has been assigned €154,000 to encourage reading and to support literary creators working in the language of Galicia. In addition, financial support is given for the award of prizes in major literary competitions.

Another important novelty in this field during the period 2010-2013 has been the emergence of numerous resources in the field of new technologies, including language resources (online translators and dictionaries, etc.), applications for mobile devices, the translation into Galician systems of the interfaces of operative systems for fixed and mobile devices, the use of social sites such as Tuenti, Facebook and Twitter, and the creation of a portal for its own social network – *Redeiras* – by the Galician Ministry of Culture, Education and University Planning.

## **Support for cultural activities for children and young people**

Children and young people are among the main areas of attention for policies promoting the use of Galician. For this purpose, various programmes and activities were designed and implemented during the period 2010-2013, for example, the programme *Axóuxeres* (Rattles), which is aimed at babies aged 0-3 years and their families. The investment in this programme was €805,889.23 for the period 2010-2013.

*FalaRedes!* ([http://www.xunta.es/linguagalega/falaredes\\_2013](http://www.xunta.es/linguagalega/falaredes_2013)) is a language promotion programme offered by the SXPL in 2012 and 2013, comprising activities for young people (cinema, storytelling, arts and music workshops, concerts, musicals and theatre), offered in municipalities that are part of the language promotion network. In 2012 and 2013, the budget for these activities was €142,474.49.

Among other initiatives are *El Gallego Acampa* (*Galician Camp*) ([http://www.xunta.es/linguagalega/o\\_galego\\_campa](http://www.xunta.es/linguagalega/o_galego_campa)), a training plan for summer-camp monitors, in which €13,924.11 was invested in 2010-2012, and the campaign “Another thousand festivals for the Galician language” to support the planning and performance of village festivals in Galician (this campaign is aimed at committees and others involved in organising these festivals).

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

In 2012, *Galician Literature* (<http://www.galicianliterature.com/>), the first internet portal on Galician literature in English, was launched. In addition, a catalogue of children's books in Galician (*Galician Books for Children & Young People*) has been published, together with the collection *Galician Classics*, providing foreign-language versions of outstanding works of Galician literature by authors such as Rosalía de Castro, Álvaro Cunqueiro, Celso Emilio Ferreiro, Lois Pereiro and María Reimóndez in English, Italian, French, Russian and Bengali. Furthermore, the first two anthologies of Galician literature in English have been published: *Bilingual Anthology of Galician Literature 1196-1981*, by Jonathan Dunne, and *Breogán's Lighthouse: An Anthology of Galician Literature*.

The portal *Galiciana*, which forms part of *Europeana*, enables 3,642 works, with over 1.2 million digitised pages, to be consulted, read and downloaded. In addition, Galicia has been invited to join the World Digital Library, an international project sponsored by UNESCO (particularly aimed at non-English speaking cultures).

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

### **Cultural entities directly related with the Galician language**

As noted in the Third Report by Spain on compliance with the Charter, the following cultural bodies are directly related to the Galician language.

The Ramón Piñeiro Centre for Research in the Humanities has published over 150 books (all in Galician) since its inception.

The *Instituto da Lingua Galega* (Galician Language Institute), a university linguistic research centre was established in 1971 by the University of Santiago de Compostela, in order to promote the cultivation and normalisation of Galician and to further synchronic and diachronic research in this respect. The Galician government has co-financed some of its projects, including the Oral Archive of Galician Language, which was presented in June 2011. A budget of €548,523 has been assigned to this project (€156,688 in 2010, €130,000 in 2011, €139,945 in 2012 and €121,890 in 2013).

The Galician Royal Academy (RAG) is responsible for determining Galician language policy and also takes the final decisions on questions of Galician terminology, through its agency Termigal, which has been working for 10 years under an agreement between RAG and the Galician Government. RAG receives annual funding of €550,000 from the Galician Government, for programmes such as the RAG Dictionary, the largest and most innovative work of lexicography produced to date by this institution, which is called upon to define and legitimise the lexicon of Galician (<http://www.realacademiagalega.org/diccionario/#Inicio.do>). The Council for Galician Culture (CCG), in addition to its functions as an advisory body, conducts research in different fields of culture (language, communication, history, art, etc.) coordinated by respective committees. A new initiative by the Council is *Lingua en Titulares* (Language in Headlines) (<http://diario.consellodacultura.org/gl/>), a digital newspaper on issues concerning the Galician language, which compiles information from social networks and a wide range of electronic media. For this action, the Galician Government contributed €146,500.00 in the period 2010-2013. The CCG also hosts the Galician Centre for Sociolinguistic Documentation, whose main objective is to participate in the normalisation of the Galician language, facilitating the exchange and dissemination of materials generated in



this process and creating forums for debate and reflection about language planning in Galicia (<http://consellodacultura.org/cdsg/>).

**1038. The Committee of Experts ... urges the authorities to provide information in the next evaluation round on audio, audiovisual and other works in Galician.**

Increasing numbers of feature films are being made in Galician, and many achieve box-office success. Proof of this are productions such as "*Pradolongo*", "*Vilamor*" and the output of the emerging animation industry in Galicia, such as "*El Apóstol*" (The Apostle). All of these have received funding from the Galician Government and from other public and private institutions.

In collaboration with the General Secretariat for Language Policy, a project is being undertaken based on "*Dragal*", the highly successful trilogy of novels for young teenagers.

Another project planned for the period 2013-2015 is the film "*A Esmorga*", a major production with an estimated budget of €2,249,369. Of this capital, Galician public entities will contribute €1,959,369.

***h) if necessary, to create and/or promote and finance translation and terminological research services, particularly with a view to maintaining and developing appropriate administrative, commercial, economic, social, technical or legal terminology in each regional or minority language.***

### **The development of organisations for translation and terminological research**

The Linguistic Advisory Division, a unit attached to the SXPL, was created in 1999. Among the functions carried out by its personnel are the administration of proficiency tests in Galician, advisory language support, processing requests for Galician-Castilian translations, considering applications for translation into Castilian of certificates issued in Galician that produce administrative effects in other regions, considering applications for certificates of professional competence to provide sworn translation and interpretation services from other languages into Galician and vice versa, and maintaining the Official Registry of Professional Translators and Interpreters.

Furthermore, in collaboration with the General Secretariat for the Media, which is part of the Ministry of the Presidency of the Galician Government, this body monitors Galician publications, both print and online, by organisations that have requested funding for the promotion of Galician, in order to ensure the linguistic quality of these publications and their accordance with the rules for receiving funding. It also assesses and monitors the linguistic quality of teaching materials and textbooks in Galician produced by publishers who apply for SXPL grants awarded annually for this purpose.

Finally, the above-mentioned *Termigal* (Galician Terminology Service) coordinates terminological activities relating to the Galician language, promotes and implements the development of terminological resources, ensures their availability and promotes the development of language engineering products related to terminology. It is also responsible for reviewing terminology products created by third parties, including lexicons and glossaries, to ensure that the terms that are catalogued meet the necessary criteria of accuracy and precision.

### **Paragraph 2**

***In respect of territories other than those in which the regional or minority languages are traditionally used, the Parties undertake, if the number of users of a regional or***

***minority language justifies it, to allow, encourage and/or provide appropriate cultural activities and facilities in accordance with the preceding paragraph.***

***1041. The Committee of Experts ... urges the authorities to provide the relevant information in their next periodical report.***

In the area of formal education, in accordance with the information provided in this respect concerning Article 8, Paragraph 2 of the Charter:

- In Catalonia, education in the Galician language is provided through the *Galauda* project: four high schools offer Galician as a second or third language, and an annual linguistic and cultural immersion in Galician is offered for 80 students and their teachers.
- Education in Galician in Castilla y León has expanded from 156 students in pre-school and primary schools in 2001 to almost 1,000 students last year, and the number of these schools offering the possibility of studying in Galician has quadrupled.
- The Galician Government participated in the Collaboration Protocol signed with Catalonia, the Basque Country and the Balearic Islands (Mallorca), as a result of which various activities were conducted in 2012.

### ***Paragraph 3***

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

During the period 2010-2013, important advances were made in the provision and dissemination of Galician language and culture outside Galicia. First, in the area of university studies, through the network of Galician study centres supported by the SXPL (see the information provided above regarding the teaching of Galician in universities outside Galicia).

In addition, at the Madrid headquarters of the Iberian Language Area, within the Cervantes Institute, the SXPL organises four annual courses in Galician, in which 240 people participated during the above-mentioned period.

In 2011, the 3rd Festival of Minority Peoples was held in the Aosta Valley, at which Galicia presented its language and culture, as the guest of honour.

The International Poetry Translation Workshop “*Con barqueira e remador*” was held in 2012 and 2013, with the participation of seven well-known poets from other European linguistic communities, and in which the protagonists were the languages of Galicia, Finland, Croatia, Russia, Catalonia, Iceland and Slovenia.

The SXPL directed the project “Cultures and Languages on the Route”, which also involved government, university and academic institutions from Occitania, Brittany, Germany, Navarre and Aragon. This project examined multilingualism and multiculturalism in Europe by reference to Europe’s main cultural axis, the Way of St James.

Continuing dialogue and collaboration with various institutions outside Galicia has also contributed significantly to disseminating Galician language and culture abroad and to raising its international profile. In this respect, thus:

- The SXPL, as a founding member, is part of the Network To Promote Linguistic Diversity and is directly involved in the initiatives of this European associative network for the promotion of linguistic diversity, which held its executive committee meeting in Santiago de Compostela in 2012.

- Since 2005, the SXPL has been a member of the Association of Language Testers in Europe, a benchmark for language learning and for the production of standard examination models to certify language skills.

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

### **Paragraph 1**

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

***a) to eliminate from their legislation any provision prohibiting or limiting without justifiable reasons the use of regional or minority languages in documents relating to economic or social life, particularly contracts of employment, and in technical documents such as instructions for the use of products or installations;***

According to data provided by the Galician Labour Relations Board for the year 2011, 15.97% of the labour agreements signed this year, affecting 26,136 workers, contained clauses referring to the use of Galician. Of these agreements, two were sector-wide (representing 7.69% of the sector-wide agreements), affecting 20,920 workers (17.02%), and 17 were company-specific (representing 18.28% of the company-specific agreements), affecting 5,216 workers (37.37%). The content of the clauses was detailed in Spain's third report of compliance with the Charter.

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

During the period 2010-2013, the SXPL implemented an extensive, dynamic policy to promote and extend the Galician language throughout economic and social life, drawing on a far-reaching network of associations, organisations and companies whose purpose or involvement includes the expansion of the use of the Galician language in the region as a whole. In this respect, numerous cooperation agreements have been signed in diverse areas, involving companies, entrepreneurs (among others, the Entrepreneurs' Confederation of Galicia), trades unions, religions (the Catholic Church and several dioceses), universities, institutions, associations (among others, the National Organisation for the Blind, ONCE), foundations and the media.

As regards the labelling of products of Galicia, as well as what was pointed out in Spain's third report of compliance with the Charter, let us note that in Galicia there are now numerous local products (wine, honey, etc.) that are labelled only in Galician. Most industrial products are labelled exclusively in Castilian. Some large distributors operating in Galicia label their own-brand products in all co-official languages, and in 2012-13 their storefronts in this Autonomous Community were designated in Galician only, and their newsletters and annual reports were published exclusively in Galician.

In recent years, some food distribution firms have used Galician as a form of publicity, although others use it habitually in their signs and communication.

Moreover, associations have been created with the purpose of extending the use of Galician in the fields of business or healthcare.

Galician is also the basic language (together with Castilian) of the Entrepreneurs Confederation of Galicia, which is comprised of business associations from the four provinces of Galicia. In addition, most trade associations and local entrepreneurs use Galician as their fundamental language and as a sign of local identity.

Galician is also used widely in the catering industry and in the marketing of leisure products and entertainment.

**Paragraph 2**

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

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

Slowly but surely, Galician is being incorporated into financial and banking documents. The Galician-language option is activated in most ATMs and in some cases is activated automatically when the card is inserted, if the client has previously stipulated this preference. In general, advertising and signage have long been conducted in Galician or bilingually.

With respect to the use of Galician in mortgage deeds, notaries and registries are required to conduct their procedures and registrations in Galician, at no additional cost and without added delay in the completion of administrative acts.

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

Article 25 of Act 3/1983 of 15 June on linguistic normalisation stipulates that the Galician Government and the local authorities responsible to it must promote the use of Galician in commerce, advertising, culture, associations, sport and other activities. To this end, and for specific acts, exemptions from tax obligations, or reductions in this respect, may be allowed. Moreover, grants may be made to private companies, professional associations, business associations, chambers of commerce and nonprofit organisations and associations to promote the use of Galician.

This year, the agreements concluded in the province of Ourense and in the Autonomous Community were published in bilingual editions because they are published in this way in the Official Gazette of Ourense and in the Official Journal of Galicia. Of the remaining 89 agreements, those corresponding to A Coruña, Lugo and Pontevedra, 37 (eight, sector-wide and 29 company-specific) were published in Galician and the remaining 52 (five, sector-wide and 47 company-specific) were in Castilian.

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

**Recommendation of the Committee of Ministers of the Council of Europe**

- 4. Ensure the presence of all regional or minority languages in the provision of health care services.**

**1054. The Committee of Experts ... urges authorities to ensure that social care facilities offer the possibility of Galician-speakers to be received and threatened in their language.**

As detailed in Spain's third report of compliance with the Charter, the official language of external communication and of the signage at healthcare centres within the Galician Health Service (SERGAS) is Galician.

#### **Article 14 – Transfrontier exchanges**

**The Parties undertake:**

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

**1060.... The Committee of Experts encourages the authorities to pursue bilateral agreements with the countries in which the same or similar languages are spoken.**

The SXPL has participated, funded or collaborated in cross-border projects whose purpose is the exchange of language and cultural experiences between Galicia and Portugal. Outstanding in this respect is the educational experience "Ponte... nas ondas!" (*Get in tune!*) between primary and secondary schools in Galicia and in northern Portugal, with the participation of other countries, too. These are day-long encounters that began with a radio broadcast lasting 12 hours, entirely produced by Galician and Portuguese students. Since then, this has been extended to reach 24 hours of broadcasting, with programmes produced by over 50 schools.

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

**1062.... The Committee of Experts asks the authorities to provide information on the practical implementation of this undertaking in the next periodical report.**

On 17, 18 and 19 October 2013, Galicia took part in the Language Fair held in Minde (Portugal), which included a session on the Galician language.

# VALENCIAN IN VALENCIA

## 1. INTRODUCTION

### Data on the number of speakers

**56. *The Committee of Experts encouraged the Spanish authorities to carry out surveys in cooperation with the speakers of regional or minority languages in order to have accurate updated data concerning the number of users of regional or minority languages and their geographic distribution.***

In 2010 a general survey was conducted into the use and knowledge of Valencian. A summary of the data obtained in this survey is available at: [tp://www.cece.gva.es/polin/docs/sies\\_docs/encuesta2010/index.html](http://www.cece.gva.es/polin/docs/sies_docs/encuesta2010/index.html).

The survey considered six regions (five of which are Valencian-speaking and one, Castilian-speaking). In each case, an independent sample was examined, namely the region of Alicante, the region of Alcoy-Gandía, the city of Valencia and its metropolitan area, the region of Valencia, the region of Castellón and the Castilian-speaking region.

The survey, from the standpoint of view of language proficiency, addressed the following basic dimensions: listening comprehension, speaking, reading and writing. The fundamental data obtained are summarised below.

With respect to listening comprehension, 96.1% of the population within the Valencian-speaking region understand Valencian.

Most of the population (76.7% overall) can speak Valencian (this proportion rises to 82.4% in the Valencian-speaking region). The most important factors in acquiring proficiency in the spoken language are the family and the school.

In terms of reading ability, most of the population (85.9% overall, and almost all, 89.3%, in the Valencian-speaking region) understand written Valencian, ranging from “a little” to “perfectly” with respect to signs, signals, communications, advertising, flyers, etc. Of this population, 45.3% read Valencian (in magazines or books) fairly well or perfectly. Schools are the decisive factor underlying the steady increase in these figures.

About a quarter of the respondents claimed to write in Valencian “fairly well” or “perfectly well”. while 41.7% responded “not at all” in this respect. Once again, the most decisive factor in this proficiency is the school.

The survey also considered the social use of Valencian in diverse situations, such as the home (where Valencian is always used by 28.8% of people in the Valencian-speaking area), with friends (always, by 48.3% of persons in the same area), at work (always, by 13.4% of people, in internal communications in this context, in the same area), in department stores and supermarkets (always, by 19.4% of people in traditional stores and by 11.7% in department stores and hypermarkets, in the same area), in the street (always, by 12.9% of the people in the same area) and in the internet (always, by 24.4% in their e-mails, in the same area).

Finally, the survey addressed the social situation of the Valencian language, from the standpoint of social perception, preferences and expectations for the future. It was concluded in summary, that opinions favouring a greater extension of the use of Valencian (19.6%) and those contrary to this outcome (27.3%) are minority views in the context of a majority which is in favour of the current situation.

## 2. APPLICATION OF THE CHARTER

### Article 7 – Objectives and principles

#### *Paragraph 1*

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

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

***177. ... The Committee of Experts looked forward to receiving further information on the use of Valencian in other spheres of public life in Murcia in the next periodic report. In addition, the Committee of Experts was informed that there are plans to prepare a special issue of "Toponymy of Valencian Villages" including the Valencian names of the three municipalities of Murcia that form the Carche comarca.***

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

Yecla, Jumilla and Abanilla are three municipalities in the Region of Murcia which have a Valencian-speaking area bordering the Valencia area: these municipalities constitute the district of El Carche. Some actions taken in this area are detailed below.

Valencian courses in Yecla (Murcia): In 2005, the local authority of Yecla requested the collaboration of the Academy of the Valencian Language (AVL) to provide courses in Valencian. The AVL granted the request and has collaborated since then. This course is taught at the People's University of Yecla; the AVL hires a teacher and provides the students with educational materials. Since 2005, Valencian-language courses have been held every year. In the last two years (2011-2012 and 2012-2013), the number of courses has been increased to two per year.

Study of Valencian place names in the district of El Carche in Murcia: a researcher at the University of Alicante, commissioned by the AVL, conducted a study to compile place names in El Carche, locating them cartographically and recording each toponym individually (374 records, in total).

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

***179. ... The Committee of Experts regretted the lack of appropriate cooperation between communities sharing identical or similar languages, such as Valencia with Catalonia and the Balearic Islands. It therefore encouraged the authorities to promote mutual cooperation and understanding for the benefit of the languages.***

An example of such cooperation is that in the edition of the Writer of the Year dedicated to Enric Valor, an itinerant exhibition was taken to Mallorca (University of the Balearic Islands), Ibiza and Formentera (Government of the Balearic Islands and City of Ibiza) and the city hall of Tortosa (Catalonia). This exhibition is scheduled to visit the city hall of Manacor (Mallorca),

the city of Alghero (Sardinia), the Ramon Llull Institute in Barcelona, the Museum of Rural Life in L'Espluga de Francolí and the city hall of Tarragona (Catalonia).

Another example of cooperation is the “Introductory course to the teaching of the regional language as a foreign language”, which has been organised during the past three years by the AVL, the Ramon Llull Institute and the Vives University Network, in order to provide training for people interested in teaching the language to speakers of other languages. This course is held in the municipalities of Vinaros and Morella, in the region of Valencia.

Another example of cooperation in this regard is the library of ancient texts in Catalan, Valencian and the Balearic language, collected by the University of Barcelona with the financial collaboration of the AVL. The aim of this library is to compile all the bibliographic references in ancient texts in the respective co-official languages from the book deposits in Catalonia, Valencia and the Balearic Islands. In 2008-2010, the AVL invested €16,000 in a review of the documentary sources and in preparing the publication of the volume corresponding to the Valencian texts. This volume was published in 2013. In total, the AVL has invested €23,000 in this initiative.

### **Part III**

#### **Article 8 – Education**

##### ***Paragraph 1***

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

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

In 2012, Decree 127/2012 of 3 August, of the Valencian Council, regulating multilingualism in non-university education in Valencia, was approved (Valencian Official Gazette (DOCV) No. 6834).

This Decree is intended to help students achieve linguistic competence in the two co-official languages, and to be aware of the priceless cultural heritage of living within a bilingual community. The multilingual programmes that have come into operation as a result of the new Decree will have no negative impact on the co-official languages.

Based on the rules of 2007 and 2008 for the study plans for the second stage of pre-school and primary education in Valencia, which guarantee the use of Valencian as a teaching language, the general policy of the Education Ministry with respect to promoting education in Valencian is not to impose a language option on families with respect to the education of their children. The Valencian educational administration allows parents full freedom to choose the principal language they deem appropriate for their children's education, either Valencian or Castilian. All demand for education in Valencian will be met. In the next academic year, 2013-2014, another 38 schools, in addition to the above, will begin to apply the Multilingual Teaching Programme in Valencian (PPEV).



**783. ... The Committee of Experts would welcome information the next periodical report on the measures planned to meet the demand for Valencian-medium education in the future. The Committee of Experts furthermore invites the authorities to take measures so that the introduction of the compulsory trilingual model does not disproportionately affect Valencian-medium education.**

The Academy of the Valencian Language (AVL) participated in the drafting of Decree 127/2012, which regulates multilingualism in non-university education. Many of the amendments proposed by the AVL, which clarified the meaning of the institution's statements to preserve and strengthen the presence of Valencian in education, were incorporated into the final text.

The AVL, taking into consideration the importance of multilingualism for the vitality of the language, has made several official statements on the question, such as that adopted on 28 January 2011, on Valencian in the education system, and that of 25 November 2011 approving the document "Considerations on the establishment of a multilingual general plan in the Valencian education system".

In these statements, the AVL addresses the Valencian Government to point out the need for educational measures to be adopted to ensure that situations do not occur in which citizens suffer discrimination by reason of language; to note the timeliness of the generalised introduction in the Valencian education system of a multilingual general plan that guarantees the rights and objectives arising from the legal provisions contained in the Statute of Autonomy and in the Law on the Use and Teaching of Valencian, for all students in the Autonomous Community of Valencia; and to observe that learning Valencian and studying in Valencian should complement, not replace, the learning of Castilian and of English and other European languages.

c)

**i) to make available secondary education in the relevant regional or minority languages;**

This requirement has been met since the entry into force of Decree 112/2007, of 20 July, of the Valencian Council, which established the study plan for compulsory secondary education in Valencia, and according to which one of the objectives of this stage of education is to assess the communicative potential of Valencian as a language rooted in its territory and as a fundamental part of its cultural heritage. Another section of this Decree stipulates the goal of achieving understanding and appreciation, from a knowledge of the sociolinguistic reality, of the need to recover the habitual use of Valencian, which is a symbol of cultural identity and an essential medium for understanding the reality of the context and for accessing the cultural heritage of the Valencian people.

**777. ... The Committee of Experts asks the Spanish authorities to provide a breakdown of the figures concerning the percentage of pupils attending PEV and PIL in the next periodical report, including, for both models, the share of subjects taught through the medium of Valencian.**

The data that the Language Teaching Service is able to provide on the percentage of students attending PEV and PIL and, for both models, the share of subjects taught in Valencian, are as follows, for the academic year 2011-2012.

In the Autonomous Community of Valencia, a total of 222,907 students were enrolled in programmes of education in Valencian (PEV and PIL), in pre-school education and in primary, secondary and high schools. This figure represents 31.22% of all students enrolled in these schools.

Under current legislation, Education in Valencian (PEV) is characterised by the fact that all or most subjects are taught in Valencian. The Language Immersion Programme (PIL) is restricted to pre-school and primary education. This is a programme for education in Valencian, and is designed for students who are mainly non-Valencian-speaking, and whose families voluntarily choose this programme.

**779. ... The Committee of Experts asks the Spanish authorities to clarify in the next periodic report whether the progressive inclusion of Valencian (PIP) is restricted to only one subject taught in Valencian.**

It is not true that in this programme only one area or subject is taught in Valencian. Under current rules, at least one area or subject must be taught in Valencian. Similarly, in the Multilingual Teaching Programme in Castilian (PPEC), which will gradually replace the Progressive Incorporation Programme (PIP), at least one area or subject must be taught in Valencian. It is up to the institutions and their respective language projects to decide how many subjects should be taught in each of the co-official languages.

Education in the family's co-official language of preference is guaranteed, and under current regulations, the continuity of language programmes is assured in the transition from primary to secondary education, in accordance with families' wishes and with the aim of satisfying the interests of mothers, fathers and students. In all these programmes, the teaching of Valencian is also guaranteed. Thus, the provision of education in Valencian is guaranteed at all stages of education and throughout the region. At the conclusion of the compulsory education stage, students are expected to have an equal mastery of both co-official languages.

In the Castilian-speaking area, too, any language programme can be provided, at the request of families and school boards. In the part of Valencia where Castilian is predominant, the education administration guarantees the teaching of Valencian in all schools, but allows students and their parents to request exemption from this area of teaching, which will be granted subject to certain requirements.

**784. The Committee of Experts strongly urges the authorities to make available Valencian-medium education throughout the territory of Valencia where Valencian is used, and especially to ensure continuity from primary to secondary education.**

In accordance with the replies given with respect to this article of the Charter, the educational model ensures the provision of education in Valencian throughout the Autonomous Community of Valencia, at all stages of education and for the whole territory.

d)

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

**788. The Committee of Experts urges the competent authorities to develop an educational model essentially in Valencian for technical and vocational education and to make it available throughout the relevant territory.**

The bilingual and multilingual programmes implemented within the education system in Valencia are also applicable to technical and vocational education. Therefore, the schools offering this mode of education also implement the programmes referred to above. The Education in Valencian (PEV) programme assures the provision of education in Valencian in all or most of the modules of technical and vocational education.

e)

***i) to make available university and other higher education in regional or minority languages, or***

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

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

**793. ... The Committee of Experts ... again encourages the authorities to step up their measures with a view to increasing the percentage of university subjects taught in Valencian.**

In 2011, the Academy of the Valencian Language published a sociological study on the use of the co-official languages. This study was authored by teachers and specialists at public universities in Valencia, who concluded, fundamentally, that the universities have a very important role to play in the normalisation of the Valencian language; that there exists a linguistic diversity among the population, depending on their place of residence, and so the geographic location determines the current status of the Valencian language in the universities of the region; and that the two best performing universities are the University of Valencia-General Studies and the Jaime I University of Castellón.

The Valencian Government provides detailed data on teaching practices in the Valencian public universities for the years 2011-2012 and 2012-2013.

***f)***

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

***ii) to offer such languages as subjects of adult and continuing education.***

The programme of courses to obtain the certificate of Secondary Education continues to be implemented. These courses are offered at regional and municipal adult education centres, and Valencian language is a compulsory study subject. In the period 2008-2013, this programme provided over 3,500 courses to more than 64,000 students.

As regards certification of proficiency in Valencian for the adult population, the Board of Assessment of Valencian-language Proficiency (JQCV) has stated that during the period 2009-2013, almost 287,000 enrolments were made to take the corresponding test.

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

As indicated in Spain's Third Report, under current official study plans in Valencia, Valencian history and culture must be taught at all levels of non-university education.

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

Almost 90% of teachers are proficient in Valencian. In recent years, there has been a significant increase in the numbers of persons with accredited knowledge of Valencian, especially among teachers and regional civil servants. Currently, most of the teachers in the Valencian education system hold a certificate of Valencian-language proficiency.

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

The Education Ministry of the Valencian Government provides periodic reports on the progress made in establishing or developing Valencian at all levels of the education system.

#### **Paragraph 2**

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

In recent years, courses in Valencian, at different levels, have been provided in Madrid (167 students in 2009-2011).

The Barcelona Judicial School also organises courses in Valencian for future judges and magistrates (109 students at different levels, from 2008 to 2013).

### **Article 9 – Justice**

#### **Paragraph 1**

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

##### **a) in criminal proceedings:**

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

**ii) to guarantee the accused the right to use his/her regional or minority language; and/or**

**iii) to provide that requests and evidence, whether written or oral, shall not be considered inadmissible solely because they are formulated in a regional or minority language; and/or**

**iv) to produce, on request, documents connected with legal proceedings in the relevant regional or minority language.**

##### **b) In civil proceedings:**

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

**ii) to allow, whenever a litigant has to appear in person before a court, that he or she may use his or her regional or minority language without thereby incurring additional expense; and/or**

*iii) to allow documents and evidence to be produced in the regional or minority languages,*

*c) in proceedings before courts concerning administrative matters:*

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

*ii) to allow, whenever a litigant has to appear in person before a court, that he or she may use his or her regional or minority language without thereby incurring additional expense; and/or*

*iii) to allow documents and evidence to be produced in the regional or minority languages, if necessary by the use of interpreters and translations;*

#### **Recommendations of the Committee of Ministers of the Council of Europe**

- 1. Amend the legal framework with a view to making it clear that the criminal, civil and administrative judicial authorities in the Autonomous Communities will conduct the proceedings in co-official languages at the request of one party;**
- 2. Take the necessary legal and practical measures to ensure that an adequate proportion of the judicial staff posted in the autonomous communities concerned by the application of Article 9 of the Charter have a working knowledge of the relevant languages.**

Please see the general information section, non-specific to the Autonomous Community, which has been facilitated for this Article 9 of the Charter, and for Recommendations 1 and 2 of the Committee of Ministers, in the section of this Report regarding the Catalan language in Catalonia.

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

**820. The Committee of Experts invites the authorities to comment on the use of Valencian languages and its use in Administration.**

##### **Paragraph 1**

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

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

**831. The Committee of Experts invites the authorities to comment on the availability of administrative forms in Valencian in the next periodical report.**

Information regarding Paragraph 1 of this Article of the Charter is provided in point II.B) of this Report.

## **Paragraph 2**

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

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

- The regional authority

Regarding the use of languages in administrative proceedings, the staff employed by the regional authorities in Valencia reply in the same language used by citizens in addressing them (whether verbally or in writing). Any written action to be carried out in Valencian is forwarded for translation to the Valencian Translation and Advisory Service. In the case of proceedings brought by applications presented in a bilingual format, if no express reference is made to the language to be used, the proceedings are conducted in Castilian.

In 2011, the AVL created a new set of publications (several of which have already been published) entitled "Manuals", to help professionals in diverse fields with respect to specialist language questions.

As regards administrative texts and forms in Valencian, most of the forms used in government financial offices in the region are bilingual.

With respect to centralised procurement, the specific administrative clauses of the framework agreements allow tenderers to submit documentation in either of the two official languages of the region. Notices of centralised procurement procedures are published in Valencian in the Official Gazette of the Autonomous Community of Valencia.

Reports and decisions issued by the Valencian Government Executive Procurement Board are published on the official website in both languages.

Software applications that support the Official Register of Valencian Government Contracts and contractor profiles are compatible with the Valencian translation of the purpose of the contract.

The Plan to Promote the Knowledge and Use of Valencian within the regional authority was approved by the regional Council on 26 November 2010. The fundamental goal of this Plan is to promote the knowledge and use of Valencian as a medium and vehicle of communication, integration, cohesion and sign of identity of the citizens of Valencia. It also aims to advance and strengthen the knowledge and use of Valencian at professional and official levels. A further objective is to make education in the knowledge of Valencian, and in the use of Valencian, essential elements and directions of language normalisation within the public authorities of Valencia. Among the measures addressed in the Plan are to ensure response to telephone inquiries in Valencian, the use and enhancement of information and communication technologies to promote official awareness and use of Valencian, the use of both co-official languages in administrative proceedings, and the use of Valencian in the official documents of the Government.

Finally, it is notable that at present 77% of public employees within the regional administration have an accredited knowledge of the Valencian language.

**- Local Authorities**

**841. The Committee of Experts again asks the authorities to clarify, in the next periodical report, the extent to which Valencian is used by the local authorities.**

- Survey of local authorities in Valencia

To compile information on this subject, a questionnaire was sent to 542 local authorities in Valencia, inquiring about issues related to the use of Valencian. Replies were obtained from 114 municipalities, representing 1,981,518 of the 5,129,266 inhabitants of the region at present (38.63% of the population).

This questionnaire provides data on the use and knowledge of Valencian in the different municipalities. Regarding the use of the language, there are two main sections: first, on issues related to spoken language and, second, on those related to written language. In addition, information was requested on the accreditation of knowledge of Valencian among local authority staff, and of the existence or otherwise of an agency to promote this language and related activities within the authority.

The data relating to public service areas show that in 30 (26.32%) cases, this is provided only in Valencian, in 20 (17.54%) cases, only in Castilian, in 29 (25.44%) cases, usually in Valencian, in 9 (7.89%) cases, usually in Castilian, and in 26 (22.81%) cases, in either or both of the two languages. With respect to communication with peers, the language used is exclusively Valencian in 41 municipalities (35.96%), Castilian in 24 (21.05%), usually Valencian in 25 (21.93%), usually Castilian in 4 (3.51%) and in either or both of the two languages in 20 (17.54%).

As regards the use of written language, decrees are published in Valencian in 14 municipalities (12.28%), in Castilian in 69 (60.53%) and bilingually in 31 (27.19%). Special by-laws are proclaimed in Valencian in 31 (27.19%) cases, in Castilian in 37 (32.46%) and bilingually in 46 (40.35%). For internal notices, Valencian is used in 18 (15.79%) authorities, in Castilian in 65 (57.02%) and in both languages in 31 (27.19%). External notices are published in Valencian in 13 municipalities (11.40%), in Castilian in 60 (52.63%) and bilingually in 41 (35.96%).

Of the forms provided, in 11 cases (9.65%) they are written in Valencian, in 36 (31.58%), in Castilian, and in 67 (58.77%) they are bilingual. The municipal news bulletin is written in Valencian in 23 municipalities (20.18%), in Castilian in 34 (29.82%), usually in Castilian in 16 (14.04%) and is bilingual in 41 (35.96%). Finally, the language used on the municipal website is Valencian in 13 cases (11.40%), Castilian in 31 (27.19%) and both Castilian and Valencian in 70 (61.40%).

In analysing the above data, it should be borne in mind that among the municipalities that provided these data, 47 have fewer than 1,000 inhabitants, 39 have between 1,000 and 10,000, 24 have between 10,000 and 50,000 and 4 have over 50,000. Among the latter are the cities of Alicante and Valencia, with 334,678 and 794,228 inhabitants, respectively. The questionnaire also reflects the above parameters broken down by percentages of population affected, according to the responses made by the municipalities and their inhabitants. Further details of these data are available on request.

Regarding the questionnaire data concerning the knowledge of Valencian among municipal employees, data were obtained from 102 municipalities, with a total of 10,508 employees. Of these persons, 4,353 (41.39%) are accredited to have some knowledge of Valencian. A total of 658 people (6.51%) are certified as having the level of language competency equivalent to A2 under the Common European Framework of Reference for Languages; 1,507 (14.3%) are accredited as B1; 1,645 (15.64%) as C1; and 516 (4.91%) as C2.

- AVIVA. Agency for the Promotion of Valencian: "In Valencian" Campaigns

On 24 April 2009, the AVL, the Valencian Government and over 50 local governments signed a protocol to coordinate actions for the normalisation of Valencian. 71 local authorities are currently party to this protocol.

In 2012, to reinforce this initiative, a generic brand, AVIVA (Agency for the Promotion of Valencian), was created to denote all the local offices, bureaus, services, etc., whose purpose is to promote the Valencian language. Since 2011, three campaigns have been carried out, consisting of “street marketing” actions in which each local AVIVA body publicises its activities through games and hand-outs of promotional materials.

- Bilateral agreements between the AVL and major municipalities in the Autonomous Community of Valencia

Since 2012, the AVL has entered into bilateral agreements with various municipalities in the region of Valencia that are significant by reason of their population and their historical and cultural importance. To date, three such agreements have been signed (with the authorities of Alzira, Gandía and Vila-real) and another three are in preparation (with Dénia, Vinaròs and Alcoy). Each agreement stipulates the commitments voluntarily made by each of the parties. Among other aspects, the local authorities undertake to classify job posts that have a language requirement, to ensure that all administrative units have staff with official accreditation of knowledge of Valencian.

Under these agreements, too, the municipalities undertake to provide at least 50% of their cultural programmes in Valencian. Furthermore, the AVL has created a grant facility for these municipalities, endowed with €15,000, for cultural projects in Valencian, in areas such as theatre, poetry recitals, concerts, storytelling and publications.

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

***845. The Committee of Experts ... urges the authorities to continue taking measures of encouragement to increase the use of Valencian.***

With respect to this point, Article 1 of the Rules of Procedure of the Valencian Parliament (Les Corts) states that “the two official languages are Valencian and Castilian”, that “the Deputies may use either or both languages” and that “the official publications of Les Corts shall be bilingual”.

***f) the use by local authorities of regional or minority languages in debates in their assemblies, without excluding, however, the use of the official language(s) of the State;***

***855. The Committee of Experts ... strongly urges the Spanish authorities to provide information on the use of Valencian by local authorities in debates in their assemblies in their next periodical report.***

In this respect, the above-mentioned questionnaire produced the following results for the 114 Valencian municipalities that responded: the spoken language used in full or local assemblies is Valencian-only in 42 cases (36.86%), Castilian-only in 32 (28.07%), usually Valencian in 21 (18.42%), usually Castilian in 7 (6.14%), and either or both in 12 (10.53%). Records of proceedings are published in Valencian-only in 44 cases (38.60%), in Castilian-only in 26 (22.81%), usually in Valencian in 22 (19.30%), usually in Castilian in 11 (9.65%) and in either or both in 11 (9.65%).



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

The Academy of the Valencian Language continues to address the question of establishing Valencian place names, and encourages municipalities that have not yet done so to adapt their denominations accordingly, either bilingually or monolingually.

Most municipalities in the Valencian-speaking area have officially adopted as their sole name the Valencian-language version; nevertheless, a few have opted for a double denomination (e.g., Alicante/Alacant), and others officially maintain the Castilian denomination. The municipalities in the Castilian-speaking area are officially denominated in the Castilian language.

The AVL is continuing to publish catalogues of municipal place-names in Valencian (this work was initiated by the Valencian Government). These catalogues list local place names in each of the municipalities in question, and are compiled and edited in collaboration with these municipalities. To date, 145 such catalogues of local place names have been published.

### **Paragraph 3**

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

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

#### **Recommendation of the Committee of Ministers of the Council of Europe**

#### **4. Ensure the presence of all regional or minority languages in State public services**

***861. The Committee of Experts asks the authorities to provide information on the use of Valencian in public services, i.e. the proportion of staff in the public services serving in Valencia who have an adequate command of Valencian; the language used in written communications between the public services and the speakers (for example telephone and electricity bills and the like); which services are provided by private companies under licence and in this case what linguistic clauses are included in the licence, in the next periodical report.***

The Valencian Government and its Ministries, Departments and agencies all have web portals and means of electronic communication to ensure the publication of content in Valencian: this content includes procedures, services, forms, organisational structure and job announcements. In the portal of the Valencian Government, one of the most important areas is the "PROP Guide" ([http://www.gva.es/va/inicio/atencion\\_ciudadano/buscadores](http://www.gva.es/va/inicio/atencion_ciudadano/buscadores)). There is also an alert service enabling users to choose the language in which they wish to receive information.

Online instruction in Valencian is provided through the platform <http://saps.gva.es>.

The Directorate General for Information Technology, in the exercise of its powers, guarantees that all the technological resources offered on the portal of the Valencian Government <https://sede.gva.es>, which was launched in June 2012, comply with Act 3/2010 of 5 May, on e-

Government in the Valencian Community, as regards the use of official languages, foreign languages and sign languages, and the requirement that the websites owned by entities addressed by the above Act should allow access in both Valencian and Castilian to their content and services, including the complete performance of bureaucratic procedures and the availability of normalised e-documents in both languages.

Moreover, all PROP offices (Valencian Government public information bureaus) attend the public in either of the two official languages of the Valencian Autonomous Community. Information is also provided by means of remote-access channels, such as the 012 service (provided both as a voice channel and as a chat service). In this case, the user chooses the language in which the information requested is to be supplied. In 2012, information was requested of the 012 service in the following language percentages: Voice: 35.34% in Valencian and 64.66% in Castilian; Chat: 15.32% in Valencian and 84.68% in Castilian. The voice channel received a total of 1,654,053 queries.

An electronic news bulletin is published by the Valencian Government, and subscribers can stipulate the language in which they wish to receive the information.

#### **Paragraph 4**

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

***a) translation or interpretation as may be required;***

***866. The Committee of Experts invites the authorities to comment on this undertaking with regard to public services in the next periodical report.***

The technical staff and linguistic advisers of the public administrations and institutions within the Autonomous Community perform translation functions, in addition to those related to education, counselling and language promotion. The translators currently employed in this capacity are as follows: Valencian Parliament, 14; Academy of the Valencian Language, 14; Local authorities, 82; Provincial councils, 8; universities, 65.

Some trade unions and civic organisations have full or part-time staff who perform these linguistic functions. In addition, some companies and self-employed persons are engaged in translation and language consulting activities, although no official record is kept of these companies.

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

***870. ...The Committee of Experts urges the Spanish authorities to provide information on recruitment and training of civil servants and officials in public services and local authorities in their next periodical report.***

As observed above, the Plan to Promote the Knowledge and Use of Valencian includes language training, both general and specialised (computing, healthcare, legal, etc.) for employees of the Valencian Government. Among other measures, the Plan addresses the training activity itself, the role of Valencian in career progress, the universalisation of the SALT translator, and the online programme "Learning Valencian".

Information concerning paragraphs 1, 3 and 4 of this Article 10, as regards the Central Government, is provided in part II.B) of this report on Spain.

## Article 11 – Media

### Paragraph 1

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

***a) to the extent that radio and television carry out a public service mission:***

***i) to ensure the creation of at least one radio station and one television channel in the regional or minority languages; or***

***ii) to encourage and/or facilitate the creation of at least one radio station and one television channel in the regional or minority languages; or***

***iii) to make adequate provision so that broadcasters offer programmes in the regional or minority languages;***

From 1987 to 2012 the Autonomous Community of Valencia had a public broadcasting company, RTVV S.A. This company was abolished by Act 3/2012, of 20 July, on the Statute for Valencian Broadcasting, which created the new public company Radiotelevisión Valenciana SAU. Under this framework, TV broadcasts in Valencian were to be made by the channels Canal 9 and Nou24, and radio broadcasts by Ràdio 9 and Sí Ràdio. The above-mentioned Act stated that the new public broadcaster should preferentially use Valencian in the provision of audiovisual media services.

However, in the initial implementation of the new public company, an employment regulation order was made, but subsequently annulled by the High Court of Justice of Valencia on 4 November 2013. The regional government, taking into account the difficult economic situation, decided to liquidate and abolish the public company Radiotelevisión Valenciana SAU. In consequence, public broadcasts in Valencian are currently made only by Radio Television Española (RTVE), in regional disconnections.

***b)***

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

***ii) to encourage and/or facilitate the broadcasting of radio programmes in the regional or minority languages on a regular basis;***

***883. The Committee of Experts urges the authorities to clarify the number of private radio station(s) broadcasting essentially in Valencian in their next periodical report.***

In Valencia, twelve private radio stations currently broadcast local programmes primarily in Valencian.

In accordance with Valencian legislation in this regard, in November 2011 the Valencian Government convened the final round of the procedure to award FM radio broadcasting licences, within which the contract documents specified that the use of Valencian in radio programming would be a preferential criterion.

c)

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

***886. The Committee of Experts again invites the authorities to provide information on their encouragement and/or facilitation of the creation of a private television channel broadcasting entirely in Valencian in the next periodical report.***

In 2010, the Autonomous Community of Valencia had 28 local television stations broadcasting in TDT: two entirely in Valencian, five mainly in Valencian, one bilingually, four mainly in Castilian and four entirely in Castilian. The remaining twelve re-transmitted, in Castilian, the programmes of the national chain to which they belonged.

The channels that broadcast a significant proportion of their programmes in Valencian were Televisió de Castelló, Nord, C. 56-TV, Comarcal, Ribera Televisió, Levante TV (50% in Valencian) and TV Mediterráneo.

In this respect, too, in the competition for the award of licences to provide digital terrestrial television with local coverage in four areas of the Autonomous Community of Valencia, which was resolved in February 2011, a clause in the tender documents stated that the company awarded the licence should devote a certain proportion of the programme time to broadcasting in Valencian. In addition, the proposed airtime in Valencian was positively weighted in the adjudication process.

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

The Valencian Institute of Audiovisual Works and Cinematography (IVAC) addresses all questions related to audiovisual output and the cinema industry in Valencia, and its objectives include the promotion of audiovisual production in the Valencian language. The IVAC offers annual grants for the production of feature films, and those made in Valencian are given preferential treatment. In the most recent grants, offered in 2012, the funding amounted to €1,400,000. Furthermore, in 2012 and 2013, grant aid was provided for short films and audiovisual activities promoted by local councils, for dubbing audiovisual productions into Valencian and for the creation of scripts for feature films. In addition, agreements were reached with various institutions and organisations for the promotion of audiovisual works in Valencian.

The AVL also dedicates part of its budget to the area of audiovisual productions in Valencian, and agreements to this effect were signed in 2011. In 2010 and 2011, the AVL sponsored programmes to popularise the spoken use of Valencian, and made awards for feature films made in this language.

e)

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

***ii) to encourage and/or facilitate the publication of newspaper articles in the regional or minority languages on a regular basis;***

***889. The Committee of Experts strongly urges the Spanish authorities to take the necessary measures to encourage and/or facilitate the creation of at least one newspaper in Valencian.***

It should first be observed that there is no daily newspaper that is specific to the Autonomous Community of Valencia, not even in Castilian (in this language, there are only provincial papers and regional editions of national titles). It is also relevant to note the current difficulties faced by print media, which face strong competition from other channels such as the internet.

However, the Valencian language is well represented in local and district-wide publications, as well as those related to festive activities.

The main public funding for the promotion of Valencian in the press is made by the AVL. This organisation made its first public offer of grant assistance in 2005, which was limited to local, district or special-subject publications. Subsequently, this funding was gradually expanded: from 2006, it was opened up to radio activities, and since 2013 it has also been open to the digital press. These funding offers have always been excellently received, and very significant sums are set aside by the AVL for this purpose. Although in 2013 the AVL managed the lowest budget in its entire history, the programme dedicated to the media and to radio was the single largest public funding offer made by the AVL. The total funds awarded in the period 2010-2013 amounted to €230,000.

Finally, the Autonomous Region awards the annual “Llibrets” prizes for the best publications in Valencian in the Fallas festival held in the city of Valencia, and in the festivals of the Magdalena (in the city of Castellón de la Plana) and of Fogueres (in Alicante). In the period 2010-2013, €262,000 was dedicated to these prizes.

## **Paragraph 2**

***The Parties undertake to guarantee freedom of direct reception of radio and television broadcasts from neighbouring countries in a language used in identical or similar form to a regional or minority language, and not to oppose the retransmission of radio and television broadcasts from neighbouring countries in such a language. They further undertake to ensure that no restrictions will be placed on the freedom of expression and free circulation of information in the written press in a language used in identical or similar form to a regional or minority language. The exercise of the above-mentioned freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.***

***880. The Committee of Experts...urges the Spanish authorities to find a viable solution for the question of retransmission in the spirit of the Charter. In this respect it underlines the necessity for the Autonomous Communities sharing the same or a similar language to co-operate, for the benefit of the language, respecting the identity of each community.***

Catalonia and Valencia are preparing to sign a reciprocity agreement, pursuant to the provisions of Article 40.4 of Act 7/2010 of 31 March, on Audiovisual Communication, for the reciprocal reception, in both territories, of the public television signal transmitted by the respective Autonomous Community broadcasting authorities. The text of the agreement has been approved by the Valencian Parliament, and is awaiting signature. According to this agreement, the parties undertake to respect the signs of identity corresponding to each Autonomous Community.

### **Paragraph 3**

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

***902. The Committee of Experts again invites the authorities to comment on the creation of the Audiovisual Council of the Community of Valencia in the next periodical report.***

The Valencian Government undertakes to ensure that the interests of Valencian-language speakers are represented or taken into account within the framework of the structures that are created in accordance with the law, in order to guarantee the freedom and pluralism of the media.

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

### **Paragraph 1**

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

***a) to encourage types of expression and initiative specific to regional or minority languages and foster the different means of access to works produced in these languages***

From 2009 to 2012, prizes and awards were convened and granted to promote the regional language in the following categories: best illustrated book in Valencian; best book published in Valencian; award for contribution to linguistic normalisation of Valencian; best book of the year in Valencian.

From 2009 to 2013, grants were awarded to foster publishing in Valencian.

Many of the books reviewed in the journal *Lletres Valencianes* are published in Valencian.

The website of the Directorate General for Books, Archives and Libraries can be consulted in both Castilian and Valencian (<http://dglb.cult.gva.es/>).

The policy of the Valencian Government in this respect is to promote publications in the regional language. Thus, numerous titles in Valencian were published between 2009 and 2013 by the Publications Unit of the Directorate General for Books, Archives and Libraries.

The Valencian Writing Day is celebrated each year, on 20 November, to commemorate the publication of *Tirant lo Blanch*, the novel by Joanot Martorell. In this framework, too, the AVL sponsors the Writer of the Year awards, to give greater prominence to a Valencian writer very much of his time; the total value of this award, over the last three years, exceeds €600,000.

During 2010 and 2011, the Writer of the Year activities have included itinerant exhibitions to the Balearic Islands, Catalonia, Alghero (Sardinia) and diverse towns and villages in the Autonomous Community of Valencia.

Finally, various sponsorships aimed at promoting culture in the Valencian language should be noted; among others, funding has been provided for the “Books 3.0” project of the Publishers Association of Valencia, for the journal TEA3 with respect to linguistic normalisation in the theatre and the performing arts, for the show “*Poseu-me les ulleres*” presented by the Micalet Theatre Company, for the “Joaquim Garcia Girona” award and for various literary conferences.

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

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

In 2009, the Valencian Institute of Audiovisual Works and Cinematography “Ricardo Muñoz Suay” announced a funding offer of €175,000 for dubbing films into Valencian; in 2010, €177,600 was assigned for this purpose, and in 2011, €150,000.

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

In recent years, the Directorate General for Culture has been involved in numerous activities featuring both Castilian and Valencian, including websites, commemorative videos of cultural anniversaries, documentation of meetings on the subject of the European heritage, invitations to cultural events and printed material (leaflets, brochures, billboards, posters, etc.) in museums in Valencia.

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

A significant institution in this respect is the Valencian Culture Council, which since 1985 has counselled and advised the organisations dependent on the Valencian Government on matters related to Valencian culture. Between 2010 and 2013, it published reports on the following questions relevant to the Valencian language: on the draft Library and Literacy Act of the Autonomous Community of Valencia (2010); on the declaration of the Castellón Standards as an Item of Cultural Interest (2011); on the proposal to create a public reading space, or readers’ corner (2011); on the Draft Act on the Valencia Broadcasting Corporation (2012); and on the *CulturArts IVAC* cinematography/audiovisual institute (2013).

## ***Paragraph 2***

***In respect of territories other than those in which the regional or minority languages are traditionally used, the Parties undertake, if the number of users of a regional or minority language justifies it, to allow, encourage and/or provide appropriate cultural activities and facilities in accordance with the preceding paragraph.***

***919. The Committee of Experts ... looks forward to receiving more information from the authorities on the promotion of cultural activities and facilities outside the Valencian-speaking areas in the next periodical report.***

- Cross-border collaboration with the Autonomous Community of Murcia: El Carche district. Please see the information provided about the use of Valencian, in response to Article 7, paragraph 1, letter d, questions 177 and 178 by the Committee of Experts.

- Cross-border collaboration with Catalonia: the Ramon Llull Institute and the University of Barcelona.

Please see the information provided about the use of Valencian, in response to Article 7, paragraph 1, letter e, question 179 by the Committee of Experts.

- Cross-border collaboration outside our linguistic area: Asturias, Asturias Academy of Language.

In 2012, the AVL co-edited and co-financed with the Asturias Academy of Language the translation into the Asturian language of the Valencian text of *Tirant lo Blanch* by Joanot Martorell.

### **Paragraph 3**

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

***923. ... The Committee of Experts asks the authorities to provide more information and updated examples on this undertaking in their next periodical report.***

- Sponsorship of Valencian language and culture courses at the University of Leipzig.

As an example of collaboration between the Autonomous Community of Valencia and Germany, two courses were initiated in 2011 on "Spanish and Valencian Media" and "The Languages of Valencia". In 2012, the AVL extended this collaboration to add another four courses, on "Valencian-German translation and text analysis", "Valencian Territory and Society Today. Sociolinguistics and language policy", "Structures and developments in verbal inflections" and "Currents and authors in mediaeval literature". In 2013, another four courses were held, on "Language and the world of dubbing", "German-Valencian Translation", "Language in Television and Journalism" and "Valencian in Specialised Areas". The ten courses that have been held have received a total investment of about €16,000.

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

### **Paragraph 1**

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

***a) to eliminate from their legislation any provision prohibiting or limiting without justifiable reasons the use of regional or minority languages in documents relating to economic or social life, particularly contracts of employment, and in technical documents such as instructions for the use of products or installations;***

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

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



In the Autonomous Community of Valencia there is no legislation in the area of economic and social activities that limits the use of Valencian. On the contrary, according to Articles 2, 3, 4, 5 and 17 of the Law on the Use and Teaching of Valencian, no citizen of this Autonomous Community may be discriminated against for using Valencian in their public and private relations; moreover, they have the right to conduct all their business, commercial, trade union, religious, recreational and artistic activities in Valencian.

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

Article 16 of the Law on the Use and Teaching of Valencian provides that “Public companies and services and those directly dependent on the Administration must ensure that their employees who address the public directly have a sufficient knowledge of Valencian to provide the normal service expected of them”.

#### **Paragraph 2**

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

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

In recent years, the Valencian Government has collaborated with the Council of Chambers of Commerce, Industry and Navigation of the Autonomous Community of Valencia (the organisation responsible for promoting the Valencian economy) in the promotion and dissemination of the Valencian language. The Council is composed of the Chambers of Commerce of Alcoy, Alicante, Castellón, Orihuela and Valencia. This collaboration is materialised as direct assistance to companies, industries and businesses, and through training activities to facilitate the use of Valencian.

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

**936. The Committee of Experts asks the Spanish authorities to submit more specific information and concrete examples in their next periodical report of other safety instructions in Valencian in order to be able to reach a conclusion. It also asks the authorities to provide information on whether such practice has any kind of regulatory or legislative basis.**

Without prejudice to the application of national legislation on the subject (instructions, data, labelling, etc.), it should be noted that most of the safety instructions expressed in the Autonomous Community, especially in government offices, are in Valencian.

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

In general, 91.7% of public sector enterprises use Valencian, compared with 71% of companies in the private sector (banking and insurance companies are at the forefront in this respect). This use includes websites, call centres, catalogues, forms, invoices and receipts.

#### **Article 14 – Transfrontier exchanges**

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

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

***943. ... The Committee of Experts encourages the authorities to pursue bilateral agreements with the countries in which the same or similar languages are spoken.***

- Valencian centres abroad.

Support is provided to centres for the purchase of books and records and to organise Valencian language courses. For economic reasons, since 2012 classroom courses have been replaced by online courses. In the period 2010-2011, several endowments were made for the purchase of books and audiovisual materials, and 16 courses were held in five centres abroad: San Juan (4), Rosario (4), Córdoba (4) and Mendoza (2), in Argentina; and Montevideo (2), in Uruguay. The total investment made in this respect was €72,000.

# **BASQUE IN THE BASQUE COUNTRY**

## **1. INTRODUCTION**

### **Data on the number of speakers**

**59. *The Committee of Experts encourages the Spanish authorities to carry out research in cooperation with the speakers of regional or minority languages in order to have accurate updated data concerning the number of users of regional or minority languages, and their geographic distribution.***

The third report from Spain on compliance with the Charter provided the data on the sociolinguistic situation in the Basque Country between 1991 and 2006 as reflected in what is known as the Sociolinguistic Map which provides an overview of the position of Basque in the Basque Country using the Autonomous Community Census and population records and including a series of language-related questions.

For this report, the Autonomous Community provides the data obtained from the Fifth Sociolinguistic Survey in 2011. This Survey is performed every five years among those aged 16 or more in the Autonomous Community of the Basque Country, the 'Foral' Community of Navarre and in the French Basque Country, and provides an overview of Basque in those territories.

The following aspects are analysed in the Sociolinguistic Survey: language proficiency, transmission of the language, the use of Basque, and attitudes to promoting use of Basque. It must be remembered that the Sociolinguistic Survey does not consider younger age-groups (under 16) where, because of the decisive contribution of school, there is a greater concentration of Basque speakers.

The following are the criteria for defining speaker types in the Autonomous Community:

- Bilingual: those who understand and are able to express themselves well in Basque and Castilian
- Passive bilingual: those who understand but have difficulty in expressing themselves in Basque
- Monolingual *erdaldun* (Castilian speaker): those unable to understand or express themselves in Basque.

Limited to the sociolinguistic situation of the Autonomous Community of the Basque Country, the details inferred from that Fifth Sociolinguistic Survey, run in 2011 and referring to the Basque Autonomous Community as a whole, specifically to the territories of Álava, Vizcaya and Guipúzcoa and the three capitals, can be summarised as follows:

- Basque society reflects two significant characteristics: a progressively ageing population and a major increase in immigration in recent years. There are currently more people aged over 65 years (19.5%) than under 20 (17.4%), while immigrants account for 6.5% of the region's current population.
- 32% of those aged 16 or more in the Autonomous Community are bilingual, 17.2% passive bilingual and 50.8% Castilian-speaking monolingual. The bilingual population continues to grow and currently numbers 600,000, up 181,000 on 1991.
- The greatest bilingual percentage is found among the youngest population: 60% of young people between 16 and 24 are bilingual, more than twice the 1991 figure. However, because young people represent a small proportion of total population, the overall results do not clearly reflect the increase in bilingual numbers.
- Of every ten bilingual persons, rather more than six acquired Basque at home, either as the only language (original Basque speakers) or together with Castilian (bilingual by origin). It is noted by age groups that among the youngest, the percentage of *euskaldun berri* (new

Basque speakers) is rising. Between 16 and 34, more than half of bilingual persons learned Basque outside the home, at school or at the *euskaltegi* (Basque language teaching centre).

- Increasing numbers of people use Basque in the Autonomous Community of the Basque Country. In the last 20 years, the percentage using Basque as much as or more than Castilian has risen by 4.5 points to the current figure of 20% of the population. A further 8.9% uses Basque, but less than Castilian.
- Basque has increased most in areas of formal use. The rise at home has been more modest, except in parent-child relations and between siblings, where it continues to grow.
- Attitudes favourable to the promotion of Basque have risen in the last 20 years; at present, 62% of the population is in favour, 7 points more than in 1991.

The Fifth Sociolinguistic Survey can be consulted on the website of the Vice-Ministry for Language Policy at [www.euskadi.net/euskara](http://www.euskadi.net/euskara). This details further and explains the above figures for language proficiency, first language and linguistic development, the use of Basque (at home, in the immediate community and in the formal realm) and the attitude to promoting the use of Basque.

### **Legislative Changes.**

The following are the regulations passed in the Autonomous Community during the period reviewed, contemplating provisions to promote and normalise the use and the presence of Basque in each of the areas concerned, for some of which the Committee of Experts seeks improvements (in Justice or the *Ertzaintza*, the regional police force):

- Act No. 2/2012, of 9 February, amending Act No. 6/2003, the Consumers and Users Statute (BOPV - Official Basque Country Gazette - No. 35, 17 February 2012), which excludes application of the penalty regime in the field of consumers and users' linguistic rights.
- Decree No. 204/2010 of 20 July amending the Decree on consumers and users' linguistic rights (BOPV No. 142, 26 July 2010), extending the deadlines for compliance with the linguistic obligations in this realm.
- Decree No. 174/2010 of 29 June on the Linguistic Normalisation of the Justice Administration in the Autonomous Community of the Basque Country (BOPV No. 132, 12 July 2010), adopting measures to normalise use of Basque in the Justice Administration, focused on personnel transferred from bodies at the service of the Justice Administration.
- Decree No. 76/2012 of 22 May amending the Decree regulating normalisation of Basque in the *Ertzaintza* (Basque Country Police Force) (BOPV No. 109, 5 June 2012), demanding a higher level of proficiency in Basque for that force: Ertzaintza language profile 2.
- Decree No. 297/2010 of 9 November on the recognition of qualifications and certificates accrediting knowledge of Basque and to match the levels in the Common European Framework of Reference for Languages (BOPV No. 219 of 15 November 2010), updating the existing regulation of this matter.
- Decree No. 47/2012 of 3 April on the recognition of official studies in Basque and exemption of accreditation with language qualifications and certificates in Basque (BOPV No. 74, 16 April 2012), intended to recognise official studies in Basque in line with the levels in the Common European Framework of Reference for Languages. This exemption applies to selection of public employees convened in the Basque Country, and in public sector contracting there.
- Decree No. 222/2012 of 16 October creating and regulating the Unified Register of Basque Qualifications and Certificates (RUTCE) (BOPV No. 232, 30 November 2012). Of an administrative nature, it offers free official information on people's level of proficiency in Basque according to their qualifications and certifications.
- Decree No. 233/2012 of 6 November creating the system to incorporate the target of normalising use of Basque in drafting general provisions (BOPV No. 239, 12 December 2012)

providing for issue of a mandatory prior advisory report on the matter, ruling on whether a project is in line with the current provisions on linguistic questions.

- A Plan of Action for the Promotion of Basque (ESEP), approved by the Plenum of the Basque Language Advisory Council (18 July 2012), by the Basque Government Council (24 July 2012) and ratified by the Basque Parliament (September 2013).

## **2. APPLICATION OF THE CHARTER**

### **Article 7. Objectives and principles**

#### **Paragraph 1**

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

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

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

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

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

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

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

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

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

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

### **Promoting Basque**

The report furnished by the Autonomous Community considers that the language policy implemented by the Basque Country Administrations is proving decisive in meeting the objectives referred to in Article 7 of the Charter: recognition of Basque as an expression of cultural wealth; resolute action to encourage use of Basque, promoting its spoken and written use in public and private life; provision of suitable forms and resources for teaching and studying Basque at all appropriate levels; to promote study and research into Basque, etc. A significant advance is recorded in Basque in the Autonomous Community, seen in permanent, uninterrupted growth of 0.5 points per annum over the last 30 years, which it considers places the growth of Basque there as one of the most advanced examples in Europe.

It is felt that certain instruments of language policy planning have been of considerable importance in the above, such as the 1998 General Plan to Promote Basque, and the process of reflection and debate known as *Euskara 21*, whose recommendations were used in designing that General Plan, ratified by the Basque Parliament in 2013. *Euskara 21* foresees a period of planning from 2012 to 2022 and moreover, in addition to the initial measurement to be implemented during the Plan's first year in force (2013), provides for an intermediate assessment in 2017 and a final evaluation in 2022.

### **Collaboration with other State territories**

**91. *The Committee of Experts encourages the government of Navarre to increase its cooperation with the Basque Autonomous Community to the benefit of Basque, for example by rebroadcasting Navarre television channels.***

In its report, the Autonomous Community of the Basque Country declares its wish to collaborate in this field with the 'Foral' Community of Navarre, and describes the action which has been taken until now.

On 26 January 2009, a Declaration of Intent was signed by the Culture Councillor in the Basque Government and the Navarre Government's Education Councillor, to intensify links and act jointly on matters of Basque language policy.

On 3 July 2009, the Lendakari, the President of the Basque Government, and the President of Navarre signed a General Collaboration Protocol to cooperate on matters of common interest and take steps for the broadcast of ETB 1 and ETB 2 television programmes in the 'Foral' Community of Navarre; there has been no progress in the latter.

In implementing Clause Three c) of that General Protocol, which also considers it appropriate to establish lines of collaboration based on institutional respect, the sociolinguistic reality of both regions and on the attributions assigned to each in the provisions regulating the matter, both parties proposed signing a specific collaboration agreement on linguistic questions.

That Specific Collaboration Agreement was concluded on 5 July 2012 between the Basque Government Culture Councillor and the Education Councillor in the Government of Navarre, defining nine areas for technical collaboration, such as teaching Basque to adults – evaluation and accreditation of linguistic skills, translations to and from Castilian and Basque, terminology, international divulgation of Basque language and culture, etc. Several meetings of the Joint Parity Commission, contemplated in the Agreement, were held for its implementation and, in 2013, action was resumed with an 8 May meeting between representatives of *euskarabidea* (the Navarre Basque Institute) and the Vice-Ministry for Language policy, to review the areas of collaboration and reactivate the operational areas contained in the Agreement.

Mention may on the other hand be made here of the collaboration in 2012 and 2013 between the Vice-Ministry for Language Policy and the Navarre Foundation *Eskara Kultur Elkargoa* to promote actions related to Basque in Navarre, and which received subsidies from the Basque Government.

Finally, in 2009-2012, encounters arising from the Cooperation Protocol concluded in March 2007 between the Basque Government, the *Xunta* (Regional Government) of Galicia and the *Generalitat* (Regional Government) of Catalonia have continued, to promote and normalise use of their vernacular languages and which the Balearic Islands Government joined on 27 November 2008. Encounters were held in 2010 in Paris, in 2011 in Santiago de Compostela and in 2012 in Bilbao.

### **Collaboration with France**

For this collaboration, the framework cooperation agreement entered into on 7 February 2007 was furthered in the Framework Agreement concluded on 31 January 2011 between the Basque Government and the French Basque Language Authority to collaborate on questions of language policy between 2011 and 2016, with the signing each year of the associated annex setting out the action to be taken in the fields defined. Also in 2010, 2011 and 2012, the

Basque Government collaborated with that Public Body on a programme designed to encourage and promote reading in Basque.

### **Paragraph 3**

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

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

The Programme of Government for the Tenth Legislature (2012-2016) of the Basque Government elected in November 2012 set out the following objectives under the heading "A Commitment to Basque and linguistic coexistence":

1. To promote social growth of Basque: to foster knowledge, transmission and social use of Basque and bring together the Basque-speaking community.
2. To guarantee full exercise of linguistic rights in all areas of social life.
3. To enrich the lexicon and the capacity for communication, paying particular attention to the communication needs of new Basque speakers.
4. To bring Basque closer to immigrants as a factor of integration and coexistence.
5. To link Basque to values of modernity, diversity and coexistence, fostering its power to attract.
6. To facilitate and promote use of Basque as a language of the new communication and relation systems, developing it as a language proper to the information and communication technologies.
7. To promote the international projection of Basque and the international management of multilingualism.
8. To encourage political and social consensus in promoting Basque and multilingualism.
9. To position language policy as a mainstreaming focus of the Government's action.

With these objectives in mind, the Vice-Ministry for Language Policy in the Department of Education, Language Policy and Culture has designed its lines of work for the 2012-2016 legislature, which were tabled with the Plenum of the Advisory Council on Basque at a meeting held on 28 June 2013, summarised as follows:

1. To design, approve and implement the Basque Strategic Agenda for the Tenth Legislature (2012-2016).
2. To create Basque-language units in all Basque Government departments.
3. To implement the Fifth Plan to normalise use of Basque in the Basque Government for the period 2012-2017.
4. To propose new lines of work for the Basque Language Advisory Council.
5. To implement and monitor the Plan of Action for the Promotion of Basque (ESEP).
6. To stimulate and strengthen the Interinstitutional Coordinating Commission (HAKOBA).
7. To strengthen *Elebide*, the Language Rights Guarantee Service.
8. To promote the *euskaldunización* (Basquisition) of adults.

9. To foster work on the design of the Basque-Language System of Indicators.
10. In the field of research, to prioritise studies of family transmission of Basque and of the linguistic perception, values and attitudes of young people.
11. To implement actions to bring Basque closer to the immigrant population.
12. To promote strategies designed to increase passive bilingualism and raise its profile.
13. To encourage transmission of Basque in the family, particularly between mixed couples and new Basque speakers.
14. To facilitate development of applications, tools and software in Basque for ICTs, particularly targeting mobile devices.
15. To enhance the power of attraction and the social standing of Basque, while sending messages linking balanced bilingualism with the advance of social cohesion.
16. To move forward progressively along the path of full respect for citizens' language rights in all spheres (consumers and users, local radio and television, public and health services, police services, justice...).
17. To reinforce the profile of Basque in the media, promoting the general availability of Basque, focusing particularly on specific products targeting the young.
18. To foster Basque in the socioeconomic field.
19. To help develop and consolidate the spaces where the use of Basque is preferential.
20. To develop strategies designed to enhance the standing of the use of Basque, especially among young people.
21. To encourage and structure cooperation with the public powers in the various Basque territories, and collaboration with bodies dedicated to promoting Basque, fully respecting the jurisdiction of each and taking account of the Council of Europe's recommendations.
22. To foster cooperation with public powers and institutions in other countries in tasks related to processes to revitalise local languages both in Europe and in the rest of the world.
23. To adjust calls for aid to the working lines set out here, making effectiveness the guiding criterion.
24. To put actions in place to increase awareness of the use of Basque.
25. To further work in the current development of the corpus in Basque (terminology, place names, lexicography ...).

#### **Article 8 – Education**

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

**518. *The Committee of Experts encourages the authorities to ensure that a sufficient offer of education in Basque is guaranteed in the future in the framework of the trilingual education model.***

Like the Committee of Experts, the Basque Government considers in its report that the introduction of the trilingual model must not negatively impact the teaching of Basque. It is thus committed to implanting trilingualism progressively, with advance planning designed to ensure a certain level of teacher training based on the current reality, always bearing in mind the aim of guaranteeing in any case the acquisition of "sufficient practical knowledge" of Basque as provided for in Act No. 10/1982, The Basic Basque-Language Normalisation Act.



Although the system of linguistic models A –basically in Castilian– B –bilingual– and D – Basque– has formed the basis of the Basque education system over the last 30 years, during the previous legislature the Basque Government introduced the Trilingual Education Framework (MET) on an experimental basis in about a hundred centres. The theoretical aim of the MET is for Basque pupils to have obtained adequate linguistic proficiency not just in the two official languages but also in English on completing their compulsory education.

The Basque Government will assess the results of that Framework and adopt any necessary measures to better it, in the belief that the education system should set specific objectives which can be evaluated and are attainable in each language, so that the minimum level to be reached in the two official languages should in general be the same, with another level in English and without relinquishing a threshold in a fourth, French. In any event, the system must not have negative repercussions on the education, the structure of promotion and furtherance of Basque as indicated by the Committee of Experts.

### Paragraph 1

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

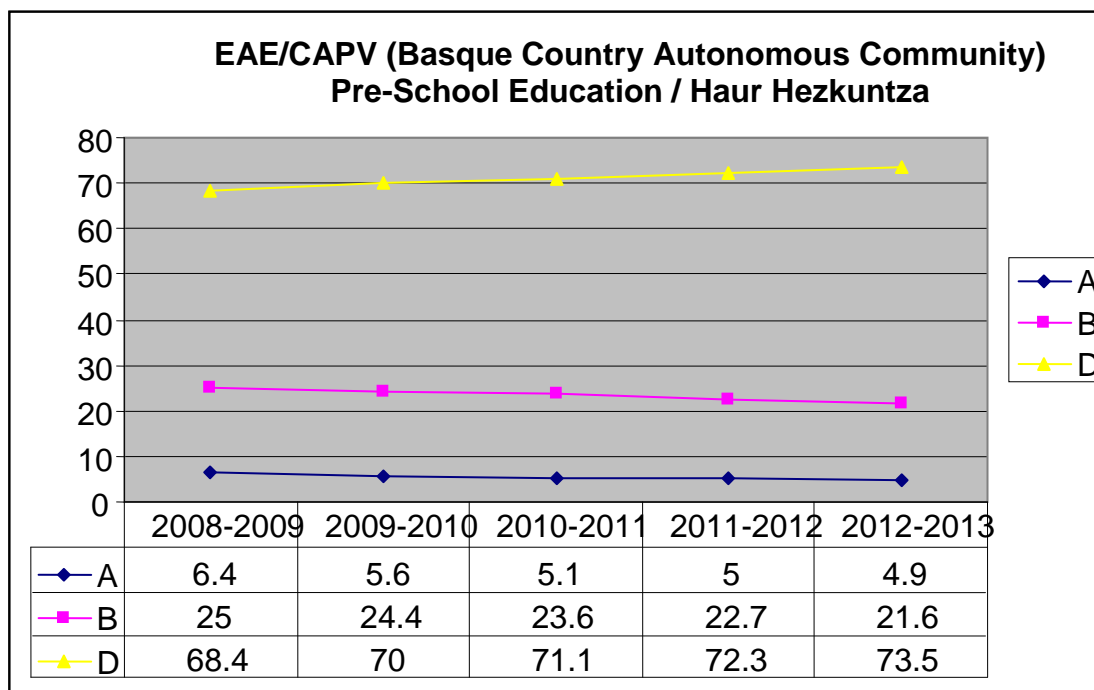
a)

***i to guarantee pre-school education in the relevant regional or minority languages; or***

Please refer to the information facilitated on this point in the third Spanish report.

The following graph shows the evolution of enrolments in pre-school and Pre-School education during the period examined here, by education models, 2008-2009/2012-2013

Pre-School Education 2008-2009 / 2012-2013



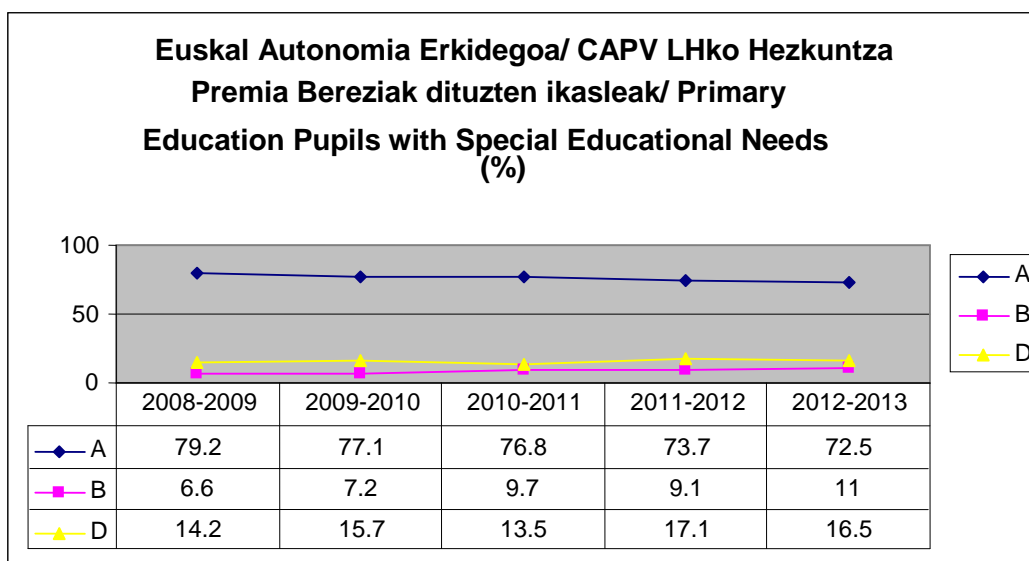
b)

***i to guarantee primary education in the regional or minority languages concerned; or***

Please refer to the information facilitated on this point in the third Spanish report.

For the period examined here, as complement to the graph provided on the evolution in enrolments in 1983/84 – 2007/2008, the following graph for this educational level refers to pupils with special educational needs (NEES) 2008-2009/2012-2013.

Primary Education (NEES) 2008/2009 – 2012/2013



The absolute annual figures for this group are fewer than 500 pupils (0.4% of those in Primary Education). As seen in the previous graph, most NEES pupils continue to learn in model A.

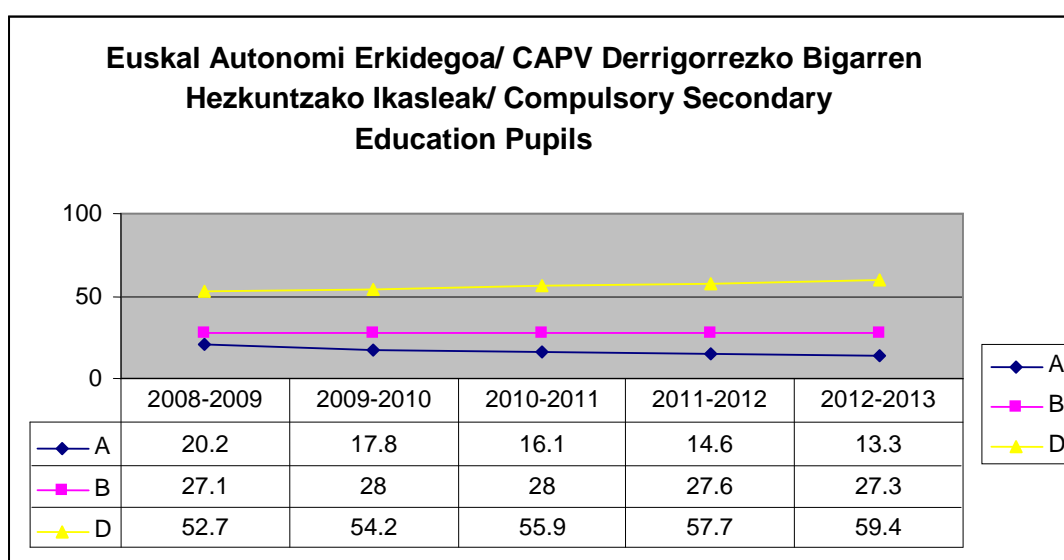
c)

*i) to guarantee secondary education in the relevant regional or minority languages; or*

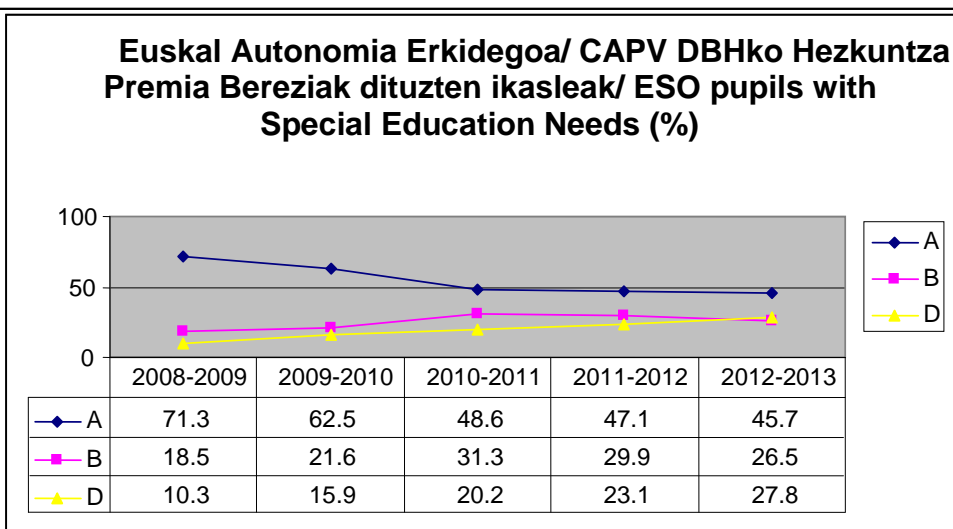
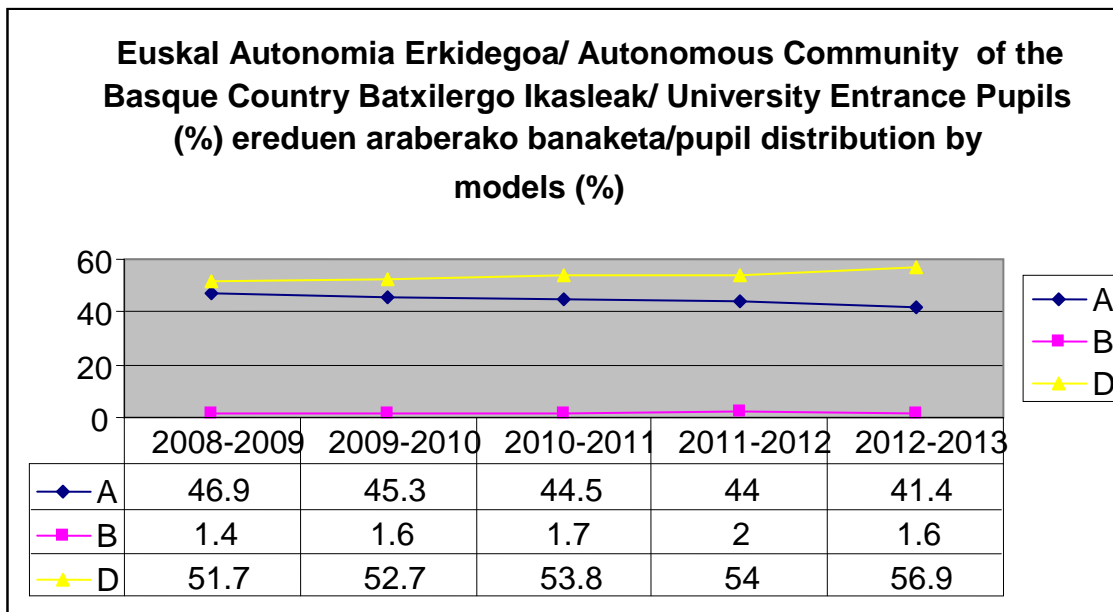
Please refer to the information facilitated on this point in the third Spanish report.

For the period examined here, as complement to the graphs furnished for the period 2003-2004/2007-2008, the following graphs show educational levels in Compulsory Secondary Education, University Entrance, and in Compulsory Secondary Education for pupils with special educational needs (NEES), 2008-2009/ 2012-2013.

Compulsory Secondary Education Pupils 2008/2009 – 2012/2013



University Entrance Pupils, 2008/2009 – 2012/2013



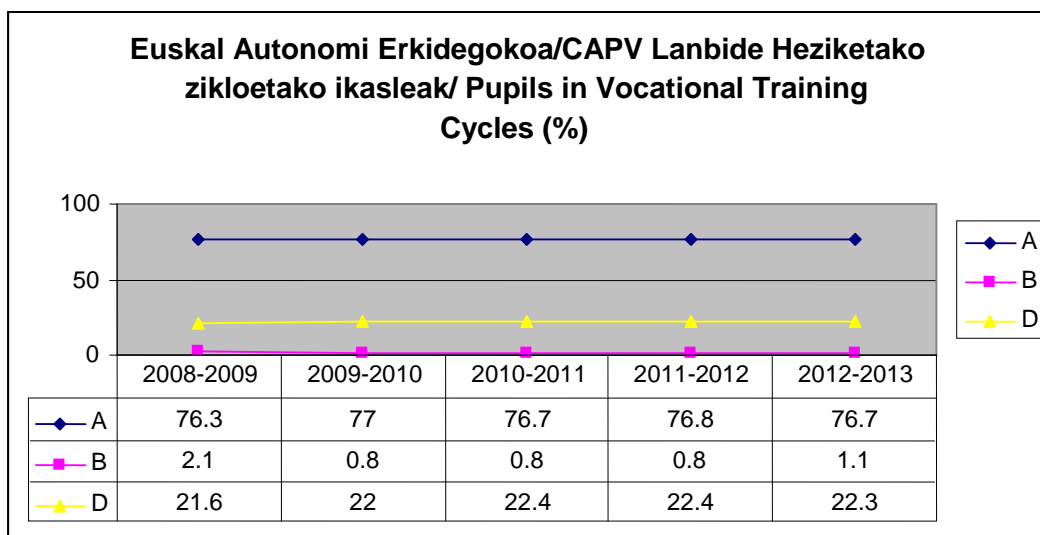
The above graphs show that demand for secondary education in Basque exceeds that in Castilian, except in ESO (Compulsory Secondary Education) for pupils with special educational needs where, although model A predominates, the other two rise progressively.

**d) i) to guarantee technical and vocational training in the relevant regional or minority languages;**

**521. The Committee of Experts encourages the authorities to continue their efforts to maintain and increase the availability of technical and vocational training in Basque.**

The availability of technical and vocational training in Basque is less if compared for example with that at the University of the Basque Country. In the 2012-2013 academic year, the total working offer (model D) in Basque was 22.3% (13.79% in 2003-2004), up almost 9 points despite the difficulty of offering a large variety of technical subjects in Basque and of forming exclusively model D groups. It is a priority objective, in line with OECD recommendations, to provide sufficient training in Basque to facilitate access to and integration into employment if the company so requires.

The following graph, of pupils in this training in 2008/2009 – 2012/2013, is added to the graphs provided in the Third Report for 2003/2004 – 2007/2008.



Finally, notable as measures destined to promote acquisition of language in all Compulsory Education cycles have been the activities under way as part of the *Ulibarri* Programme to promote the use of Basque inside and outside the classroom and at school (in the last 5 courses, 400 centres have chosen to participate voluntarily in the Programme); those implemented in developing the Language Reinforcement Programme as part of the Immigrant Pupil Reception Plan; or those designed to assess and diagnose the results posted by the education system within the school framework (in the current academic year, 2012/2013, the results of the *Arrue 6* investigation have been presented, incorporating both those for the use of Basque and for communication proficiency in both official languages).

e)

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

It must be recalled that there are three universities in the Basque university system: two are private (Mondragón and Deusto Universities) plus a single public institution, the University of the Basque Country/*Euskal Herriko Unibertsitatea*.

The regulatory references are Act No. 19/1998 of 29 June on University Planning in the Autonomous Community of the Basque Country dealing with some aspects of importance in relation to normalisation, and the new Act No. 3/2004 whose provisions retain guarantees to promote use of Basque at University.

On the basis of that autonomous regulatory framework, the Basque Government supports and collaborates with the Basque university system via the current 2011-2014 Basque University System Plan which contains a strategy for the entire system as well as for each of its three Universities, its objectives including the promotion of Basque in both teaching and research. The Plan highlights the work done in this field by the three Basque universities to ensure the availability of teaching in Basque, minimal at the beginning of the eighties but now exceeding 25% of all credits offered by the University of Deusto, 49% of the total offered by University of the Basque Country/*Euskal Herriko Unibertsitatea* and 64% of total credits offered by the University of Mondragón.

At the University of the Basque Country, the main university in the Autonomous Community and one of the most important in the State, with 45,000 students and some 5,000 teachers, 40% of its students are currently studying in Basque.

The following table shows trends in recent years.

	Pupils studying in Basque	Total pupils
2007-2008	16,863	43,540
2008-2009	16,883	42,120
2009-2010	17,180	42,046
2010-2011	16,998	41,759
2011-2012	16,705	40,734

As the following table shows, the percentage of pupils completing University Entrance in Basque will increase even further in the coming years (February 2013 data):

	Álava	Vizcaya	Guipúzcoa	Total
2008	43.30	48.25	68.15	54.93
2009	46.16	48.96	72.36	55.82
2010	47.74	52.41	75.06	58.40
2011	47.97	55.36	73.05	58.79
2012	52.66	53.65	75.49	60.60

The University of the Basque Country must thus speed up the process and make more academic studies available in Basque; students cannot at this time be guaranteed that they will be able to complete their university studies in Basque in all degree courses, even should they wish to. Existing data referred to February 2013 show the linguistic offer of university credits according to field of knowledge, including those which are optional.

In 2013, the University of the Basque Country approved an extension and upgrade of the 2007/08-2011/12 Basque Master Plan to adjust it to the new guidelines set out in the next Planning Period for the Normalisation of Use of Basque in the Public Administrations (2013-2017). The main objectives of language policy proposed in that Master Plan were referred to in the Third Spanish report.

f)

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

The HABE (the Institute for Adult Literacy and for Teaching Basque to Adults) has continued its work during the period under review to promote Basque teaching for adults; the Advisory Council on Basque has found that of the approximately 300,000 new Basque speakers attracted over the last three decades, 100,000 came from teaching of adults and adult literacy and 200,000 from the general education system.

The following are the data on pupils who have completed studies in the network of HABE-certified *euskaltegis* in previous years; 39,723 in the 2009-2010 academic year; 37,396 in 2010-2011; 35,132 in 2011-2012; and 32,219 in the 2012-2013 academic year.

A certain falloff in the number of *euskaltegi* pupils can be seen in the last four years, the clearly positive result of the enormous advance arising from the introduction of the system of language models into the Basque education system, leading to greater and more generalised bilingual linguistic capacity among pupils in the compulsory and post-compulsory educational stages. While the average age of pupils in the *euskaltegis* in 1994 was 27, in 2000 it was 32, and 37 in 2013.

The financial resources made available by the HABE to the public and private *euskaltegis* to fund their activity have been as follows: €34.7 million in the 2009-2010 academic year; €33.4

million in 2010-2011; €31.4 million in 2011-2012; €30 million in 2012-2013; and €30.3 million in 2013-2014.

This slight reduction in the contributions is in line with trends in enrolments. The total financing of municipal and private *euskaltegis* is completed with the funds from the municipalities and the students themselves.

Despite the economic recession and budget cuts in this phase, the economic modules have been sustained without cuts for the private *euskaltegis*; for the 2013/2014 academic year, HABE has approved its calls while maintaining the aid modules without reductions for those private *euskaltegis*, while increasing the contribution to their municipal counterparts.

The HABE also continues to maintain other aid for pupils who pass examinations to accredit proficiency in Basque called by the Institute during the academic year, amounting in 2010 to €1,850,000, in 2011 to €1,000,000, none in 2012 (retention of credits and a single examination) and €700,000 in 2013.

The HABE still defines the HEOC (Basic Curriculum for Teaching Basque to Adults) to be employed by all the *euskaltegis*, shifting from four levels, the equivalents of levels B1, B2, C1 and C2 in the European Framework, to define levels A1 and A2 as well in the Basic Curriculum for Teaching Basque to Adults.

The HABE is also engaged in projects to design teaching materials; it makes self-study, on-line self-study and combined systems available to certified *euskaltegis*; it continues with a permanent training plan targeting *euskaltegi* teachers; it makes two annual calls for certification of the levels defined in the curriculum; and is developing the project *Euskara Munduan* (Basque in the World) in collaboration with the network of World Basque Centres.

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

As explained in the Third Report, the current legislation grants the Autonomous Community capacity to regulate 45% of all curricular material for teaching the content, procedures and values of the Basque Dimension of the Curriculum (the DVC – history, geography, literature, art, ...). However, because of the need to improve the focus on this area, the Basque Government intends to treat this matter as a priority in the coming years, with proposals for working lines to this end (programming, analysis of other experiences, agreements with the Ministry of Education and the Navarre Government, teacher and pupil training, etc.)

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

As also pointed out in the Third Report of Spain, this aspect is in large measure fulfilled, in line with the requirements of the Basque Country regulations in the matter. In addition to the information provided then, pointing to the long road still to be run in both initial and on-going training (the *GARATU* programme), reference may now be made to the work being done via the *IRALE* Programme (*Irakasleen Euskarazko Prestakuntza Zerbitzua*) created in 1983, for teacher-training in Basque. Its current annual offer of senior-level courses imparted outside normal hours is wide-ranging and varied (basic Summer language training courses and senior level courses taught outside teaching hours). In addition, its work on preparing digital teaching materials in Basque must be highlighted. Further information is available on the *IRALE* website.

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

The information facilitated in this matter in the Third Report from Spain may be reproduced here.

All the related information is on the Basque Government's Department of Education, Language Policy and Culture website: <http://www.hezkuntza.ejgv.euskadi.net/r43-2591/es/> under:

## **Paragraph 2**

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

The content of the Third Report from Spain is reiterated.

## **Article 9. Justice**

### **Paragraph 1**

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

- a) *in criminal proceedings:***
  - i) to ensure that the courts shall, at the request of one of the parties, conduct the proceedings in the regional or minority languages; and/or***
  - ii) to guarantee the accused the right to use his/her regional or minority language; and/or***
  - iii) to ensure that claims and evidence, whether written or oral, shall not be considered inadmissible solely because they are formulated in a regional or minority language; and/or***
  - iv) on request, to draft documents in legal proceedings in such regional or minority languages, if necessary using interpreters and translations with no further cost to the persons concerned;***
- b) *in civil proceedings:***
  - i) to ensure that the courts shall, at the request of one of the parties, conduct the proceedings in the regional or minority languages; and/or***
  - ii) to allow a litigant whenever having to appear before a court in person to use his or her regional or minority language without thereby incurring additional cost; and/or***
  - iii) to allow documents and evidence to be produced in the regional or minority languages, if necessary using interpreters and translations;***
- c) *in proceedings before courts with jurisdiction in administrative matters:***

- i) to ensure that the courts shall, at the request of one of the parties, conduct the proceedings in the regional or minority languages; and/or*
- ii) to allow a litigant whenever having to appear before a court in person to use his or her regional or minority language without thereby incurring additional cost; and/or*
- iii) to allow documents and evidence to be produced in the regional or minority languages, if necessary using interpreters and translations;*
- d) To take steps to ensure that application of sub-paragraphs i) and iii) of paragraphs b) and c) above and any use of interpreters and translations implies no additional costs for those concerned;*

#### **Recommendations of the Committee of Ministers of the Council of Europe**

- 9. To amend the legal framework with a view to making it clear that the criminal, civil and administrative judicial authorities in the Autonomous Communities will conduct the proceedings in co-official languages at the request of one party;**
- 10. To take the necessary legal and practical measures to ensure that a sufficient proportion of the judicial personnel assigned to the Autonomous Communities affected by the application of Article 9 of the Charter has a working knowledge of the relevant languages.**

**547. The Committee of Experts urges the authorities as follows:**

***To take the necessary measures to increase the percentage of Basque Country judicial personnel, at all the levels and in particular among judges and prosecutors, able to use Basque as working language in the courts.***

Reference may be made to the general information not specific to the Autonomous Community facilitated for this Article 9 of the Charter, and for recommendations 1 and 2 of the Committee of Ministers in the section of this report on Catalan in Catalonia.

#### **Actions by the Autonomous Community**

The Basque Government continues to work to normalise the use and presence of Basque also in the area of Justice.

As already indicated in the Third Spanish Report, the Basque Government's Justice Department offers and provides a translation service for cases where that proves necessary for judicial procedures in the Basque Country, making it possible to meet the demands of the relevant paragraphs of Article 9 of the Charter (accused's right to express themselves in Basque; the presentation of documents, claims or evidence in Basque; etc.).

In relation to the comments in the Committee of Experts' report on the creation of the *trebatzaille* (assistant for bilingual questions) within the Courts, it is pointed out that the programme of guidance and training for Justice employees was implemented in 2010 and 2011, suspended in 2012 and resumed in 2013.

Also in the area of training, various types of courses are imparted, paying particular attention to petitions for personnel for jobs differentiated by language. The number of judicial officials proficient in Basque has increased in line with the drive to enhance their language training.

There are as yet no profile requirements for members of the judiciary, of the prosecution service and of the corps of clerks of court. However, under collaboration agreements concluded by the



Basque Government with both the Spanish Ministry of Justice and the General Council of the Judiciary (CGPJ), they may access the training available in the calls for each collective. It is to be remembered that knowledge of the Community's official languages is considered positively in assigning jobs.

Along these lines, work has been done to gather indicators accrediting the language profile of personnel in the service of the Justice Administration (30% accredit profiles 2, 3 or 4) and of members of the Public Prosecution Service and Clerks of Court (8% accrediting profiles 3 or 4).

Decree No. 174/2010 of 29 June for the linguistic normalisation of the Justice Administration in the Autonomous Community has been passed, regulating among other matters the process for allocating linguistic profiles to posts requiring a level of Basque which is appropriate to the language proficiency needed for those jobs. This is being done in parallel with the new judicial office.

The Decree defines five main areas of action:

- the classification of certain jobs as differentiated posts
- cataloguing of units according to language requirements
- language training courses for public servants
- programmes for use of Basque in the judicial and prosecutor's offices and common services
- the creation of bilingual teams in all judicial and prosecutor's offices and common services

In line with on-going improvement, the General Plan for Linguistic Normalisation of the Basque Autonomous Community's Justice Administration (2010-2020) was approved, reformulating the Plan endorsed in 2008. This new General Plan establishes the following objectives:

1. To promote and spread the importance given Basque.
2. To stimulate the use of services in Basque by citizens and by professionals, making such services increasingly available.
3. To foster the use of Basque by public service personnel at the service of the Justice Administration.
4. To seek the favourable attitude of judges, prosecutors and clerks of court in normalising Basque.
5. To enhance lawyers' awareness and capabilities

## **Paragraph 2**

### **The Parties undertake:**

***a) not to reject the validity of legal documents drawn up within the area of the State for the sole reason that they have been written in a regional or minority language; or***

There is no record of breach of this commitment.

## **Paragraph 3**

***The parties undertake to make accessible in the regional or minority languages the most important national legislative texts and those which refer especially to the speakers of these languages, unless these texts are already available in a different form.***

Work continued in 2010-2013 on the translation of regulatory texts, in collaboration with the University of the Basque Country and the University of Deusto (those previously translated are

referred to in the Third Report from Spain). The following texts were translated during this period:

- The Reform General Protection of Consumers and Users Act, and other complementary legislation.
- The General Contracting Conditions Act, Act No. 7/1998 of 13 April.
- The Trademarks Act, Act No. 17/2001 of 7 December.
- The Organic Trade Union Freedom Act, Act No. 11/1985 of 2 August.
- Act No. 14/1994 of 1 June regulating Temporary Employment Agencies.
- The Reform Social Order Infractions and Sanctions Act.
- Act No. 1/2002 of 21 February Coordinating State and Autonomous Community Competences in the Defence of Competition.
- The Unfair Competition Act, Act No. 3/1991 of 10 January.
- The Defence of Competition Act, Act No. 15/2007 of 3 July.
- The General Advertising Act, Act No. 34/1988 of 11 November.
- The Defence of Competition Regulations.
- The Business Code and the Bills of Exchange and Cheques Act.
- The company legislation.
- The Civil and Criminal Codes have been reedited twice, and duly updated.

In 2011, a collaboration Agreement between the Basque Government and the Central Government began to be implemented to publish legislation in Basque (Official State Gazette No. 254 of 21 October 2011). From 2011 to 2013, 9 Acts, 36 Legislative Royal Decrees, 1 Non-Legislative Royal Decree, and 8 Organic Acts were published in Basque translation.

Finally, as stated in the report of the Committee of Experts, the Basque Government has a terminology consulting service, including legal terminology, operating according to the criteria and decisions resolved on by the Commission for the Normalisation of Documents in Basque.

***386. With regard to pre-1998 legislation, the Committee of Experts encourages the Navarre Government to co-operate with the Basque Country authorities when its legislation is translated by the Basque authorities.***

The Basque Government wishes only to state its willingness to collaborate in this field.

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

### ***Paragraph 1***

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

***a)***

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

***ii) to ensure that such of their officers as are in contact with the public use the regional or minority languages in their relations with persons applying to them in these languages; or***

**iii) to ensure that users of regional or minority languages may submit oral or written applications and receive a reply in these languages; or**

**iv) to ensure that users of regional or minority languages may submit oral or written applications in these languages; or**

**v) to ensure that users of regional or minority languages may validly submit a document in these languages**

The information relative to Paragraph 1 of this Article of the Charter is provided in point II.B) of this Spanish report.

### **Paragraph 2**

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

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

**571. The Committee of Experts invites the authorities to comment on the language proficiency of staff of local authorities in the next periodical report.**

The specific obligations on use of Basque by the administrative authorities arising under Basque Act No. 10/1982 of 24 November for the Basic Normalisation of the Use of Basque are in general complied with by the Autonomous Community Administration and the 'Foral' and Municipal Authorities. It can in this sense be said that the administrations are taking measures to fulfil the current legal requirements, usually in the form of plans to normalise use of Basque while including measures to train their employees to enable them to do their jobs also in Basque. Some specific failures do however occur and which are reduced as those plans are implanted and developed.

Along those lines of compliance, the Basque Government will continue to work to promote Basque in all public administrations within their jurisdictions and, in dealing with the indications in the Committee of Experts' report, various measures have been adopted for use of Basque in the *Ertzaintza* (the Basque Police) and in the Basque Health Service (*Osakidetza*).

In connection with the Police Force, an evaluation report has been drawn up highlighting the advances made in normalising the use of Basque with the passage of Decree No. 76/2012 of 22 May amending Decree No. 30/1998 regulating the process to normalise Basque in the *Ertzaintza*. This provision regulates the requirements of linguistic proficiency applicable, at the highest level, for posts in the *Ertzaintza* requiring that. In a payroll of 8,033 *ertzaintzas*, 36.01% have one of the body's accredited language profiles. Overall, in recent years, the measures adopted in this matter (regulations, language profiles, language training, etc.) have put down the bases making it possible to implement the next Plan for use of Basque in the *Ertzaintza*.

Notable in the area of the *Osakidetza*, the Basque Health Service, was the passage in 2005 of its Basque Plan for the period 2005-2011, fulfilling the provision in Decree No. 67/2003 to normalise the use of Basque in the Service. When that period ended, in 2013 the public body the *Osakidetza*-Basque Health Service assessed the extent to which the plan approved had been fulfilled, noting an advance in normalising the use of Basque since the first assessment in 2008, and 58.48% compliance with objectives and measures. Particular advances have been made in the language profiles for jobs and their accreditation, with offers of training courses targeting the Service's professionals and employees. The second Plan is being formulated in the light of that assessment, for publication in the second half of 2013.

Most Local Authorities in Vizcaya and in Guipúzcoa have either a Basque service with personnel for the normalisation of language as well as translators or, particularly in the case of small bodies, employees to do work related to language normalisation and translation. In Álava, larger Local Administrations also have such a service, while local bodies in smaller localities make use of joint services.

According to the Vice-Ministry for Language Policy's latest report evaluating the 2008-2012 planning period, public employees' levels of linguistic proficiency continue to rise, enhancing their capacity to do their work also in Basque, highlighting the fact that the degree of compliance with the language requisite for posts requiring it stands at 82.47%.

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

**574. *The Committee of Experts invites the authorities to comment on the possibilities for users of regional or minority languages to submit oral or written applications in their language to local authorities in the next periodical report.***

As pointed out in the Third Spanish Report, only in certain cases may difficulties arise in using the right to communicate verbally in Basque because of an official's lack of language training. The authorities are however making public attention an absolute priority, adopting measures to guarantee citizens' language rights.

In the Autonomous Administration, 80% of direct public service jobs ensure that it is possible for the public to address themselves to that Administration in Basque and the use of the right to communicate in Basque is also guaranteed. The Vice-Ministry for Language Policy has in any case continued the *ELEBIDE* service, created in 2006 to guarantee protection of citizens' linguistic rights, handling complaints, consultations and suggestions in this field, and each year running a campaign to publicise the Service. Complaints have increased since 2006 (from 212 in 2009 to 298 in 2012), more the result of people's awareness of their language rights than from breach of those rights.

*Elebide*, the service for the protection of language rights, runs a campaign every year to make its service known, with three aims: firstly to promote social awareness of those rights; secondly to familiarise society with the service offered, and thirdly to explain how to access it.

- c) *the publication by regional collectives of their official documents also in the relevant regional or minority languages;***

- d) *the publication by local authorities of their official documents also in the relevant regional or minority languages;***

In line with the terms of the Third Report from Spain, these measures continue in general to be complied with.

- e) *the use by regional collectives of regional or minority languages in debates in their assemblies, without however excluding use of the official language(s) of the State;***

- f) *the use by local collectives of regional or minority languages in debates in their assemblies, without however excluding use of the official language(s) of the State;***

For these points e) and f), please refer to the Third Spanish Report. In addition, there are also simultaneous translation services.

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

Following reference to the Third Report from Spain, it can be added here that State Act No. 19/2011 of 5 July (Official State Gazette 6-7-2011; No. 160) changed the earlier provincial demarcations of «Álava/Álava», «Guipúzcoa» and «Vizcaya» to «Araba/Álava», «Gipuzkoa» and «Bizkaia». Names of provinces may only be changed in national legislation.

### Paragraph 3

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

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

***577. The Committee of Experts encourages the authorities to insert in public tenders the obligation to use Basque.***

The provisions on consumers and users referred to in the Third Spanish Report are restated, with the addition that these regulations have been amended to guarantee their rights (see the section on Legislative Changes).

The Autonomous, 'Foral' and Municipal Authorities guarantee that personnel with knowledge of Basque will be hired, that this is obligatory in some cases depending on the sociolinguistic situation of each place and, elsewhere, is assessed positively.

Regional provisions regulating the incorporation of language conditions in implementing Autonomous Administration administrative contracts have also been retained, requiring Clauses to be included concerning the language conditions needed to provide the services it is wished to contract.

In that connection, the European Commission has asked the Spanish authorities for information and clarifications concerning a presumed practice of the 'Foral' Community of Guipúzcoa excluding companies from public contract tenders if unable to demonstrate that their employees or management personnel are satisfactorily proficient in Basque, based on 'Foral' Decree No. 4/2009 of 27 January regulating use of official languages in the area of the 'Foral' Community of Guipúzcoa for the period 2008-2012 and on the 27 January 2009 Resolution passed by the Council of Deputies on the inclusion of linguistic conditions in implementing administrative contracts in that 'Foral' Community's area of action. This practice may prove contrary to Article 45 of Directive 2004/18/EC on coordinating procedures for the award of public contracts, which sets down seven causes, not including unfamiliarity with a given language, for excluding economic operators from tender procedures, although the Court of Justice has accepted that a Member State may establish other causes of exclusion provided that the principles of equality of treatment and of transparency are observed and such causes are proportional to the end sought.

The European Commission's intervention arose when written questions were tabled by Spanish MEPs in the European Parliament on use of Basque by the Guipúzcoa 'Foral' Community.

***b) to ensure that users of regional or minority languages may submit oral or written applications and receive a reply in these languages;***

As pointed out in previous sections, citizens may submit applications in Basque.

### Paragraph 4

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

***a) translation or interpretation as may be required;***

Decree No. 48/2012 of 3 April is innovative in dealing with the official translation services, providing for the transversal translation services of the General Administration of the Autonomous Community and its Autonomous Bodies to be centralised (the service has 39 translators), allowing professional translation to be used while fostering and encouraging the bilingual drafting of texts and, in general, the use of Basque as service and working language in the General Administration and the Autonomous Bodies of the Autonomous Community of the Basque Country, unifying the criteria in this field. In June 2010, the call was published for the certification of sworn translators and interpreters.

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

The declaration in this respect in the Third Spanish Report is reiterated, adding that the Basque Government's Plan for Use of Basque for the Fourth Planning Period (2008-2012) was the subject of an assessment report in 2013 which detected certain fields (reinforcing understanding of the language, the shift from understanding to use, heightened awareness and participation in plans, etc.) which would need to be enhanced for the following planning period.

In addition, Basque Public Administration Institute programmes to train Local and 'Foral' Administration personnel in Basque remain in place, along with personnel in the Autonomous Community's General Administration and its other public institutions (the Basque Parliament, the *Ararteko* (Ombudsman), the Basque Audit Office, etc.). There were 4,056 pupils in these courses in 2009/2010, and 3,070 in 2011/2012.

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

The content of the Third Spanish Report on this matter is reiterated.

## ***Paragraph 5***

***The Parties undertake to allow the use or adoption of family names in the regional or minority languages, at the request of those concerned.***

The content of the Third Spanish Report on this matter is reiterated.

## **Article 11. The Media**

### **Paragraph 1**

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

The Basque Government declares that it is conscious of the role of the media in normalising and revitalising a minorised or minority language like Basque.

In addition to the detail given in the Third Spanish Report, in recent years attempts have been made to maintain or to limit cuts in annual aid to magazines published in Basque (€5.5 million

in 2010, €4.8 million in 2013). The 2013 call continues to include the projects subsidised in previous years for media partially or entirely in Basque (daily press, magazines, radio, television, etc.).

**a)**

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

The detail in the Third Report on the public entity Basque Radio Television-EITBE (and its 4 channels) can be enlarged with the EITB Internet service, a channel offering news and current affairs with a balanced mix of Basque and Castilian, and two channels in Basque for children and young people.

On the matter of television and local sound radio broadcasting in Basque, the data provided on the matter in the Third Spanish Report may be reproduced.

**b)**

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

The information facilitated in the Third Spanish Report on local television and sound radio broadcasting may be reproduced here, with the novelty of the passage of the 8 November 2011 Decree on audiovisual communication, extending its scope of application to commercial, community or public media whose territorial range of cover does not reach beyond the Basque Autonomous Community. This new regulation means that new licences must be awarded by public tender, and sets out the minimum elements for the bases of such tenders. Article 9 of the Decree creates a reserve for broadcasts in Basque. At present, 35 radio transmitters are broadcasting in FM.

**c)**

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

The points made in the Third Spanish Report are reiterated.

**d)**

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

Between 2009 and 2012, aid was granted for audiovisual creation, development and production (€2,533,420 in 2009, €3,225,000 in 2010, €2,984,866 in 2011 and €1,496,000 in 2012).

Between 2009 and 2011, aid was granted to promote and advertise fiction and animated feature films (€295,000 in 2009, €250,800 in 2010 and €181,600 in 2011).

Between 2009 and 2012, aid was granted for the creation of scripts (€105,000 in 2009, €109,800 in 2010, €150,600 in 2011 and €127,400 in 2012).

Between 2009 and 2012, under an Agreement with the associations of independent Basque Country producers, EITB investment in original version Basque productions was €4,672,661 in 2009, €4,421,133 in 2010, €3,689,063 in 2011 and €3,195,609 in 2012.

Between 2010 and 2012, new aid was granted for movie theatres (€73,530 in 2010, €220,000 in 2011 and €120,000 in 2012).

Annual collaboration with the ONCE (the Spanish National Organisation for the Blind) is ongoing to facilitate access to the works of Basque literature in audio support (512 titles have already been adapted).

**e)**

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

Between 2010 and 2012, the newspaper BERRIA received €4,679,897.76 in aid and the daily press printed entirely in Basque received €5,863,479.97.

f)

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

Calls continued in 2009, 2010, 2011 and 2012 for the programme to fund audiovisual production (interest-free repayable loans and loans for the financing of contracts), with an overall annual endowment of €8,235,000, reduced by budgetary restrictions to €7,000,000 in 2012.

g)

**i) to support the training of journalists and other media staff using regional or minority languages;**

Journalist training continues to be the target of financing in calls for aid for media in Basque. Moreover, the University of the Basque Country offers Journalism studies entirely in Basque.

## Paragraph 2

**The Parties undertake to guarantee freedom of direct reception of radio and television broadcasts from neighbouring countries in a language used in identical or similar form to a regional or minority language, and not to oppose the retransmission of radio and television broadcasts from neighbouring countries in such a language. They further undertake to ensure that no restrictions will be placed on the freedom of expression and free circulation of information in the written press in a language used in identical or similar form to a regional or minority language. The exercise of the above-mentioned freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.**

The points made in the Third Spanish Report are reiterated.

## Paragraph 3

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

The foregoing is reiterated.

## Article 12 – Cultural activities

### Paragraph 1

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



- a) *to encourage types of expression and initiative specific to regional or minority languages and foster the different means of access to works produced in these languages;*
- b) *to foster the different means of access in other languages to works produced in regional or minority languages by aiding and developing translation, dubbing, post-synchronisation and subtitling activities;*
- c) *to foster access in regional or minority languages to works produced in other languages by aiding and developing translation, dubbing, post-synchronisation and subtitling activities;*
- d) *to ensure that the bodies responsible for organising or supporting cultural activities of various kinds make appropriate allowance for incorporating the knowledge and use of regional or minority languages and cultures in the undertakings which they initiate or for which they provide backing;*
- e) *to promote measures to ensure that the bodies responsible for organising or supporting cultural activities have at their disposal staff who have a full command of the regional or minority language concerned, as well as of the language(s) of the rest of the population;*
- f) *to encourage direct participation by representatives of the users of a given regional or minority language in providing facilities and planning cultural activities;*
- g) *to encourage and/or facilitate the creation of a body or bodies responsible for collecting, keeping a copy of and presenting or publishing works produced in the regional or minority languages;*
- h) *if necessary, to create and/or promote and finance translation and terminological research services, particularly with a view to maintaining and developing appropriate administrative, commercial, economic, social, technical or legal terminology in each regional or minority language.*

All the information furnished in this respect in the Third Spanish Report may be reiterated here, highlighting the following among the Autonomous Community's actions during this period: subsidies to *Etxepare*, the Basque Institute, in 2012 for translation of literary works into Basque (€44,570); Basque translations of literary works in 2010, 2011 and 2012; annual prizes for the best literary translation into Basque; aid during these years for feature films and DVDs dubbed in Basque; annual aid to foster use of Basque in the activities of children and young people; Agreements signed with the *Labayru* Institute to research and normalise literary production in Basque; or the on-going activity of the Basque Public Terminology Bank in designing various dictionaries.

## **Paragraph 2**

*In respect of territories other than those in which the regional or minority languages are traditionally used, the Parties undertake, if the number of users of a regional or minority language justifies it, to allow, encourage and/or provide appropriate cultural activities and facilities in accordance with the preceding paragraph.*

From 2009 to 2013, teaching continued of apprenticeship courses offered by the Basque-Centres or *Euskal Etxeak* in collaboration with the HABE (the Institute for Adult Literacy and for Teaching Basque to Adults) – more than 1,700 pupils – with an annual subsidy of some €61,000. Basque and Basque culture classes are also continuing at Universities: the Complutense University of Madrid, Valencia University, the Autonomous University of

Barcelona, the University of Barcelona, and the National Distance Education University (UNED).

### Paragraph 3

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

The overseas activities of the Basque Institute - *Etxepare* - have been on-going during this period, including making Basque known at the main European language fairs (of which there were 20 in 2012); annual offers of aid for music, the visual arts and audiovisual products at international fairs, and diffusion of Basque culture; co-production of cultural programmes; exhibitions and round tables; continuation of the Basque and Basque Culture Lectureship Programme and Summer Courses at foreign Universities (the Institute has collaboration agreements with 37 Universities in 15 countries); the inauguration of 3 chairs in Basque studies at Universities in the United States and Germany, and planning for others in Argentina and the United Kingdom, or publications for divulging Basque literature and culture.

## Article 13. Economic and social life

### Paragraph 1

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

***a) to eliminate from their legislation any provision prohibiting or limiting without justifiable reasons the use of regional or minority languages in documents relating to economic or social life, particularly contracts of employment, and in technical documents such as instructions for the use of products or installations;***

The information furnished in this respect in the Third Spanish Report may be reiterated here, while highlighting the following: the continuation in 2009-2013 of subsidies to develop Basque plans in private company work centres and in the Public Administrations; implementation of the Fourth Plan for the Linguistic Normalisation of the Basque Public Administrations (2008-2012); the 121 *BIKAIN* Basque Quality Certificates awarded to companies between 2008 and 2012, and the 46 applications received in the 2013 call.

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

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

The information facilitated in this respect in the Third Spanish Report is reproduced for these points b) and c).

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

The ESEP (the Plan of Action to Promote Basque) continues to be considered the ideal instrument for this commitment to promotion, in the belief that it offers a number of future challenges including a greater drive for awareness, to promote Basque in relations with clients, or an adequate fusion of the education system and business in linguistic terms.

## Paragraph 2

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

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

The information facilitated in this matter in the Third Spanish Report may be reproduced on this point.

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

The Autonomous Community expresses its thanks for the Committee of Experts' acknowledgement of passage of Decree No. 123/2008 on consumers and users' language rights, and of Decree No. 53/2009 regulating the Language Seal of Commitment – *Bikain* – and the Certificate of Quality of Linguistic Management. In response to the Committee of Experts' known estimate that the scope of Decree No. 123/2008 is limited, affecting just 5% of companies, it is considered that, notwithstanding the fact that it involves just 5,600 companies (some 6% of the Community total), given the nature of those companies, the impact on consumers and users is high and of unquestionable relevance. It must be kept in mind that the Decree affects both legal entities or persons providing universal services of general interest or of a similar category, and establishments open to the public for sale of products or provision of services and which meet requisites such as a payroll of over 250, more than 400 m of public sales area, more than 15 employees dealing with the public, integration into a set of sales outlets in one location, or financial and credit institutions providing service to the public.

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

***619. The Committee of Experts invites the authorities to comment on the issue of the language proficiency amongst staff in the health service in the next periodical report.***

Reference may be made here to the information furnished on this point in the Third Spanish Report. In connection with *Osakidetza* – the Basque Health Service – mention is made of the data provided above related to Article 10, Paragraph 2, sub-paragraph a) of the Charter dealing with the situation and an assessment of the normalisation of the use of Basque in that Service.

On the other hand, emphasis should be placed on how the call for aid to implement plans for Basque in private work centres has been extended to companies associated with healthcare; the award of the *BIKAIN* certificate to 10 public and private healthcare centres since 2008; or the drive by the Basque Health Service to increase the use of Basque by users and patients with sector professionals.

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

***622. The Committee of Experts would like to receive concrete examples of implementation of regulations relevant to this undertaking in the next periodical report.***

The information provided on this aspect in the Third Spanish Report is reproduced here. It may however be highlighted that the Basque Consumer Institute – *KONTSUMOBIDE* – facilitates all its information in Basque and Castilian (including its website), and that the Basque Occupational Safety and Health Institute – *OSALAN* – also publishes its manuals in Basque.

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

The information facilitated in this respect in the Third Spanish Report may be reproduced here.

#### **Article 14. Transfrontier exchanges**

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

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

**627. The Committee of Experts encourages the authorities to pursue bilateral agreements with the countries in which the same or similar languages are spoken.**

Here, the points made above concerning compliance with Article 7, Paragraph 1, subparagraph e), of the Charter on collaboration with France can be reiterated.

As indicated there, following the framework cooperation agreement on questions of Basque and language policy, concluded for the years 2007-2010 between the Basque Government and the French Basque Language Authority, and to ensure its continuation, on 31 January 2012 the parties signed a new framework agreement to collaborate on language policy from 2011 to 2016. This framework agreement is implemented each year in an Annex which, for 2013, was signed on 17 April in Bayonne, programming various collaborative actions in areas such as “Basquisition” and literacy, broadcast of ETB television in the French Basque Country, the elaboration of the Fifth Sociolinguistic Survey, and the exchange of information between the two. Also annually, a collaboration fund was set up with contributions from both sides and which has held in recent years at €1,600,000. Likewise, this collaboration has been translated into a programme to foster and promote reading in Basque to which the Basque Government has destined €117,600 in the last three years.

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

The Basque Government encourages action to promote and collaborate in the use of Basque in those territories where that language is used.

# **BASQUE IN THE ‘FORAL’ COMMUNITY OF NAVARRE**

## **1.INTRODUCTION**

### **Data on the number of speakers**

**56.... The Committee of Experts encourages the Spanish authorities to carry out surveys in cooperation with the speakers of regional or minority languages in order to have accurate updated data concerning the number of users of regional or minority languages and their geographic distribution.**

In the matter of updated reliable data on the number of Basque speakers in the ‘Foral’ Community of Navarre, the 2011/2016 Navarre Statistics Plan, approved in ‘Foral’ Act No. 19/2010 of 23 November and currently being implemented, provided for a new Sociolinguistic Survey to be made on Basque at the end of 2013, along with a sociolinguistic map of Navarre. This map, to be based on the census of population and homes in 1991, 2001 and 2011, is designed to secure indicators of knowledge of Basque among the people of Navarre as their first language and the language most used at home, and its evolution in Navarre over 20 years. The complexity of this statistical operation is slowing its implementation, so that completion and publication is forecast to be delayed until 2014.

It must nonetheless be remembered that the Third Spanish Report on compliance with the Charter (page 42) furnished data obtained from the Navarre Basque Institute (*Euskarabidea*) study on “The situation of Basque in the ‘Foral’ Community of Navarre. A Sociolinguistic Study. 2008”, and which can be summarised as follows:

	% population FAMILIAR WITH Basque	% population whose FIRST LANGUAGE is Basque	% population habitually USING Basque
Basque speaking Zone	57.6	49.6	36.5
Mixed Zone	9.9	3.5	2.6
Non-Basque speaking Zone	2.5	1.4	0.7

Moreover the Specific Collaboration Agreement concluded in July 2012 between the Government of Navarre and the Basque Government in linguistic affairs includes sociolinguistics as one of the areas of collaboration, as result of which the Basque Government transferred the data secured in its 2011 survey to *Euskarabidea*/the Navarre Basque Institute.

The results of both surveys are similar and reveal among other findings major sociolinguistic differences among the Navarre regions, and increased knowledge of Basque among young people, linked to their having acquired it in the education system, while its acquisition as family language and rates of habitual use have remained stable. In addition, a rise is seen in the positive attitude to promoting Basque in the mixed and non-Basque speaking zones whilst in the Basque-speaking zone a drop is seen in this attitude, of close to 10 points, although the highest percentages in positive attitude are maintained.

### **Legislative Changes**

The most significant change in the legislation during this time was ‘Foral’ Act No. 2/2010 of 23 of February amending Article 5.1. points a) and b) of the ‘Foral’ Basque Act, Act No. 18/1986 of 15 December, designed to allow application of the mechanism established in Article 5.2 of that ‘Foral’ Act to review the incorporation of the municipalities of Aranguren, Belascoáin, Galar and Noáin-Valle de Elorz from the non-Basque speaking zone into the mixed zone. In implementing this Act, the Aranguren, Belascoáin and Galar Local Corporations resolved to join the mixed zone. That of Noáin-Valle de Elorz however did not however endorse the resolution, preferring to remain in the non-Basque speaking zone. The municipalities which

decided to enter the mixed zone totalled 10,081 inhabitants, 1.56% of the total population of Navarre.

The other changes, of lower-rank regulations, are referred to in the information provided below for each of the Charter articles concerned.

**50. The Third Periodic Report gave no details of Euskarabidea/the Navarre Basque Institute ..... the 'Foral' Decree also regulates the Navarre Basque Council/Euskararen Nafar Kontseilua.....**

'Foral' Decree No. 183/2007 of 10 September provided for the creation of a new autonomous body called *Euskarabidea*/the Navarre Basque Institute to manage the resources assigned to developing Basque, until then handled by the Directorate-General of Language policy. This body's Governing Council consists of a representative of each department from the 'Foral' Administration.

The functions assigned to *Euskarabidea* include study, analysis, evaluation and the issue of reports on the sociolinguistic and linguistic reality of Basque in Navarre; the implementation of programmes on the use and profile of Basque, and translation; to promote the presence of Basque in the social media and communication and information technologies; management of place-names in the 'Foral' Community; management of personnel, technical, material and financial resources for teaching Basque language to adults; to establish relations with other regional or minority languages to develop the principles of respect for linguistic diversity fostered by the European Union, and to promote the presence of Basque in campaigns to project the 'Foral' Community of Navarre overseas.

As pointed out in the Third Report on Spanish compliance with the Charter (page 41), the Navarre Basque Council/*Basqueren Nafar Kontseilua* was created in 1996 and is currently defined (in 'Foral' Decree No. 133/2011) as the "body for the participation of *Euskarabidea*/the Navarre Basque Institute" and "the body advising and recommending the planning and promotion of Basque to the Government of Navarre". Its functions require it to report on all general plans and regulatory projects related to linguistic normalisation prior to passage, and to issue an opinion on matters tabled with it by the Government on language planning and normalisation; furthermore, it has jurisdiction to make recommendations to the Government related to the use and promotion of Basque. Its 22 members, all experts in the field of Basque, include representatives of the main Navarre bodies involved in the development of Basque (8 from *Euskaltzaindia*, the Navarre Federation of Municipalities and Councils, the Navarre Federation of *Ikastolas*, etc.): from the Autonomous Administration (5); and from associations promoting Basque and Basque culture. Persons of acknowledged standing in the field also form part of the Council (7).

## **2.APPLICATION OF THE CHARTER**

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

**The Parties undertake:**

#### **Paragraph 1**

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

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

The 'Foral' Community considers that the great variation in the sociolinguistic reality of the linguistic zones established in its territory (from 57.6% proficiency in the Basque-speaking zone to 2.5% in the non-Basque speaking zone) reveals that the decision in Organic Act No. 13/1982 on the Reintegration and Improvement of the 'Foral' Regime of Navarre, was right to make Basque the official language in the Basque-speaking zones of Navarre, and that this zoning, put in place in that Act, is also in line with the requirements of Article 1.b) of the Charter (definition of the territory in which a language is spoken).

**125. In the previous rounds, the Committee of Experts mentioned the situation of Basque and Catalan spoken in several regions. The Committee of Experts refers to paragraph 91 above.**

**91. The Committee of Experts encourages the Navarrese Government to enhance its co-operation with the Basque Autonomous Community for the benefit of the Basque language, for example in the retransmission of television channels in Navarre**

The Specific Collaboration Agreement between the Government of Navarre and the Basque Government (referred to in the section on Basque in the Basque Country, in reply to question No. 91; *vid* for further information) signed on 5 July 2012 to promote collaboration by the two signatory institutions in Basque-related aspects, is an example of a specific operational document which, entered into with an acknowledgement of each Administration's jurisdiction, makes cooperation possible among the bodies with authority in various aspects of the linguistic affairs of the two Communities' Administrations. The Agreement defines nine areas for technical collaboration, detailing specific content and working procedures based on the reaffirmation that the 'Foral' Community of Navarre and the Autonomous Basque Community are two differentiated political, institutional and administrative entities. These areas include teaching Basque to adults; evaluation and accreditation of linguistic proficiency; sociolinguistic research and maps; Basque-Castilian and Castilian-Basque translations; terminology; or the international divulgation of Basque language and culture.

**128. Disappointment over the *Euskarabidea* budget and the impact of the opinions of *Kontseilua* in the Regional Government**

- The question of the *Euskarabidea* budget and activities must be seen in the context of the prolonged global economic crisis which is forcing Governments to prioritise their intervention to guarantee essential services provided by administrations to the citizens, i.e. education services in the case of the Department of Education to which the Navarre Basque Institute/*Euskarabidea* is attached.

It is relevant here to consider the budget allocated to sustain bilingual educational models incorporating Basque, whose annual cost (stable throughout the years supervised) was quantified as follows in 2011:

- Expenditure on personnel and model D operation in public centres: €106,146,902.13,
- The cost of Basque in model A: €23,965,993.88 (including a cost overrun of €360,603.43 from duplication of groups),
- Agreements with private model D centres (*ikastolas*): €19,192,594.86,
- Agreements with private model B centres: €906,474.90.

As to the budget assigned to *Euskarabidea*, and its distribution, it was necessary in the first place to guarantee payment of the salaries of the permanent personnel engaged in the functions assigned to the Body. Of these, teaching of Basque to officials from the Navarre Government and other public administrations in Navarre stands out, both in terms of the volume of the human resources involved and of its strategic relevance. Personnel expenditure dropped 21.3% between 2010 and 2012. The remaining financial resources, both those funding the body's own programmes and those subsidising the activities of other organisations, have contracted even more, up to 36.1% in those years. Overall, these financial provisions have evolved from €3,191,002 in 2010 to a 2012 budget of €2,318,934.

These sums do not meet the charges for operating in Basque in the various Departments of the Administration which offer their services in that language (forms, website duplication, publicity brochures, signage, etc.) and which are hard to quantify, being absorbed into each Department's generic allocations.

Mention must in any event be made of the cost of Castilian/Basque and Basque/Castilian translation, estimated at €1,164,304 in 2010, down 23.8% in 2012, particularly for translations commissioned from third parties.

- In meeting user demands, the Navarre institutions are engaged in wide-ranging activity to defend and better the level of protection of rights (including language rights) and the freedoms covered by the law and current treaties. Thus citizens may address complaints or claims to the 'Foral' Community's Administration through any of the channels created for the purposes, and will be dealt with by that Administration; or, should they prefer, they may express their complaints through the institutions authorised for this.

The office of the Navarre Ombudsman – *Arartekoa* – reporting directly to the Navarre Parliament, tables an annual report in the Chamber on all actions, consultations, proposals to improve public services, etc., detailing all complaints presented by citizens and notified to the bodies in the Administration concerned (along with complaints forwarded by the Language Rights Observatory (*Behatokia*) a private foundation governed by a trust whose members are all elected by the *Kontseilua*). This report is published in the Official Navarre Parliamentary Gazette and is also made available to the public on the Ombudsman's website.

The total number of complaints presented in the years of the fourth supervisory cycle was as follows: 78 in 2010, 69 in 2011, and 64 in 2012. The high number of suggestions accepted by the public administrations (approximately 50% of the total) is of note. As the file is processed, suggestions are presented, along with recommendations and reminders of legal obligations arising from the supervisory work. Or, if applicable, following submissions from the Administration and examining questions of substance, the Ombudsman informs and advises citizens who have brought complaints of the reasons why it is considered that no infringement of constitutional rights is perceived, in the terms of the legal provisions.

In relation to submission of initiatives from social organisations, in addition to the capacity each has to file them directly with the administration, the main bodies in Navarre involved in developing Basque, and representatives of cultural associations whose aim is to promote Basque belong to the Navarre Basque Council/*Euskararen Nafar Kontseilua*, the advisory and participative body referred to previously.

For its part, the Navarre Parliament also usually and quite frequently echoes the queries, complaints or initiatives addressed to the administration in this area, in the form of motions, propositions, appearances, questions, working sessions and verbal or written consultations. In 2012, thirty-seven parliamentary initiatives were dealt with on language matters.

### **Paragraph 3**

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

***231. The authorities did not respond directly to the Committee of Experts' recommendation in the third periodic report. The Committee of Experts was informed of some specific campaigns and initiatives at the local and regional level, and of some specific measures taken at State level, which might benefit regional or minority languages.***



Resolution No. 51/2011 of 19 December of the Managing Director of *Euskarabidea*/the Navarre Basque Institute approved this Autonomous Body's endorsement of the General Protocol between the General Foundation of the University of Alcalá, the Cervantes Institute, the Camões Institute, the Administration of the *Generalitat* (Regional Government) of Catalonia through its Government Delegation in Madrid, the Education and University Planning Ministry of the *Xunta* (Regional Government) of Galicia and the Basque Institute *Etxepare/Euskal Institutua* for the development of the Centre for the "IBERIAN AND PRE-HISPANIC LANGUAGES SPACE". Once endorsed by all the participants, this Protocol was published in the Official State Gazette on 17 August 2012.

This Centre was created to pursue the following objectives:

1. To teach and foster the teaching of the languages of Spain and Portugal.
2. To foster research and divulge knowledge of the sociolinguistic situation of the languages of Spain and Portugal and those of Latin America and of African and Asian countries where Spanish and Portuguese are official languages.
3. To encourage research into contacts between languages, and to investigate and explain the situation of the American pre-Hispanic and Iberian languages.
4. To promote studies which further the feeling of respect for the Iberian languages and awareness of the multilingual nature of the Iberian countries.
5. To defend language rights as individual and collective human rights.
6. To contribute to the profile of the Iberian languages in cyberspace.
7. To create mechanisms for collaboration with other linguistic, cultural and educational initiatives.
8. Any other activities in research, education or debate on the Iberian languages in contact, particularly promoting action in international spheres of research.

## **Article 8. Education**

### **Paragraph 1**

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

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

As pointed out in the Third Spanish Report (page 808) there are initially three linguistic models in education in Navarre: G, where Castilian is the vehicular language and Basque is not taught; A with Castilian as the vehicular language, and Basque is taught as a subject; and D, the model for immersion in Basque, with Castilian as a subject.

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

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

**339. The Committee of Experts ... encourages the authorities to ensure that a sufficient offer of education in Basque is guaranteed in the future.**

- There is no mandatory trilingual model in multilingual education in Navarre. The introduction of trilingual educational experiences such as the Programme of Learning in English has not eliminated the models which include Basque in education. The structure of these models and the number of centres affected remains the same.

The current regulation, 'Foral' Order No. 110/2011, establishes the bases for teaching foreign language in centres offering the Programme of Learning in English (PAI). In model D centres, the foreign language, English, is incorporated in the second year of Pre-School Education with a five-hour per week schedule, extended to eight hours a week in Primary Education.

Three Model D colleges incorporated the multilingual model (PAI) between 2010 and 2012: CPEIP (Pre-School and Primary Education College) San Francisco Javier in Elizondo; CPEIP Sarriguren in Valle de Egüés; and CPEIP Buztintxuri in Pamplona.

There are 29 centres throughout Navarre teaching the PAI (Programme of Learning in English) and incorporating Basque language as a subject (model A) from first-year pre-school education (age 3). Pursuant to the 'Foral' Order mentioned above, Basque language is taught for 4 hours a week in the whole Pre-School and Primary Education phase. Foreign language begins at 3, with 10 hours per week.

In Secondary Education, the Bilingual Sections programme imparts the official curriculum of one or more subjects using French or English fully or in part as vehicular language, with the aim of integrating the learning of the language and of the content. Pupils join the programme in first-year Compulsory Secondary Education (ESO) and remain there until ending that stage, in fourth-year ESO.

For model D, bilingual Sections have been created in the following High Schools: in the Basque-speaking zone: Bera (bilingual English and French sections); Doneztebe (bilingual section in French); and in the mixed zone: Pamplona; Instituto Eunate (bilingual sections in English and French), and Zizur (bilingual English and French sections).

- In terms of the numbers of students studying the various models, according to the following tables:

- In the Basque-speaking zone (no model G teaching in Castilian), the model D percentage rises to more than 90% in pre-school and primary education and to more than 85% in secondary education. Model A has dropped by the same proportion.

Basque-speaking zone									
Pre-School and Primary Education					Secondary Education				
	09-10	10-11	11-12	12-13		09-10	10-11	11-12	12-13
Model A	428	438	414	389	Model A	291	287	287	301
Model D+B	4428	4567	4900	5042	Model D+B	1806	1820	1878	1977
Model G	0	0	0	0	Model G	0	0	0	0
<b>Totals</b>	<b>4856</b>	<b>5005</b>	<b>5314</b>	<b>5431</b>	<b>Totals</b>	<b>2097</b>	<b>2107</b>	<b>2165</b>	<b>2278</b>

- In the mixed zone (all models available), the D model percentage rises slightly in both primary and secondary education, while model A falls some 2 percentage points although remaining above 20% in the pre-school and primary stages.

Mixed zone									
Pre-School and Primary Education.					Secondary Education.				
	09-10	10-11	11-12	12-13		09-10	10-11	11-12	12-13
Model A	8370	8281	7934	7839	Model A	2188	2159	2060	2151
Model D	10300	10353	10552	10631	Model D	4995	5343	5539	5795
Model G	16727	17369	17178	17427	Model G	12363	13222	13987	13980
<b>Totals</b>	<b>35397</b>	<b>36003</b>	<b>35664</b>	<b>35897</b>	<b>Totals</b>	<b>19546</b>	<b>20724</b>	<b>21586</b>	<b>21926</b>

The data on pupil trends show that model D, teaching in Basque, has not been relegated in parent choice notwithstanding the reservations of some NGOs set out in paragraph 337 of the Third Report of the Committee of Experts which feared that “teaching of English may influence parents’ choice to the detriment of model D”.

Centres in the Basque-speaking and mixed zones have continued to ensure sufficient availability of teaching in Basque and of Basque language to meet popular demand, which has in general remained stable.

On the other hand, in the matter of the financial resources assigned to this teaching, the response to question 128 in the Committee of Experts’ report indicated that the essential resources for it to continue (for personnel, operations and agreements) are priority and remain sufficient. The budget cut censured in paragraph 337 of that report must be understood as referred to complementary and extra-curricular activities which, at a time of crisis, do not have the same priority.

Nonetheless, it has been possible during the period of supervision to continue with complementary and extra-curricular programmes for language backup specifically targeting the D and B models of teaching in Basque, or model A with Basque language as a subject. The following programmes may be mentioned, because they are widespread and represent good practice in language teaching programmes:

- *Bersolarismo* (sung improvisation) in education – *Bertsolaritza*: Fifteen hours direct teaching throughout the course on an understanding and the technique of verse (*bertso*). It is aimed at fifth and sixth year Primary Education, and a total of 1,368 pupils participate.
- The programme to enhance verbal expression capacities for secondary school pupils - *Solaskide*: this incorporates Basque language conversation assistants for one hour a week for each group of fourth year ESO and first year Bacallaureate pupils in models D and A, to reinforce verbal expression activities in general. There were 1,513 participants.

d)

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

***342. ... The Committee of Experts ... encourages the authorities to gradually increase the offer of Basque-medium education in technical and vocational training;***

Linguistic models are defined for compulsory education and bacallaureate. No linguistic model is defined for Vocational Training, but the subject is offered in Basque.

- Vocational training offered in Basque – the Basque-speaking zone.

There are three centres in the Basque-speaking zone teaching Vocational Training: the *Altsasu/Alsasua* Integrated Polytechnic Centre *FP Sakana LH*; *Lekaroz Elizondo* High School, Lekaroz-Elizondo; and *Toki Ona* High School, Bera. Pupils from the various language models are mixed and most teachers are bilingual, so that the vehicular language used is that of the pupils, Basque or Castilian. One of these schools was designated as an Integrated Polytechnic Centre in the 2012/2013 academic year, a new category in line with the needs for technical and vocational training arising from Organic Act No. 5/2002 of 19 June, the Qualifications and Vocational Training Act.

As seen from the following table, in this zone in 2010, 2011 and 2012, there was a percentage increase in enrolments in Vocational Training classes imparted in Basque compared with the previous supervision cycle, thanks to the effort to continue to make it available despite the reduced number of enrolments, as indicated in previous reports.

	2005-2006	2012-2013
Vocational Training Enrolments in Navarre	5,995	7,702
Vocational Training Enrolments in Basque-speaking zone centres	152	241
	2.54% of the total	3.13% of the total

- Availability of Vocational Training in Basque – the Mixed zone.

Two schools impart Vocational Training in Basque, with the following enrolments for this course in the cycles teaching in Basque:

The *Donapea* Integrated Polytechnic Centre

Mid-Grade	1 <sup>st</sup>	2 <sup>nd</sup>
Telecommunications Installations	No demand	No demand
Administrative Management	21	14

Senior Grade	1 <sup>st</sup>	2 <sup>nd</sup>
Administration and Finances	12	10

The *Adaptación Social* High School

Senior Grade	1 <sup>st</sup>	2 <sup>nd</sup>
Pre-School Education	20	19

f)

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

There has been a major drive to regulate teaching of Basque to adults, with aid allocations in 2010, 2011 and 2012. On accrediting understanding of the language, 'Foral' Decree No. 42/2011 of 16 May has established the curriculum for teaching Basque language to adults for the 'Foral' Community, in line with the proficiency levels in the Common European Framework of Reference for Languages.

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

***351. The Committee of Experts received complaints from representatives of the speakers that the teaching of history and culture reflected by Basque was not adequately taught at schools and that a number of textbooks on the subject were not***

***approved by the authorities. It invites the Navarre authorities to comment on these complaints in their next periodical report***

Teaching of history and of culture, the expression of Basque in Navarre, continues to be guaranteed by 'Foral' Decrees establishing the teaching curricula in both primary and secondary education and taught to all pupils in Navarre, whether or not Basque speakers.

As to whether these subjects are "*adequately taught*", Navarre believes from the information provided that this appears to allude to the content prescribed in the curriculum. It must be kept in mind that while there may be different views of the history of the 'Foral' Community of Navarre (and its future as a differentiated Autonomous Community), it is the role of the democratically elected Navarre Government and its Education Department to design official teaching curricula, and for these official curricula to be tabled, debated and reported to the Navarre School Council, the representative body involving all sectors of the Navarre School Community (including all linguistic models, networks and professional associations, parents and pupils). The stance of the great majority of this Council has been to endorse the 'Foral' Decrees containing the current official curricula.

The question of the approval of certain manuals by the authorities is also clarified in the information furnished by Navarre, that regulating text-book control and curricular subject-matter is a basic State provision, currently contained in Additional Provision Four of the Organic Education Act (the LOE) according to which the Navarre education administration may neither approve nor ban manuals, for the following reasons:

- approval is assigned to each educational centre in exercise of its educational independence (Additional Provision 4, paragraph 1),
- such approval by each centre requires no prior clearance from the education authorities (Additional Provision 4, paragraph 2) and
- control assigned to that Administration (of the 'Foral' Community of Navarre) is purely a *posteriori*, supervising books and materials as part of the ordinary procedure for inspection of all components of the teaching and learning process (Additional Provision 4, paragraph 3).

The information provided by Navarre concludes on this question that, if what is intended with the comment on complaints is that, consequent upon the Inspection of certain books, in the terms of that paragraph 3 of Additional Provision 4 of the Education Act, several 'Foral' Orders were issued declaring that some books in Basque were not in line with the curriculum approved by the Navarre 'Foral' Community Administration, that was not because of or related to the fact that they were in Basque but because of that failure to adjust to the current curriculum in a variety of subjects (none of them Basque language) as expressly required by paragraph 2 of Additional Provision 4. These 'Foral' Orders were expressly ratified by the Senior Court of Justice in dismissing suit for judicial review brought by one of the publishers whose books were ruled to be contrary to the Navarre curriculum.

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

***355. ... The Committee of Experts again asks the authorities to provide the requested information on Basque teacher training in the next periodical report.***

#### **1.- Teaching Basque language to teachers on active service who wish for that.**

The Navarre education system currently has sufficient numbers of teachers proficient in Basque to meet the demand for classes, and new generations of teachers are entering the system with integral training in the Basque language, so that the numbers of teachers who modify their language profile by recycling represent a minimal proportion.

The Administration continues to respond to the wish for training of teachers interested in learning Basque, making teaching available at all levels and also in new categories (self-learning for example). This learning is not however linked to licence for employment as it is not necessary to alter the language profile of the post taken by the teacher. Training is a right, but the employment licence paid (recycling) for study is not. It is a very costly administrative mechanism targeting an end, in this case more than sufficiently attained. There were 117 teachers involved in this training in the 2009-2010 academic year; 109 in 2010-2011; 128 in 2011-2012; and 134 in 2012-2013.

## **2.- Initial teacher training.**

Initial training of pre-school and primary education teachers who use Basque is guaranteed at this time by university studies taught in Navarre and adjacent regions:

- Navarre Public University offers two qualifications entirely in Basque: Pre-School Education Teaching and Primary Education Teaching.
- That Public University teaches a 50-credit Basque Studies Diploma on its Pamplona campus.
- There are universities in other areas with qualifications for teacher-training in Basque (e.g. the three Basque Country Public University centres in Bilbao, San Sebastián and Vitoria; Deusto University's Bilbao and San Sebastián centres; and the Mondragón University centre in Eskoriatza). In addition, *L'Université de Pau et des pays de l'Adour* has a course of some 1,200 hours' education in Basque studies on its Bayonne campus.

For Secondary teachers, there is both at Navarre Public University and other universities a comprehensive range of degrees which can be studied fully or partly in Basque. And it is also possible to complete university studies in Castilian or another language and obtain the EGA (Basque proficiency certificate) or some other equivalent. The Navarre Government has three Official Language Schools (in Pamplona, Tudela and Eoidna – a distance centre), a Public *Euskaltegi* (Basque language teaching centre) in Huarte, and a Navarre Basque Institute/*Euskarabidea* centre for training public servants and adults.

## **3.- On-going training**

The Department of Education establishes an annual General Training Plan which includes a proposal for specific training targeting teachers working in the Basque language. Basque language training is integrated into courses for grammatical updating and correct Basque usage, translation courses applied to teaching, dialectology courses, Basque language and literature courses and courses on audiovisual technologies and other teaching resources. All are taught in Basque at the Centre of Resources for the Teaching of Basque/EIBZ run by the Education Department. 1,028 teachers participated in these on-going training activities in 2009-2010, 661 in 2010-2011 and 715 in 2011-2012.

Moreover, Basque language teachers may take part in general scientific-didactic updating activities at Teacher Support Centres/*Irakasleentzako Laguntza Zentroak*.

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

***357. The Spanish authorities have not provided requested information on the monitoring by the Navarre School Council. ... Non-governmental organisations alerted the Committee of Experts to the fact that the Navarre School Council does not deal with the quality of teaching and the progress achieved in Basque-medium education.***

***358. The Committee of Experts invites the authorities to comment on the supervisory boards and reports in the next periodical report.***

To explain the specific work referring to teaching in Basque as part of the School Council's general tasks, the following four essential aspects must be kept in mind:

### 1.- Educational Community Representation.

Article 4 of 'Foral' Act No. 12/1997 of 4 November regulating the Navarre School Council, amended by Act No. 19/2012 of 4 of December, establishes the composition of the Navarre School Council, guaranteeing the effective involvement of all sectors representing the various language models, types of centre, educational levels, political and social representation and, of course, the important presence of families as a key component of education:

- Teachers and administrative and services employees are represented by two unions broadly implanted among model D workers (teaching in Basque).
- One of the posts representing parents is assigned to the model D *Apymas* Federation *Sortzen*.
- One of the three representatives of the boards of private centres in Navarre is the Navarre *Ikastolas* Federation, private centres teaching model D.
- Representation of the directors of public and state-subsidised private schools is agreed upon by the various associations, so that those representing model D centres are also present.
- The Managing Director of *Euskarabidea*/the Navarre Basque Institute is a member of the Council, representing the Education Authorities.

In addition to the foregoing, the remaining Council members are appointed by social sectors, pupils associations, the Equality Council, universities, and the handicapped persons committee, to include people from all Navarre's social and therefore linguistic spheres.

### 2.- Legislative control.

Article 27 of the Constitution guarantees the effective right of all sectors concerned to participate in general educational programming, their involvement strengthened by participation in the Autonomous School Councils, articulating, organising and encouraging that participation. This makes the Navarre School Council the 'Foral' Community's senior body for the control, monitoring and inclusion of the educational community for non-university teaching, and it must necessarily be consulted on the following matters, among others:

- a) draft 'Foral' legislation, and general draft executive education regulations which must be approved by the Government of Navarre.
- e) general provisions on the design and introduction of language models.

In compliance with these functions, according to the Council's Annual Report, in the 2011/2012 academic year 23 opinions were debated and referred to the Education Department, affecting various aspects and levels of the Navarre education system.

Thus the procedure for drafting provisions on education ensures monitoring and that all those involved participate effectively in the process, and for all regulations, including those related to teaching of or in Basque.

### 3.- Data and the monitoring of teaching in Basque.

One of the specific functions of the Navarre School Council is to draft an Annual Report on the region's education system (henceforth the INSE). This is a public report which is filed with the Navarre Parliamentary Education Commission and delivered to all those engaged in education, and it is available on the School Council's website <http://consejoescolar.educacion.Navarre.es/index.php/es/reports/inse.html>, the.

Accordingly, and because teaching in Basque accounts in education in Navarre (model D) for about 30% of pupils studying in public centres or in state-subsidised private schools, the

specific data on the monitoring and development of the model are prepared, debated and published every year.

As an example, the four following areas may be cited among those referring to teaching in Basque and which regularly form part of the reports, the latest INSE being for the 2011/2012 academic year: teacher-training in Basque; programmes for linguistic reinforcement and complementary and extra-curricular activities in Basque; schooling results (pupil trends in each language model and educational stage over the last 5 years); the results of progression in the education system; and an evaluation of trends in linguistic proficiency.

#### 4.- The presence of Basque in Navarre School Council activities.

Under the School Council's regulations, its normal activities shall be in Basque. The same applies to possible intervention at sessions in Basque and in publicising the Council's activities on the official website where all the information is publicly and clearly available in both languages; <http://consejoescolar.educacion.Navarre.es/>

In conclusion, given its representative reach, its mandatory consultancy role, the exhaustive nature of its annual reports and the use of Basque in its functions, it is considered that, based on the information furnished for this Fourth Spanish Report by the Navarre 'Foral' Community, the Navarre School Council's effective involvement in teaching quality and progress in teaching in Basque should not be questioned.

### **Article 9. Justice**

#### **Paragraph 1**

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

#### **a in criminal proceedings:**

- i) to provide that the courts, at the request of one of the parties, shall conduct the proceedings in the regional or minority languages; and/or***
- ii) to guarantee the accused the right to use his/her regional or minority language; and/or***
- iii) to provide that requests and evidence, whether written or oral, shall not be considered inadmissible solely because they are formulated in a regional or minority language; and/or***
- iv) to produce, on request, documents connected with legal proceedings in the relevant regional or minority language, if necessary by the use of interpreters and translations involving no extra expense for the persons concerned;***

#### **b in civil proceedings:**

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



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

**Recommendations of the Committee of Ministers of the Council of Europe**

- 11. **To amend the legal framework with a view to making it clear that the criminal, civil and administrative judicial authorities in the Autonomous Communities will conduct the proceedings in the co-official languages at the request of one party,**
- 12. **To take the necessary legal and practical measures to ensure that a sufficient proportion of the judicial personnel assigned to the Autonomous Communities affected by the application of Article 9 of the Charter has a working knowledge of the relevant languages.**

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

381.

*The Committee of Experts urges the Spanish authorities:*

- *to take the necessary measures to increase the proportion of judicial staff in Navarre, at all levels and particularly among judges and prosecutors, who are able to use Basque as a working language in courts;*
- *to develop adequate training schemes for judicial staff as well as for lawyers.*

Reference may be made to the general information not specific to the Autonomous Community, furnished for this Article 9 of the Charter and for recommendations 1 and 2 of the Committee of Ministers in the section of this report on Catalan in Catalonia.

**Actions by the Autonomous Community.**

As already pointed out in the Third Spanish Report on compliance with the Charter (page 850), the Navarre Government has contracted a translation and interpretation service to assist judicial bodies. The demand for this translation and interpretation service has grown constantly in recent years.

In the matter of the increased percentage of Basque speakers in the Justice Administration in Navarre, 'Foral' Decree No. 55/2009 of 15 June regulating assessment of proficiency in

Basque among the organic staff of the 'Foral' Community of Navarre's Administration and autonomous bodies, allows assessment of proficiency in Basque to account as a minimum, in all jobs in the Basque-speaking zone, for 6 per cent of the total score allocated to the rest of the scale of qualities, provided that proficiency in that language was not declared mandatory in the organic workforce. In the mixed zone, where nearly 80% of Administration jobs are concentrated, the minimum valuation is 3%.

'Foral' Order No. 985/2009 of 28 December of the Minister for the Regional Presidency, Justice and the Interior, establishing the rules for managing temporary personnel filling positions at the service of the Navarre Justice Administration approved a Scale of Merits, with a maximum score of 22 points for all items, assigning the following evaluation to proficiency in Basque: in the mixed zone, proficiency in Basque may obtain a maximum score of 2.10 points and, in the Basque-speaking zone, a maximum of 2.20 points.

Likewise, under this provision, "in filling posts for which proficiency in Basque is a requisite according to the job lists, the call will favour candidates who accredit that they hold EGA qualification or another official qualification equivalent to level C1 of the Common European Framework of Reference for Languages. Proficiency in Basque may also be evidenced by passing the specific tests convened for the purposes by the Navarre Public Administration Institute".

On the other hand, for calls to fill vacancies in competitive transfers of officials in the Corps and Scales of Procedural and Administrative Management, Procedural and Administrative Processing and Justice Administration Judicial Assistant, under 'Foral' Decree No. 55/2009 of 15 June and Resolution No. 210/2010 of 13 September, in the Basque-speaking and mixed zone verbal and written proficiency in Basque allows up to twelve points, for these purposes only, depending on the level of proficiency accredited in the following terms:

- 1.– Level 3 Certificate or equivalent qualification: four points.
- 2.– Level 4 Certificate or equivalent qualification: eight points.
- 3.– Level 5 Certificate or equivalent qualification: twelve points.

As a whole, this provision will help to raise the percentage of Justice Administration personnel in Navarre able to use Basque as working language in the courts.

On the Committee of Experts' recommendation concerning the establishment of training programmes targeting Justice Administration personnel in Navarre and lawyers, the Navarre Government offers courses to learn Basque and to improve the capacity to use Basque at work. The training offer is coordinated between *Euskarabidea* and the National Public Administration Institute (INAP).

Moreover, all Justice Administration personnel in Navarre may make use of the Basque-Castilian Terminological Dictionary free of charge on the associated intranet, and obtain an immediate translation at an email address.

Finally, it is emphasised that the INFOREG application has been installed in all Magistrate's Courts in Navarre to register and certify births, marriages and deaths. At this time, applicants may choose the language in which they wish to receive the certificate – Castilian or Basque – in 267 Magistrate's Courts.

### **Paragraph 3**

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

***386. With regard to pre-1998 legislation, the Committee of Experts encourages the Navarrese Government to co-operate with the Basque Country Authorities when its legislation is translated by the Basque authorities.***

The Navarre Official Gazette Service introduced the Corpus of 'Foral' regulation known as the *LEXNAVARRRE euskaraz* in Basque, which contains all the provisions promulgated in Navarre and is permanently updated.

On the other hand, the Specific Collaboration Agreement on language matters concluded in July 2012 between the Navarre and Basque Governments and referred to in the answer to question 91 in the Third Committee of Experts Report includes in its fields of action Basque-Castilian and Castilian-Basque translations of Spanish and foreign legal provisions, including European Union Treaties and Directives, and the creation and maintenance of a public bank of translation memories.

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

### **Paragraph 1**

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

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

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

The information relative to Paragraph 1 this article of the Charter is provided in point II.B) of this report from Spain.

### **Paragraph 2**

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

- a) ***the use of regional or minority languages within the framework of the regional or local authority;***
- b) ***to ensure that users of regional or minority languages may submit oral or written applications in these languages;***

### **Paragraph 3**

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

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

**422. The Committee of Experts invites the authorities to comment on the use of Basque by public services, especially with regard to recruitment, service provisions, customer services, web pages and correspondence in the next periodical report**

The questions raised in the report in connection with this article refer fundamentally to the availability of services provided by regional authorities in Basque and the possibility for users to communicate with the administration in this language. In particular, that availability and those possibilities are questioned when central administration services located in the mixed zone contact Basque-speaking citizens residing in the Basque-speaking zone, to whom the commitments made in ratifying the Charter apply.

It must be remembered that 9.7% of the total population of Navarre resides in the Basque-speaking zone, where Basque is a co-official language; of that figure, 57.6% of those residents, familiar with Basque, may be potential users of those services in that language.

However, the possibility for these citizens to access central services in Basque implies that they are available to the entire general public.

The Navarre Government considers that the right of those citizens to receive administration services in Basque and to communicate with that administration in Basque has to be reconciled with the right of a majority of citizens, non-Basque-speakers, to access a reasonable number of the jobs offered for the provision of these services, addressed to an overall population of which a considerable majority does not use Basque in their relations with the administration. This reconciliation of different rights must also take account of criteria concerning the efficiency and quality of the services provided.

For an overview of the action taken by the regional authorities in this field, and given that the services provided by local bodies were already assessed positively in previous reports, this section furnishes information on the availability of central services in Basque, distributed into the following thematic blocks:

#### 1.- Verbal and written applications in Basque.

All applications in Basque for certification of entries in registers, and forms, communications and notifications filed in the General Registers, Information and Public Attention Services or in the citizen service mailboxes are dealt with. Enquiries, complaints, claims, etc. are answered in the language in which they are received. Should the Administrative Department to which they are addressed be unable to respond directly and a text must be translated, it is referred to the Translation Section.

Verbal petitions filed in Basque in the Administration's Central Information and Public Attention Services or in customer service by telephone are dealt with by arranging for personnel to be present in posts where proficiency in Basque is mandatory, assigned to registration services and direct customer service units. According to data gathered, average requests for attention by telephone in Basque in the Administration's central services account for 1.06% of all calls received. Requests for bilingual personal attention represent 2.31% of the total.

The 2,142 posts classified as requiring proficiency in Basque amount to 8.28% of the total organic staff of the regional Administration. This is classified as a rateable quality for a further 388.

In the Educational Service, 31% of total public centre teaching staff meet the requisite for Basque; likewise, 20.97% of administrative and services personnel also accredit proficiency in Basque.

Specifically in the Basque-speaking zone, the following are the total numbers of positions in the 'Foral' Community Administration:

- Excluding teaching personnel, there are in all 459 posts, of which proficiency in Basque is mandatory in 80 (17%) and a rateable quality for the other 379. For teaching personnel, there are 713 jobs, and for 572 of them it is mandatory.

- Combining all the Navarre Government posts in the Basque-speaking zone gives a total of 1,172, for which proficiency in Basque is compulsory in 652 (55%).

In addition to these positions and so not including those for which Basque is a requisite for the organic payroll, with the application of 'Foral' Decree No. 55/2009, proficiency in Basque has been acknowledged as a quality in 45 calls for competitive transfer and in 18 for admission, in turn 1,001 and 322 jobs (1,323 in all). These 63 calls were in the area of the Navarre Health Service-Osasunbidea and in calls from the Department of the Regional Presidency for all divisions except teaching staff.

It must be emphasised that, in addition to the posts where proficiency is mandatory and those for which knowledge of Basque is treated as a rateable quality, leave is often granted during working hours to attend courses organised and funded by the Navarre Government for officials with a high level of proficiency in Basque to enhance or maintain their level and enable them to operate in that language. Every year, more than 1,000 employees take part in these Basque training courses.

2.- Outdoor and indoor signage is bilingual:

The indoor and outdoor signage at all town councils and local bodies in the mixed zone with Basque Service (virtually all) is bilingual. The same is true of their street and road signs (indicator posters and for addresses, location and information).

All Navarre Government divisions located in the Basque-speaking zone have outdoor and indoor signage in the two languages, and the signage of some in the mixed zone is also in both languages.

3.- Commonly-used forms are available in Castilian, in Basque or in bilingual form :

Forms and notices available to all citizens both on the Web and in person must be in Castilian and in Basque and bilingual where possible. Copies and certificates of data held in the Departments' registers are in Castilian or bilingual, as requested by the person concerned, for which two accreditation models are available.

All forms provided to the public by local bodies in the Basque-speaking zone and those in the mixed zone with Municipal Service in Basque are issued in Castilian and in Basque or both.

4.- Service, campaign and publications brochures.

All were in general issued in bilingual format in 2010, 2011 and 2012.

5.- The profile of Basque on the Navarre Government website:

Services offered to citizens which can be dealt with in Basque on the website "www.Navarre.es" have increased during these years: 37 in 2010; 78 in 2011; and 86 in 2012. A summary of traffic at sites in Basque at the Navarre Government's institutional portal shows 311,874 hits in 2010, 361,542 in 2011 and 262,449 in 2012.

#### **Paragraph 4**

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

***a) translation or interpretation as may be required;***

**425. The Committee of Experts invites the authorities to comment on this issue with regard to paragraphs 2 and 3 in the next periodic report.**

1.- The Official Navarre Gazette Service was introduced in Basque and is permanently updated, comprising the Corpus of 'Foral' provisions known as the *LEXNAVARRRE euskaraz*, available at the Navarre Government Portal. In 2010, 159 official gazettes published were translated, 256 in 2011 and 253 in 2012.

2.- The *Euskarabidea* translation unit translated 3,470 pages in 2010, 4,143 in 2011 and 6,096 in 2012.

3.- The Parliament of Navarre

The Navarre Parliament has a Basque Translation Unit and an Interpretation Service with five translators-interpreters, integrated into the Press, Publications and Protocol Service.

At sessions of the Navarre Parliamentary Plenum and Commissions, members of the Chamber may speak in Castilian or in Basque. A simultaneous Interpretation Service translates speeches in Basque into Castilian. Following the sessions, the translators translate the transcription of speeches in Basque into Castilian, and they are published with reference calls on the last pages of the Journal of Sessions.

The start or Home Page on the Navarre Parliament's official website is entirely in Basque, as is the complete site map.

In connection with official Navarre Parliament documents and signage, all parliamentary initiatives which must be published in the Chamber's Official Gazette are translated into Basque. All resolutions passed by the Chair, the Board of Spokespersons, the Plenum and the Commissions are translated into Castilian and Basque when affecting Basque-speaking-zone entities or bodies. Indoor signage and stationery are bilingual.

4.- Local bodies

The Official Navarre Gazette Summary incorporates a section entitled "Navarre Local Authorities" for publication of provisions and announcements, ordered by locality, in both Castilian and in Basque.

The municipal ordinances and organic payrolls of the various localities on the Navarre Government website appear in Castilian and Basque. Local authority translation services mean that Basque can be used as working language in municipal plenums and commissions.

*Euskarabidea* offers local authorities a Translation Support Programme using technical resources and translation memories (generic and specific).

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

***428. ... The Committee of Experts ... asks the Navarrese authorities to provide information regarding the practical effect of 'Foral' Decree 55/2009 in the next periodical report.***

Training in Basque of Public Administration staff in Navarre in 2010-2011-2012 is included in the Annual Plan drawn up by the Navarre Public Administration Institute, coordinated between *Euskarabidea* and the INAP, organised and funded by the Navarre Government, and where paid leave is available to personnel to attend. It is worth noting that every year more than 1,000 employees participate in Basque training courses. There are three calls each year to apply for courses; 1,017 pupils took part in 2010, 1,098 in 2011 and 1,120 in 2012.

In reply to the request for the Navarre authorities to report on the practical effect of 'Foral' Decree No. 55/2009, the details offered in response to the questions raised in Paragraphs 2 and 3 of this Article may be summarised:

For the training of local officials, a subsidy was granted in 2011 to the local authorities signatories to the Cooperation Agreement with the Navarre Government to normalise the use of Basque at the municipal level, and funding was approved for the annual language normalisation programmes for 2011 resulting from application of that Agreement. In 2012, pursuant to 'Foral' Decree No. 25/2012 of 23 May regulating aid to use and foster Basque in the municipalities, the call was approved to subsidise aid to use and promote Basque at that level in 2012.

## **Article 11 – The Media**

### **Paragraph 1**

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

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

### **440.**

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

The basic assumption is that this question is intended to ensure that the Navarre Government guarantee the existence of media with Basque content. The questionnaire delivered refers to this matter in question 91 (rebroadcast of Basque Country public television channels in Navarre), which considers that this is attained with the broadcast of Basque public television there. This question 440 introduces the nuance "if necessary" in referring to cooperation with the Basque Government. The Navarre Government believes that a distinction must be made between broadcast in Basque and broadcast of Basque Country public channels in Navarre.

In 2012 and 2013, within the scope of its jurisdiction, Navarre adopted a number of initiatives to guarantee the continuing use of Basque in audiovisual media in the Basque-speaking and mixed zones and which cover the entire region:

- Approval of the new regulation of the audiovisual sector, 'Foral' Decree No. 5/2012 of Audiovisual Communication Services, for the first time at the regulatory level requiring broadcast of content in Basque as one of the six rateable requisites for all licences which must be granted by the 'Foral' Administration.

- The radio and television licence offers convened in 2012 fostered a new plural range of media committed to broadcast in Basque: two new 100% Basque radio broadcasters in Baztan and Bera; five new radio broadcasters (the *Abian Komunikazioa* group) with 75% Basque broadcast in five Basque-speaking localities; and four more with at least 50% of broadcasts in Basque, belonging to the *Zeroa* Multimedia group and the *Pausu* Media Association. The two new regional television channels proposed as licence-holders will also broadcast in Basque as will all the local television broadcasters proposed for the mixed zone (three channels in Pamplona) and the 12 licensed radio broadcasters in that mixed zone

(Estella, Isaba, Ochagavía and Pamplona). This policy, of Basque in the media in Navarre, is implemented in accordance with current linguistic and audiovisual provisions and pursuant to the principle of voluntary use of Basque in companies and associations encouraging and promoting new media.

- Offers of public aid to promote audiovisual content on television in Navarre in 2012 for the first time required subsidy recipients to guarantee programming in Basque (at least one weekly broadcast). As a result of this tender, of the two television broadcasters which received aid, *Canal 6 Navarra* included daily news programming in Basque while *Popular Televisión*'s content was non-news and weekly. In 2013, because just one regional television station was in operation (*Navarra Televisión*), the bases for the direct subsidy granted to this operator required it to offer two programmes of its own per week in Basque, and which can be received throughout the 'Foral' Community.

In addition, *Euskarabidea* and Navarre Television signed an Agreement (the *Euskarabidea* Managing Director's Resolution No. 34/2012 of 13 November) to regulate cooperation between the two bodies on Basque translation of some of the channel's programming content.

Finally, it must be indicated that the territorial centre of Spanish Radio and Television in Navarre, covering the entire 'Foral' Community, offers a summary of the main news in Basque at the end of its daily regional news bulletin.

b)

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

**443. ... The Committee of Experts encourages the authorities to take a more positive attitude towards facilitating the activity of the sole radio station in Navarre that offers programmes fully in Basque for the whole community of Basque speakers in Navarre.**

**444. ...The Committee of Experts invites the authorities to reconsider their decision on granting a license for "Euskalerría Irratía".**

Compliance with this commitment is explained fundamentally in the information facilitated in response to the questions raised in sub-paragraph a) of Paragraph 1 in this Article 11 of the Charter.

There are currently five municipal radio stations in Navarre authorised to broadcast, which they do entirely in Basque, *Aralar Irratía* (Lekunberri), *Iratí Irratía* (Valle de Aezkoa), *Beleixe Irratía* (Etxarri Aranatz), *Karrape Irratía* (Leitza) and *Xorroxin Irratía* (Baztan). These broadcasters received aid from *Euskarabidea* totalling €92,270.92 in 2010 and €84,951.84 in 2011.

The information received by the Committee of Experts on *Euskalerría Irratía*, a company broadcasting in the mixed zone where Basque is not an official language and referred to in paragraphs 443 and 444, was not correct.

There is no provision in the Spanish regulations for the private sector to receive radio broadcast licences to cover an entire province or Autonomous Community; rather, the licences authorised are of local and district scope. On the other hand, those provisions do allow these local and district operators to link in order to broadcast in a single community or in several, so that private operators may provide regional or national cover. There is no radio station chain in Navarre programming entirely in Basque. Nor is any such operator operating beyond the legal standards anywhere in the region.

Specifically on question 444 concerning the licence granted to the radio broadcaster mentioned, the 'Foral' Community of Navarre considers that the Committee of Experts must be informed of the content of the letter sent in November 2012 by the Second Vice-President



and Culture Councillor of the Government of Navarre to the Secretariat of the European Charter of Minority or Regional Languages and to the European Multilingualism Commissioner. That letter explains essentially that, according to the regional provisions referred to above, bids for radio licences adjusted to Spanish sector and European standards must be granted freely and competitively; it is against the law to assign them directly. The 'Foral' Community thus asks for the question/invitation on this matter to be eliminated as it is not in line with regional, Spanish and European norms.

c)

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

**449. ...The Committee of Experts encourages the authorities to increase their support for private television broadcasting in Basque in order to adequately cover the entire zone where most Basque speakers live.**

Compliance with this commitment is basically set out in the information furnished in response to the questions raised in Paragraph 1 sub-paragraph a) of this Article 10 of the Charter.

The only private television channel with an autonomous television licence for the 'Foral' Community during the period of supervision (2010-2012) was *Navarra TV* which, in line with the bases of the Agreement in place for public aid received to promote its own audiovisual contents, broadcasts two weekly programmes in Basque. Moreover, as recorded in reply to question 440, two new regional television operators were proposed as new licence holders in July 2013; like the three awarded local television licences in Pamplona, they offer part of their programming in Basque.

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

**452. The Committee of Experts ... encourages the authorities to report on any further recent audio and audiovisual production in Basque in the next periodical report.**

A Navarre Government Institute (the INAAC – Navarre Audiovisual Arts and Film Institute) is entrusted with promoting and divulging culture through the audiovisual arts which, in addition to supporting audiovisual production in Basque, publicises all its activities in that language. The INAAC Foundation has collaborated financially on various films, whether shot entirely in Basque, for parts of the script, or for their Basque version or subtitling, three of these in 2009, eleven in 2010, five in 2011 and four in 2012.

On the other hand, to provide material backup for media operating in Basque, *Euskarabidea* has created a Website – *Albistegunea* – with audio, video and written content for media which may be interested in incorporating it into their programming. *Euskarabidea* has acquired material, to be placed on that Website, from the following media using Basque: *Ttipi-ttapa* (€18,584.2) *Xaloa Telebista* (€49,000), *Xorroxin Irratia* (€11,950) and *Bierrik Fundazioa* (€6,250).

e)

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

**454. The Committee of Experts encourages the Navarre authorities to pursue further the matter of a support scheme for a newspaper in Basque.**

In the announcements of aid to the media for use of Basque, the written press media received a total of €127,729.08 in 2010 and €103,784.52 in 2011. On the other hand, the municipalities continue publishing the magazine *Zer Berri?* to raise public awareness of Basque. This

magazine is subsidised by the Navarre Government, receiving €21,400 in 2010, €17,200 in 2011 and €12,473 in 2012.

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

**463. The Committee of Experts ... asks the authorities to report upon further application in the next periodical report. The Committee of Experts also invites the authorities to provide information on whether these grants can be used to study journalism in Basque at the University of the Basque Country.**

University studies in journalism and audiovisual communication and professional studies in image and lighting, photography, sound, audiovisual production, scripts and dubbing are available in the same conditions and receive the same aid as other specialisations in vocational training or university degrees.

The Cooperation Agreement between *Euskarabidea*/Navarre Basque Institute, the Navarre University Communication School and the *Empresa-Universidad de Navarra* Foundation to promote university training in media in Basque does not aim to replace those studies but rather to complement student training, providing grants for practical work in communication companies which use Basque or in media offering information in Basque.

During the period analysed, grants were given for practical work on *DEIA* (Vizcaya), *28 Kanala* (Guipúzcoa), *Xaloa Telebista* (Nafarroa), the *OINEZ'12 San Fermin Ikastola* Communication Campaign, and *Radio 98.3 Irratia*.

### **Paragraph 3**

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

**465. The Committee of Experts notes with disappointment that for the third time no concrete information in this respect is provided. ... It urges the authorities to provide the pertinent information in the next periodical report.**

The 'Foral' Parliament eliminated the two existing structures, the Navarre Audiovisual Council (with jurisdiction over private audiovisual operators) and the RTVE Advisory Council in Navarre (specific to Spanish Radio and Television) in October 2011. The former was phased out because of cuts in public expenditure, the latter because the national provision which created it (Act No. 4/1980 of 10 January, the Radio and Television Statute) was repealed by a subsequent State provision (the State Radio and Television Act, Act No. 17/2006 of 5 June) which did not require the Autonomous Communities to retain those consultancy structures.

The new 'Foral' Audiovisual Communication Services Decree, No. 5/2012, guarantees mandatory evaluation of content in Basque for any new audiovisual licence to be granted in the 'Foral' Community.

## **Article 12- Cultural services and activities**

### **Paragraph 1**

***With regard to cultural activities and facilities – especially libraries, video libraries, cultural centres, museums, archives, academies, theatres and cinemas, as well as literary work and film production, vernacular forms of cultural expression, festivals and the culture industries, including inter alia the use of new technologies – the Parties***

***undertake, within the territory in which such languages are used and to the extent that the public authorities are competent, have power or play a role in this field:***

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

**468. The Committee of Experts ... urges the authorities to provide more specific information on aid to the translation, dubbing and/or subtitling from and into Basque within the approved budget of *Euskarabidea* in the next periodical report.**

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

**473. ...The Committee of Experts ... asks for information on the practical effects of Decree 55/2009 in the next periodical report.**

On the matter of the impact of the application of 'Foral' Decree No. 55/2009, we refer to the response to this same question, as for number 428, offered on Article 10 of the Charter.

INAAC: referring to aid for translation, dubbing, post-synchronisation and/or subtitling, the information offered on Paragraph 1, sub-paragraph d) of Article 11 of the Charter on the commitment to promote and/or facilitate production and distribution of audio and audiovisual works in regional or minority languages provides details of financial collaboration by the Navarre Government's INAAC Foundation with various films. That body's Basque-related functions were dealt with in that point of the report. Its website is in Castilian and Basque.

The Navarre Film Library: Its website is in Basque and Castilian, the monthly programme brochure has been published bilingually and is now included on the website. When a film in Basque is programmed, it is reviewed in that language in the brochure.

The *Punto de Vista* (Point of View) Festival: the Festival's website is bilingual and all its contents can be consulted in Castilian and in Basque. In addition, the 2010 and 2011 catalogues were bilingual, as were all the Newsletters. Several films projected during these years were Basque original versions with Castilian subtitles.

Announcements for aid from the Directorate-General of Culture–*Príncipe de Viana* Institution: Mention may be made of many calls for this aid: promoting creation; the development of artistic products and artistic and cultural enterprises; support for the growth of a stable, innovative and competitive creative and culture sector; and backing for cultural actions in municipalities, etc. In all these, close attention is paid to the commitment to the regional language in terms of publicity and access to the call. All are published in Basque in the Official Navarre Gazette, as are the application forms and those for the description of the project, so that all the documentation can be submitted in Basque. Moreover, some invitations address the commitment to the regional language according to the announcement rating, and the communication plan of the bodies subsidised (posters, leaflets, etc.) is usually in Basque as well as in Castilian.

All the information on the artistic programmes organised by the Directorate-General of Culture–*Príncipe de Viana* Institution is published on the website in Castilian and Basque. The posters and programmes are prepared in Basque for artistic programmes presented in part in the Basque-speaking and/or mixed zone. In 2013, 1,300 posters and 11,500 programmes

were published in Basque. These data refer to three programmes, and can be extrapolated to other years.

'Foral' Administration Museums: the three museums' website is trilingual (Castilian, Basque and English). All the Navarre Museum's materials and activities are bilingual (the handbill, the prehistory brochure, teaching material, family activities, school workshops, suggestions and complaint forms, etc.). The Carlism Museum offers activities such as guided visits, teaching workshops, texts for the permanent exhibition etc. in Basque.

Libraries: among the Library Service's activities in Basque, the following may be noted: access to and consultation of the Library Catalogue; video-tutorial for access to the Catalogue; the public libraries website (of the 39 public libraries with a website housed in the Spanish Ministry of Culture's server – "bibliotecaspublicas.es" – 9 have a Basque version); activities to foster and promote reading; promotional material prepared by the Service; suggestion, consultation and complaints (SCR) forms; official forms; acquisition of documents; newsletters and brochures with information on the Library; and the Navarre Film Library, etc.).

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

### ***Paragraph 2***

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

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

**505. ... The Committee of Experts would like to know whether the 2010 rulings of the Pamplona Court, the Court of Administrative Disputes of the High Court of Justice in Navarre concerning *Osasunbide*, the public health service, created a precedent for the relevant job announcement in the health sector to include the requirement of the knowledge of Basque.**

Consequent upon the Supreme Court Ruling of 1 April 2011 and the resulting need to adapt the general provisions concerned to that decision, the SNS-O (*Servicio Navarro de Salud-Osasunbide*) urged amendment to 'Foral' Decree No. 347/1993 of 22 November regulating entry to and providing for jobs in that Public Health Service. Accordingly, pursuant to 'Foral' Decree No. 35/2013 of 29 May, Articles 6 and 21 of the previous regulation were amended to assess proficiency in Basque as provided for in general for the Administration of the 'Foral' Community of Navarre, according to the percentages established for that.

As a result of the application of 'Foral' Decree No. 55/2009 to *Osasunbidea*, the most recent calls for admission and transfer have acknowledged proficiency in Basque as a quality.

In the Basque-speaking zone, there are nine Primary Healthcare Teams with a total of 148 jobs, of which 35% (52) require knowledge of Basque while the remaining 96 assess it merely as a quality.

On the other hand, within the reach of the North Navarre Sub-Directorate, the Primary Healthcare Directorate assigns part of its annual budget to substituting staff attending Basque proficiency training. Specifically, the recent cost of substitutions for training courses in Basque was €46,208 in 2011 and €28,708 in 2012.

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

The four retirement homes in the Basque-speaking zone do not belong to the Government of Navarre but are rather in municipal hands or belong to foundations who decide on the payrolls, hiring requirements and the operation of these homes.

One bilingual person in the Navarre Government's division of services for the elderly deals with these centres, and the EISOL services contract (Social-Vocational Integration Teams) guarantees attention in Basque in the Basque-speaking zone (4 professionals are Basque-speakers).

In the five centres managed by the Navarre Government's Social Policy Department and located in the mixed zone, healthcare can be provided in Basque.

**The Autonomous Body the Navarre Sport and Youth Institute**

There are various centres and offices attached to this body, with bilingual staff able to operate in Basque: hotels, its own sports centres, youth, central offices, the Centre for Technology in Sport, the Sport Studies, Research and Medicine Centre (CEIMD), the Youth Hostel Centre, or the Centre for Resources for Training and Youth Refuge Centre.

**Centres/services for minors and the family:**

At centres for minors and services managed by *Sin Fronteras* (Without Borders), *DIANOVA*, *Nuevo Futuro* (New Future), the *Ilundain* Foundation, *Pauma*, and *Berriztu*, a large part of the direct staff speaks Basque.

*Euskarabidea* has begun monitoring measures to foster use of Basque in collective bargaining agreements. Those in public entities provide resources enabling employees who so wish to acquire a language profile which is in line with their job or with a post further up, establishing conditions similar to those for public servants for access to courses to learn Basque.

Collective bargaining agreements in private companies or in specific professional sectors, affecting about 5,162 employees, provide among other aspects for financial aid for those studying Basque, compensation with time either to study or to attend official examinations, and a commitment to draft those agreements, staff notices and the information published on the noticeboard, posters, signage, etc. in Basque and in Castilian.

**Article 14 – Transfrontier exchanges**

***The Parties undertake:***

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

**516. ... The Committee of Experts encourages the authorities to pursue bilateral agreements with the countries in which the same languages are spoken**

The following may be referred to as examples of this collaboration:

- Transfrontier collaboration has continued in recent years in the field of Senior Education through the AEN university network (Aquitania, Euskadi, Navarre), bringing together seven universities on both sides of the Pyrenees, 21 entities, 201,000 students, and 19 campuses.
- Collaboration has also continued in R+D through the *Interreg IV* Programme, in the Transfrontier Programme (*Interreg a*) Spain, France, Andorra, through the Pyrenees Working Community, in the transnational Programme (the *Sudoe* and Atlantic Arc Programmes) and in the Interregional, *Interreg c*.
- The signing in May 2006 of a Collaboration Agreement between the Cultural Service of the Embassy of France in Spain and the Navarre Government's Education Department has made it possible to implement educational and language programmes for school centres in the management area of the Bordeaux Academy and the 'Foral' Community of Navarre.
- As part of the collaboration defined in the Addendum to the Framework Transfrontier Cooperation Agreement concluded on 8 March 2011 in Pau by the Navarre Government and the General Council of the Atlantic Pyrenees, a Secondary Pupils Exchange Programme was organised between centres in France and Navarre (the *Irissarry* Programme).
- The "Two Navarres" seminar is an annual cultural event which has been held since 2005, alternately in French Navarre and Spanish Navarre, to share knowledge, experiences and projects among cultural institutions and bodies in the two regions. It is promoted by the Navarre Government along with the main municipalities in Lower Navarre and cultural entities like the Association of Friends of Old Navarre based in Saint Jean Pied de Port, the Lower Navarre capital. In 2012, the celebration was hosted by the Lower Navarre municipality of La Bastide Clairence. In previous years, it took place in the French localities of Saint Jean Pied de Port, Saint Palais and Baigorri, and their Spanish counterparts of Roncesvalles, Pamplona, Valcarlos and Ujué. In 2013, it was held in Olite.

# **THE OCCITAN LANGUAGE, NAMED ARANESE IN THE ARAN VALLEY**

## **1. INTRODUCTION**

### **Data on the number of speakers**

**56. The Committee of Experts encourages the Spanish authorities to carry out surveys in cooperation with the speakers of regional or minority languages in order to have accurate updated data concerning the number of users of regional or minority languages and their geographic distribution.**

It should firstly be noted that most of the geographic area of the Occitan language is located in France (the southern third) although it is also spoken in Italy (in the regions of Piemonte and Liguria and in an enclave in Calabria) and in Monaco. There is no reliable statistical data for the exact number of speakers of the language as a whole.

As regards the number of Aranese speakers in the Aran Valley (633.6 Km<sup>2</sup> and 10,056 inhabitants), the area where the language enjoys the greatest recognition and legal status as well as the highest usage and social and institutional prestige, the most recent official figures come from the survey conducted in 2008 and are amply covered in the Third Report on Spain. The data from the survey currently being conducted will be available in 2014.

### **Legislative changes**

In 2010, the Catalanian Parliament approved the Occitan (Aranese in Aran) Act 35/2010, of 1 October. This implements Article 6 of the Statute of Autonomy of Catalonia of 2006.

As regards the provisions of the Statute of Autonomy of 1979, which referred to “Aranese” as an object of teaching and deserving of special respect and protection, the 2006 Statute recognised Occitan, named Aranese in Aran, as an official language in Catalonia. It referred to a subsequent legal framework, created by Act 35/2010, which reinforced this linguistic identification of Aranese as part of the Occitan language and explicitly established mandates for safeguarding and promoting linguistic unity or collaborating with the other Occitan territories and institutions (Articles 1, 2, 4 and 24).

The above Act 35/2010, stipulates the use of Occitan in the various areas of the administration. It provides guidance on its linguistic correction, promotes its use in the media, underpins relations with the various territories where Occitan is spoken, implements it as the Aran Valley’s native language, frames the teaching of Occitan within formal education, regulates the authority to issue certificates, implements it as an official language in Catalonia, promotes its use in cultural activities and its presence in libraries and cultural centres and encourages its use in socio-economic activities. The Act also contains other provisions relating to onomastics, anthroponymy and the use of Occitan in the media and its promotion, dissemination and external projection.

Articles 2.3, 5.4, 5.7 and 6.5 of Act 35/2010 describing Aranese as the preferred language of the public authorities have been challenged on constitutional grounds. This followed similar provisions declared unconstitutional in the Constitutional Court Ruling (STC 31/2010) on the Statute of Autonomy of Catalonia of 2006. The Constitutional Court has suspended these contested precepts pending a resolution.

With regard to local authorities, the municipalities in the geographic area concerned have continued to adopt their own linguistic regulations in the period under review in order to encourage the use of Occitan-Aranese.

## Organisational aspects

In accordance with the existing legal framework, the competences on Occitan and its normalisation and dissemination are exclusively exercised by the General Council of Aran in its own territory. In the rest of Catalonia, and with regard to external projection and cooperation with other Occitan territories, these competences are shared between the Catalan Government and the General Council of Aran.

## 2. APPLICATION OF THE CHARTER

### Article 7 – Objectives and principles

#### Paragraph 1

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

***a) the recognition of regional and minority languages as an expression of cultural wealth;***

Reference should be made to the adoption of the above Occitan (Aranese in Aran) Act 35/2010, of 1 October.

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

The above Act 35/2010 clearly specifies in its preamble that the Aranese dialect is an integral part of the Occitan language. It provides for explicit mandates that promote the unity of the Occitan language (Article 4) and, in collaboration with entities pertaining to the Occitan linguistic area as a whole (Article 24), for a possible request to the Spanish Government to sign international treaties which promote and project this language internationally.

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

The General Council of Aran runs courses in Aranese Occitan in Lleida and Barcelona. These take place annually and have the collaboration of the University of Lleida and the Catalan Government, with the latter subsidising Occitan courses that are run by the Circle of Occitan-Catalan Twinning (*Cercle d'Afraitament Occitano-Catalan*, CAOC), which is located in Barcelona.

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

The Department of Occitan Studies was created at the University of Lleida in 2005 and provides teaching and research in the Occitan language. Since the 2008-09 academic year, the University has offered a Degree Course in Catalan and Occitan Studies, which is unique in Spain in enabling access to a higher qualification in Catalan and Occitan philology.



The City of Lleida hosts numerous cultural initiatives related to Occitan while the Autonomous University of Barcelona is the home of the Occitan Archive (*Arxiu Occità*) that holds a series of lectures on Occitan language, literature and culture every May.

The 15th Congress of the International Association of Occitan Studies, run by the University of Lleida, is scheduled to take place on its campus in June 2014. The event has the support of the Catalanian Government following an agreement in 2013.

The Catalanian Summer University runs an introductory course in Occitan language and literature every August in Prada de Conflent.

### **Paragraph 3**

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

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

Since October 2009, Catalan public television has broadcast a daily news programme in Aranese, "*Meddia aranés*", for Catalonia as a whole.

Since 2008, the Catalanian Government has held an annual Occitan film festival that visits localities in Catalonia and some in the Occitan geographic area in France and Italy.

The Barcelona Televisió (BTV) public channel provides Barcelona and its neighbouring municipalities with a 5-minute weekly news broadcast, *Inf' Òc*, in the Occitan language as part of the *Info Idiomas* programme.

### **Paragraph 4**

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

In 2012, the Catalanian Government created two Councils of particular linguistic importance: the Social Council on Catalan Sign Language and the Occitan-Aranese Linguistic Policy Council.

The Occitan-Aranese Linguistic Policy Council was created to comply with the relevant provisions of the Statute of Autonomy of Catalonia (Article 6.5) and the Occitan (Aranese in Aran) Act 35/2010. It is responsible for promoting action for appropriate, adequate financing of Aranese Occitan linguistic policies, for coordinating the Catalanian Government and the General Council of Aran in this area and for monitoring and assessing all agreements adopted.

In 2012, there were initiatives to protect and promote Occitan language and culture, including the new programme for promoting the implementation of the Occitan (Aranese in Aran) Act, which builds on the policies of the Catalan Government in this area.

In July 2012, a Framework Collaboration Agreement was signed by the Catalan Government and the Rodés Municipal Council, located in the French region of Midi-Pyrénées, for organising activities to promote the Occitan language.

## **Article 8 - Education**

### **Paragraph 1**

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

- a)
  - i) to make available pre-school education in the relevant regional or minority languages;***

***1070. ... The Committee of Experts encourages the Spanish authorities to provide more detailed information and data about the extent to which Aranese is taught at pre-school level in practice in their next periodical report.***

The Aranese Government is responsible for education in the Aran Valley, in accordance with Article 20.3 of Act 16/1990, of 13 July, on the Special Status of the Aran Valley.

The educational programmes of the three existing pre-schools continue to lack systematic teaching of Aranese, or classes in Aranese. Although a command of Aranese by employees at these establishments may be considered a bonus, it is not mandatory.

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

It should be noted that in Decree 101/2010, of 3 August, on the organisation of teaching in the first cycle of primary education, to which this report refers in the section on the Catalan language in Catalonia, all references to Catalan as the native language for instruction in Catalonia were extended to Occitan in the case of Aran schools.

***1078. The Committee of Experts invites the authorities to provide information with regard to the use of Aranese in secondary education in their next periodical report.***

In secondary education in the Aran Valley, teachers must have a command of Aranese to obtain a job. There are two hours of Aranese classes a week, while the initial courses in natural sciences are in the language too. Some teachers use Aranese in some written communications as well as in oral communications although this is largely of a symbolic nature as the majority of school administrators or teachers do not use the language. The working language is usually either Catalan or Castilian. In the Baccalaureate (16-18 years), the presence and use of Aranese as a working or teaching language is scarce or occasional.

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

**1081. The Committee of Experts invites the authorities to provide information with regard to the use of Aranese in technical and vocational teaching in their next periodical report.**

Decree 284/2011, of 1 March, which regulates vocational training in Catalonia, has linguistic provisions.

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

This point reiterates the university-related actions indicated above for Article 7, paragraph 1, letter h.

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

**1087.... The Committee of Experts encourages the Spanish authorities to report on compliance with this undertaking in their next periodical report.**

Supported financially by the Catalanian Government, the General Council of Aran continues to organise yearly courses in which Aranese is present at different levels. These are held in the Aran Valley and in Barcelona, Lleida, and Esterrri d'Àneu, with an average annual attendance of over 200 students. The Council also runs them for immigrants.

In a Resolution of 10 May 2013, the Catalanian Government updated the language curriculum, which included Occitan, for the observance of adult training centres.

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

The history and culture of the Aran Valley appears in primary education in the Aran Valley. Events and talks are held at all schools to commemorate specific occasions.

In the rest of Catalonia, Occitan language and literature in general, as well as Aranese history and culture in particular, are generally absent from the educational system. However, the Catalanian Government is working to remedy this situation by making it a possible option in secondary education.

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

**1093. The Committee of Experts invites the Spanish authorities to submit comments on the practical implementation of this undertaking, including whether there is a sufficient number of trained teachers for each educational level and whether there is a continuous training plan, in their next periodical report.**

The General Council of Aran runs a permanent training plan for teachers. However, teachers who take up some placements sometimes lack the knowledge required.

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

**1095.... The Committee of Experts encourages the authorities to provide specific information on monitoring reports in their next periodical reports.**

Monitoring is undertaken by the education inspectorate. However, there are no specific reports that monitor and develop the establishment and development of Aranese Occitan teaching.

**Paragraph 2**

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

**1097. The Committee of Experts encourages the Spanish authorities to provide information on any other kinds of teaching of Aranese outside the Aran Valley in their next periodical report**

The information provided above for Article 7, paragraph 1, letter h is applicable here.

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

**Paragraph 2**

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

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

**1118. The Committee of Experts... requires more specific information on the actual use of the Aranese language within regional authorities and the current area of legislation in order to be in a position to draw a conclusion on this undertaking. It encourages the Spanish authorities to provide such information in the next periodical report.**

Occitan usage in the Catalanian administration is growing. Moreover, since 2010 the Catalanian Parliament has translated all the legal texts adopted by the chamber in accordance with Article 7.1 of the Occitan Act 35/2010. It should be noted that, in conformity with this Article, the Aranese Occitan versions of Acts of Parliament are official in nature, and therefore are not mere documentary translations. In response to the political and institutional importance of Aranese, 24 legal texts of the Catalanian Parliament between October 2010 and September 2013 possess a mandatory version in the language as well as a variety of non-legal texts (resolutions or motions).

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

**1120. The Committee of Experts asks the authorities to provide information on the practical implementation of this undertaking in their next periodical report.**

Aranese is normally used for administrative documents in the Aran Valley, in local authorities and in the General Council of Aran.

Furthermore, since 2012 the administration of the Catalanian Government has translated and published the most important items of information on its websites in Aranese, together with its principal e-administration forms. The website of the Virtual Citizen Care Office (*Burèu Virtuau de Tramit*) has been available in its Aranese Occitan version since 2013.

***e) the use by regional authorities of regional or minority languages in debates in their assemblies, without excluding, however, the use of the official language(s) of the State;***

***1127. The Committee of Experts asks the authorities to comment on the use of Aranese in Catalan parliamentary debates in their next periodical report.***

No limitation is placed on the oral use of Aranese in the Catalanian Parliament, with its presence in debates and speeches depending on the use that members of the chamber wish to make of it. In the present term (2012-16), the member for Val d'Aran has employed Aranese Occitan on various occasions. The deputy president of the Catalanian Government has also used it in plenary sessions for matters related to the Aran Valley.

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

***1132. ... The Committee of Experts ... asks the authorities to provide information on the implementation of the provisions of Article 18 of the Catalonia Act 1/1998, of 7 January, in their next periodical report.***

Occitan or Aranese place-names are the sole official and correct monolingual form in the Aran Valley. Some place-names remain in Catalan and Castilian.

#### ***Paragraph 4***

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

***a) translation or interpretation as may be required;***

***1138. The Committee of Experts invites the authorities to comment on the practical implementation of this undertaking in their next periodical report.***

The Catalanian Government employs a person to carry out translations into Aranese Occitan, both from Catalan and Castilian.

The General Council of Aran carries out the translations that are requested of it when these are not too long. For lengthy documents, it provides linguistic and business references for the service.

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

***1140. ...The Committee of Experts... asks the authorities to provide more detailed information on the number of staff trained and the availability of civil servants with sufficient knowledge of Aranese in their next periodical report***

As the administration of the Catalanian Government has been downsizing since 2010, it is currently impossible to incorporate staff who are specialised or have been trained in Aranese Occitan, or Occitan in general.

As was previously stated, the General Council of Aran annually organises four levels of Aranese courses that, although open to the general public, are principally aimed at Catalonian public administration employees. Most enrollees for these courses work in the Catalan administration. Supported by the Catalonian Government, the courses take place in offices it provides.

With regard to the Aran Valley administration, the General Council of Aran has enough staff to satisfy its linguistic needs.

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

A command of the local language is a requisite for working in the Aran Valley. As regards the staff who serve the Catalonian Government administration and who have a possible placement in the Aran Valley, such as those in the Mossos d'Esquadra police force, a command of Aranese is a great advantage that is taken into account.

***1141. ...The Committee of Experts... encourages the authorities to provide it with the relevant information with regard to the four fields concerned (branches of State administration in Catalonia, administration of the Autonomous Community, General Council of Aran and local authorities, and public services) in their next periodical report.***

In the view of the Catalonian Government, there are differing sensitivities as regards the use of Aranese among the various Public Administrations.

## **Article 11 – Media**

### ***Paragraph 1***

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

***a) to the extent that radio and television carry out a public service mission:***

***i) to ensure the creation of at least one radio station and one television channel in the regional or minority languages; or***

***1148. ...The Committee of Experts encourages the Spanish authorities to continue their support towards public broadcasting in Aranese.***

***b)***

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

***c)***

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

***1152. The Committee of Experts... encourages the Spanish authorities to provide concrete information on any existing radio and television channels in Aranese and on the facilitation of the creation of radio and television stations in their next periodical report.***

There is neither a radio station nor a television channel in Aranese.

Television channels in Catalonia broadcast a total of 67 hours in Aranese in 2011 and 52 hours in 2012, primarily news. Catalunya Ràdio stations broadcast daily news in Aranese to the Aran Valley.

As stated, Barcelona Television broadcast a 5-minute news programme in the city from 2009 to 2012. Lleida TV (a private channel) broadcasts in Aranese for 20 minutes a day to the province of Lleida as a whole.

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

**1155. ... The Committee of Experts encourages the Spanish authorities to provide information on the measures adopted to promote the production and dissemination of audio and audiovisual works in Aranese in their next periodical report.**

There is a scarcity of audiovisual works in Aranese apart from the occasional creation on the internet (YouTube) or public information videos promoted by the General Council of Aran.

e)

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

**1158. ... The Committee of Experts encourages the Spanish authorities to facilitate the creation of a newspaper in Aranese**

There are no newspapers in Aranese in print format, only announcements in certain newspapers. The free online newspaper "Jornalet" has been available since 2012 and is currently the only newspaper in the entire Occitan territory. It is supported by the General Council of Aran and the Catalanian Government.

f)

**ii) to broaden existing measures for financial assistance to audiovisual productions in regional or minority languages;**

**1160. ... The Committee of Experts urges the authorities to provide examples of audiovisual productions in Aranese to have benefited from public funding in their next periodical report.**

The Catalanian Government annually calls for funding proposals from the media in Catalan or Aranese or for communications projects for incorporating Catalan or Aranese into programmes or sections. Divided into nine specific categories (periodical publications, digital media, radio and television stations, DTT, journalism etc.), this funding totalled €51.2 million between 2009 and 2012. Financial support has also been provided for the dissemination of traditional and popular Aranese songs, music and dances.

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

**1161. ... The Committee of Experts urges the Spanish authorities to provide information on the training of journalists using Aranese in their next periodical report.**

At present, there is no specific media training in Aranese Occitan.

## Paragraph 2

*The Parties undertake to guarantee freedom of direct reception of radio and television broadcasts from neighbouring countries in a language used in identical or similar form to a*

*regional or minority language, and not to oppose the retransmission of radio and television broadcasts from neighbouring countries in such a language...*

In November 2010, the General Council of Aran and the Catalanian Government signed an agreement to create an audiovisual platform in the Occitan language in the Aran Valley.

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

### **Paragraph 1**

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

***a) to encourage types of expression and initiative specific to regional or minority languages and foster the different means of access to works produced in these languages;***

***1167.... The Committee of Experts urges the authorities to provide information on the application of the chosen undertakings under Article 12 in their next periodical report.***

Characterised by the introduction of digitalisation throughout the book chain, changes in the sector continued in 2010. From 2010 to 2013, aid for production and promotion was maintained to ensure the competitiveness of Catalan-language books and promote both books in Aranese and reading itself.

The Council has maintained literary competitions at all levels and funding for books in Aranese in schools and libraries. Various literary works, including some pertaining to universal literature, have been translated into Aranese. In April 2013, the public library in Vielha opened the Occitan Aran Cultural Space (*Espaci Culturau Aran Occitània*).

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

***1169. The Committee of Experts encourages the Spanish authorities to provide examples of works in Aranese subtitled into other languages, and about any translation and subtitling activities relevant to this undertaking, in their next periodical report.***

The Occitan film festival, organised since 2008 by the Department of Culture, has subtitled its productions in Catalan since 2011 in order to publicise the event throughout Catalonia.

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

As stated in the previous section, the Occitan film festival has been held since 2008. Over this time, it has become consolidated and has been extended to various parts of Catalan and Occitan-speaking territory (8 localities in 2010 and 19 in 2013, in Catalonia, Italy and France).

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



***regional or minority languages;***

The Catalan Decree 116/2012, which refers to those Catalan or Occitan books not produced in Catalonia, establishes that “Publishers and failing this, or when appropriate, producers, printers, stampers or engravers who produce materials in Catalan or Occitan in any State territory other than Catalonia, must provide the Library of Catalonia with a copy.”

***h) if necessary, to create and/or promote and finance translation and terminological research services, particularly with a view to maintaining and developing appropriate administrative, commercial, economic, social, technical or legal terminology in each regional or minority language.***

***1171.... The Committee of Experts urges the Spanish authorities to provide information on the application of the chosen undertakings under Article 12 in their next periodical report.***

To comply with the provisions of the Occitan (Aranese in Aran) Act, provision is currently being made for the creation of the Institute of Aranese Studies. This will be in the form of an Academy whose aims will include terminological research. Moreover, the General Council of Aran carries out translations using terminology selected through the application of linguistic protocols. The Catalan Government also promotes new technological vocabulary disseminated through the Catalan Terminology Centre, TERMCAT.

***Paragraph 3***

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

***1173.... The Committee of Experts urges the Spanish authorities to provide information on the application of the chosen undertakings under Article 12 in their next periodical report.***

Concerts and theatrical performances relating to Aranese language and culture have been held beyond the Aran Valley in Catalonia and abroad.

**Article 13 – Economic and social life**

***Paragraph 1***

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

- b) to prohibit the insertion in internal regulations of companies and private documents of any clauses excluding or restricting the use of regional or minority languages, at least between users of the same language;***
- c) to oppose practices designed to discourage the use of regional or minority languages in connection with economic or social activities;***
- d) to facilitate and/or encourage the use of regional or minority languages by means other than those specified in the above sub-paragraphs.***

**1777. The Committee of Experts is not in a position to conclude on Article 13.1.d) and urges the Spanish authorities to submit information in this respect in their next periodical report.**

It should be underlined that Article 26 of the Occitan (Aranese in Aran) Act 35/2010, of 1 October, provides for measures on the promotion of Aranese in the socioeconomic sphere, among which are those that must be implemented by the Catalanian Government, the General Council of Aran, local entities or public authorities. These measures relate to the promotion and ensuring of the normal use of Aranese in all sectors and activities of social and economic life in Aran; to the ensuring of the right of individuals, consumers and users to use Aranese in the economic and social activities in Aran; to the use of Aranese in the provision of social services (hospitals, elderly care homes, hostels etc.); or to the signage of establishments and entities of various types. There is also provision for these measures to also include the entering into of agreements, the provision of subsidies, grants, tax relief, awards or the inclusion of linguistic clauses in the provision of subsidies and grants to companies or entities located in Aran.

## **Paragraph 2**

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

- a) in the economic and social sectors directly under their control (public sector), to organise activities to promote the use of regional or minority languages;"**
- b) to ensure that social care facilities such as hospitals, retirement homes and hostels offer the possibility of receiving and treating in their own language persons using a regional or minority language who are in need of care on grounds of ill-health, old age or for other reasons;"**
- c) to ensure by appropriate means that safety instructions are also drawn up in regional or minority languages;**

## **Recommendation of the Committee of Ministers of the Council of Europe**

**5. Ensure that regional or minority languages are present in the provision of healthcare services.**

**1178. No information with regard to the application of these undertakings has been provided in the third periodical report. The Committee of Experts asks the authorities to comment on the application of these undertakings in the next periodical report.**

It is necessary to refer to paragraph 1, letter d) of Article 13 of the Charter, and to Question 1,777 of the Committee of Experts, which refers to the provisions of Article 26 of the above Catalan Act 35/2010 of 1 October. Accordingly, the signage of Aran Hospital is in Aranese and printed matter in the language is habitually used there.

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

**1181. The Committee of Experts... and encourages the Spanish authorities to submit some specific examples of the implementation of this undertaking in their next periodical report.**

Reference should again be made to Article 26 of the above Catalan Act 35/2010 on the linguistic obligations as regards the rights of consumers and users.

## **Article 14 – Transfrontier exchanges**

### **Paragraph 1**

**The parties undertake:**

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

**1183. The Committee of Experts invites the authorities to provide information on this undertaking in the next periodical report.**

The Catalanian Government has signed a variety of agreements with French entities and administrations for disseminating Occitan cinema.

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

**1187. The Committee of Experts... awaits with interest information about the activities carried out in the above collaboration framework (agreements between the Regional Ministry of Education of the Catalanian Government and the rectors of Academies in the south of France which aim to promote school exchanges, the Charter of interregional and transfrontier cooperation for the development of Occitan adopted by the French region of Aquitaine].**

The General Council of Aran has an ongoing relationship with social and administrative structures in the French and Italian Occitan regions. This is aimed at adult training and the pursuit of cultural activities.

The Catalanian Government, within its series of contacts with associative and administrative entities, signed a framework collaboration agreement on Occitan language and culture with the French town of Rodés in 2012. In addition, it has institutional contacts in this field with the regional administrations of Aquitaine, Midi-Pyrénées and Languedoc-Roussillon.

The accession of the Catalanian Government to the Charter of Interregional Cooperation for the Occitan Language is under study. In addition, there is preparation of collaboration agreements with representative and umbrella Occitan cultural bodies, such as The Permanent Congress of the Occitan Language (*Lo Congrès Permanent de la Lengua Occitana*) and Occitan Convergence (*Convergència Occitana*).

## **B) CO-OFFICIAL LANGUAGES IN THE GENERAL STATE ADMINISTRATION**

### **Recommendations of the Committee of Ministers of the Council of Europe**

- 1. Ensure that regional or minority languages are present in public services.**
- 2. Study the recruitment, career and training plans of the staff of State Administration offices in order to ensure that a sufficient proportion of staff assigned to the Autonomous Communities possess a working knowledge of the relevant languages.**

### **1. INTRODUCTION**

The Official Languages Council is an interdepartmental collegiate body, attached to the State Secretariat for Public Administrations (Ministry for Finances and Public Administrations) and created by Royal Decree 905/2007 of 6 January. It is generally responsible for the development, analysis, promotion and technical coordination in the General State Administration of the use of the official languages of the Autonomous Communities. In the report period (2010-2013), the Council met on 6 July 2010 after studying the evaluation report requested by the Council from the Official Languages Office in the General State Administration at the previous meeting (23 June 2009). The evaluation report submitted to the Council provided conclusions on the situation and proposed recommendations for adoption when appropriate by this Council and subsequent transfer to the Ministries. The Council noted successive advances and significant improvements in all areas of the General State Administration as regards the application of regulations on co-official languages. Significant progress and improvements took place specifically in the following areas:

- The linguistic proficiency of employees in the General State Administration, with an overall improvement in all major state services in those Autonomous Communities with a co-official language. The work on training undertaken by the National Institute of Public Administration (INAP) is notable.
- Printed matter, templates, posters, signs and signage, with the use of bilingual forms having become generalised since 2009.
- Ministry webpages and websites, with a considerable increase in the presence of co-official languages in them.
- Specific areas, like those of the Directorate General of Traffic, the State Tax Administration Agency, the Social Security and the above INAP, which have displayed notable good practice in this matter over recent years.

It is also notable that the Council meetings studied the status of citizen complaints and claims in this area and found a major reduction in their number over recent years, with the Official Languages Office receiving none in 2012.

Despite this positive overall assessment of the level of compliance with state legislation in the area of co-official languages in the General State Administration, the Languages Council adopted a set of recommendations at the above meeting of 6 July 2010. These included the following: the improvement of the overall situation in this area, with an increased focus on sectors such as staff proficiency in the outreach services of the General State Administration;

the completion of the process of translation into co-official languages as regards printed matter, standard forms, templates, posters, signs and signage; and the completion of the full accessibility and provision of content and services in co-official languages on websites and in e-administration in general.

The Languages Council has yet to hold any meetings. This is due to the economic crisis that has affected Spain during the report period and which has required a large proportion of the Government's policies to be focused on fiscal consolidation in order to comply with European Union requirements. However, this has not prevented the Languages Office from working as is customary. This work has involved analysing and monitoring of compliance with the requirements stemming from the existence of various official languages and recognising them in the work of Ministries and of those public bodies dependent or linked to them.

The information provided by the different Ministerial Departments for the report period and inserted into the framework implementing the Charter is given below.

## 2. APPLICATION OF THE CHARTER

### Article 10

#### *Paragraph 1*

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

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

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

In the monitoring period for this report, all the bodies of the General State Administration generally maintained, and often increased, the number of documents in co-official languages with respect to the previous report period.

The following are notable examples:

- Within the Ministry for Employment and Social Security, the National Social Security Institute, the Marine Social Institute, and the General Social Security Treasury provide translations into the co-official languages of all their printed matter, templates and forms. These are accessed through their corresponding website. These bodies also conducted information campaigns in these co-official languages over this period.
- Within the Ministry for Health, Social Services and Equality, the information, prevention and awareness campaigns on gender violence carried out in co-official languages; all the information (posters, information pamphlets, etc.) in these languages referring to Organic Act 3/2007, of 22 March, for effective gender equality; and all the surveys conducted in these languages by the Spanish Observatory of Drugs and Drug Addiction. Most of the Ministry's institutional campaigns were also conducted in co-official languages over this period.
- Within the Ministry for Finances and Public Administrations, Government offices and branch offices in territories with a co-official language generally provide bilingual forms through their websites. In addition, almost all signs and signage in buildings are bilingual.

- During the electoral processes (local and national elections) in the 2010-2013 period, the Ministry of the Interior provided bilingual forms for citizens in a similar proportion to the previous period (around 40%) while all polling stations signs were bilingual too. A large proportion of institutional material was presented in a bilingual form while fully bilingual institutional campaigns were conducted on the radio and television. In addition, the progress made in the way the Civil Guard conducts its activities, with numerous examples of bilingual documents being introduced: forms, complaints and suggestions books, requests for firearms licences and cards, messages used by telephone switchboards, signs and signage of offices, etc.
- Within the Ministry of Development, almost 100% of the forms and printed matter together with information signs and signage of bodies such as State Ports or Spanish Airports and Air Navigation (AENA) are bilingual.

### *Paragraph 3*

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

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

*or*

*b) to allow users of regional or minority languages to submit a request and receive a reply in these languages; or*

As regards these requirements, the levels of use of co-official languages in the public services provided by bodies of the General State Administration were maintained, and often increased, with respect to the previous report period.

The following are examples of this progress:

- Within the Ministry of Development, the Administrator of Rail Infrastructure (ADIF) extended the use of co-official languages in all information panels on screens and monitors and public address systems. For trains beginning or ending their journeys in those Autonomous Communities with an official language, RENFE Operadora introduced announcements to travellers in those languages too.
- Within the Ministry for Health, Social Services and Equality, services of major importance are fully provided in co-official languages. These include the free hotline for information and advice on gender violence (016) or the helpline for protection of victims of gender violence (ATENPRO), which is on offer 24 hours a day, 365 days a year.
- Within the Ministry of the Interior, attempts to encourage citizen interaction and document exchange in the Civil Guard, in the appropriate cases, to be conducted in the corresponding co-official language, either directly by officers who have a command of them or through hired translators.
- Within the Ministry for Finances and Public Administrations, it is now practically guaranteed that attention in Government offices and branch offices will be provided in the respective co-official languages in those territories with a co-official language.

### *Paragraph 4*

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

*a) translation or interpretation as may be required;*

Despite the economic crisis Spain has experienced over this period, it is notable that the level of translation into co-official languages has been maintained, with an increase in some of the websites of the public entities of the General State Administration.

The following are examples of the efforts made in the period under study:

- Within the Ministry for Employment and Social Security, 72% of the website content of the General Social Security Treasury was translated into co-official languages in 2010 and around 96% in 2013. Moreover, the State Public Employment Service translated all employment contract templates into co-official languages at the start of 2013 and provided translations in these languages of most static information on unemployment benefits on its website.
- Within the Ministry of Development, the website content of Spanish Airports and Air Navigation (AENA) is available in all the co-official languages. Moreover, it has been possible to buy tickets and obtain train service information in co-official languages from the Spanish National Railway Network (RENFE) since 2009.
- Within the Ministry of the Interior, a considerable proportion of electoral information and material, referred to above, is presented in co-official languages through the corresponding websites designed by the Ministry of the Interior. Equally important is the use of co-official languages on the Government Office for Gender Violence website. Similarly, the Civil Guard website can now translate all the menus y submenus up to the fourth navigation level into co-official languages. Furthermore, the Directorate General of Police is working on a computer application for receiving and processing reports of crimes in co-official languages.
- Within the Ministry for Finances and Public Administrations, 99% of the website content of the State Secretariat for Budgets and Expenditure and of the General State Comptroller is translated into co-official languages. Moreover, the web portal of the State Secretariat of Public Administration is available in co-official languages and currently has over 200 pages translated into these languages.

Finally, it is notable that the corresponding websites of all the Ministerial Departments were put into operation over the period together with those of many of the bodies attached or dependent on them. This has allowed these websites to provide services and access to the development of numerous procedures in co-official languages.

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

The levels of the previous period have been maintained, and often increased, as regards the proficiency in co-official languages of officials employed in the services of the General State Administration in those Autonomous Communities with a co-official language.

Overall, this proficiency is now advantageous to gain access to these positions. This is always the case for jobs that involve dealing with the public.

Moreover, most public workers whose work involves dealing with the public at the local level of the State Administration are bilingual. In many cases, this results from their mother tongue being the co-official language and, in others, from their having acquired subsequent skills through training courses.

Training in co-official languages in most of the bodies of the General State Administration has helped considerably to maintain and increase the skills referred to above. This work is continuing, either through the bodies of the General State Administration themselves or with the collaboration of the National Institute of Public Administration (INAP) or of the Administration of the Autonomous Community involved. We would highlight in this period the training courses run by the National Social Security Institute (INSS), the Administrator of Rail Infrastructure (ADIF), the General Social Security Treasury (TGSS), the Government Offices involved and the Tax Agency, the latter through face-to-face, online or distance courses with the collaboration of the National Distance University (UNED). The co-official language courses that form part of the continuous training programmes of trade union organisations have also helped in this process.



### III. NON-OFFICIAL REGIONAL OR MINORITY LANGUAGES

#### **ASTURIAN IN ASTURIAS**

##### **1. INTRODUCTION**

Reference is also made to Galician-Asturian in this part of the report.

##### **Data on the number of speakers**

***56. ... The Committee of Experts encourages the Spanish authorities to carry out surveys in cooperation with the speakers of regional or minority languages in order to have accurate updated data concerning the number of users of regional or minority languages and their geographic distribution.***

***57. ... The Committee of Experts urged the Spanish authorities to provide updated official data on the number of Asturian speakers in their next periodical report.***

The Regional Ministry of Education, Culture and Sport of the Governing Council of the Principality of Asturias has been responsible for linguistic policy since June 2012.

Castilian is the only official language in Asturias. The Asturian language is a “traditional language of Asturias” (as stated by Act 1/1998 of 23 March, on the Use and Promotion of Bable/Asturian). The territory where Asturian is spoken comprises most of the Autonomous Community, excepting the westernmost area, west of the River Navia, where Galician-Asturian is spoken. According to various sociolinguistic surveys, some 250,000 people speak Asturian (that is, a quarter of the population), a minority although a significant one. In any case, it should be understood that this Romance language is easily understood by most of the Asturian population, whether they are speakers or not. In addition, it may be easily diluted with Spanish due to the linguistic closeness between the two systems. The “purest” Asturian is best preserved in rural areas, among older people and in the most traditional environments.

#### **2. APPLICATION OF THE CHARTER**

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

###### ***Paragraph 1***

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

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

***119 ...The Committee of Experts encouraged the authorities to consider in collaboration with the Asturian-speakers the possibilities of improving the current level of protection provided by the Statute of Autonomy.***

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

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

Governmental action in the field of social normalisation is aimed at mainstreaming. This starts from the rich culture formed in Asturian and Galician-Asturian, builds on the social groups and private initiatives to use these languages, and collaborates so that this use becomes a reality for society. The total budget allocated to the Directorate General of Linguistic Policy in the 2010-2012 period was €7,847,452 (€3,058,482 in 2010, €2,810,569 in 2011 and €1,978,401 in 2012).

The aim is for Asturian and Galician-Asturian to keep increasing its presence in Radio Television of the Principality of Asturias (RTPA), private broadcasters, the print media, festivals and cultural activities, both of civil society and institutions.

In the administrative field, since the adoption in 1998 of the Act on Use and Promotion, any citizen may address the Administration in Asturian or Galician-Asturian. This legal status is unique for any non-official language. As regards place-names, the formalisation process for traditional forms undertaken by the Asturian Government has now taken place in 50 of the 78 Asturian municipalities, with another 15 in the process of doing so.

In addition, the Municipal Offices for Linguistic Normalisation Services are spreading and becoming consolidated. At present, 18 municipalities are served by these Offices with regard to Asturian (among them, a substantial part of the most populated ones in the centre of Asturias). With regard to Galician-Asturian, 16 councils are covered by these services.

In the 2010-2012 period, notable progress towards full parity was made in the use of Asturian in the institutional portal of the Government of the Principality of Asturias (with the Ministry of the Presidency giving its firm commitment to comply with this). In addition, Asturian appears in sectoral portals administered by the Ministry of Education, Culture and Sport. The following action in the report period may be highlighted:

- The presence of a sub-portal in Asturian on the [www.asturias.es](http://www.asturias.es) portal with static information on a variety of topics (agriculture and forests; crafts and trade; social affairs; consumption; industry and energy, employment etc.) and the daily incorporation of news generated by governmental activity: open calls, courses, press releases, etc.
- The translation and uploading of the Service and Procedure Catalogue, making available the Asturian-language version of the service records related to public open calls.
- The presence of the bibliographical catalogue of the Asturian Language Academy in the Digital Library of the Principality of Asturias.
- The use of the Asturian and Galician-Asturian languages in the «Educastur» portal, for information about educational activities relating to the Asturian language.
- The bilingual publication of some resolutions in the Official Gazette of the Principality of Asturias: open calls for funding proposals or awarding of grants and literary prizes; rules for participation in cultural programmes run by the Government of the Principality, etc.
- The management of the websites, [www.politicallinguistica.org](http://www.politicallinguistica.org), [www.premiemyorcantar.es](http://www.premiemyorcantar.es), (both entirely in Asturian).
- The use of Asturian on the website [www.agendaculturalasturias.es](http://www.agendaculturalasturias.es).

There is also bilingual signage in some of the most emblematic administrative buildings (General Council of the Principality, High Court of Justice of Asturias etc.). The official logotype of the Principality of Asturias is used in its Asturian and Galician-Asturian versions in signs, publicity campaigns and publications as required.

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

The Asturian language and Galician-Asturian are part of the Asturian population's cultural and experiential reality. Despite there being no specific regulations applicable to this aspect beyond the provisions of the Statute of Autonomy and the Act on Use and Promotion, the commercial, economic and social relations in which Asturian citizens participate take place without any linguistic obstacles or disputes.

With the aim of consolidating the linguistic respect and tolerance that exists among Asturian citizens in the economic and social life of Asturias, the Government of the Principality of Asturias implements a set of measures intended to expand and facilitate the opportunities for the social use of Asturian and Galician-Asturian, ensuring they are protected and promoted as collective heritage. Thus, the 2010-2012 period witnessed a variety of awareness campaigns on the use of the Asturian language in the commercial sector: shop sign templates, posters and brochures advertising Asturian products, etc.

Through the annual open call for funding proposals from local bodies (local authorities and Associations of Municipalities), the 2010-2012 period saw financial support provided for the implementation of numerous projects promoting Asturian or Galician-Asturian in the economic and social sectors. Moreover, there was support over this period for numerous projects promoting Asturian and Galician-Asturian in these sectors through the annual open call for funding proposals for grants for non-profit associations and entities. Support was also provided over this period through grants for the promotion of Asturian and Galician-Asturian in highly varied activities undertaken by private companies (online sales catalogues, labelling in Asturian, advertisements in the press, brochures with offers and price discounts, etc.).

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

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

There are currently over 20,000 students of Asturian; in Primary Education, Asturian is taught in over 94% of state schools and, of these, 54% of pupils choose to study the subject. Furthermore, all school curriculums, from Primary to Baccalaureate, have incorporated Asturian. From Primary to Baccalaureate, the Asturian Government has provided an academic, normalised solution to Asturian. To complete the educational range, the Asturian University, also for the first time in the region's history, incorporates regulated studies in Asturian: a minor in Philology, a major in teacher training and a specialty in the Master's Degree in secondary, baccalaureate and vocational teacher training.

As well as the training of teachers, since 2003 the University of Oviedo has had a specific Research Group (*el Seminario de Filoloxía Asturiana*) devoted to studies in Asturian Philology.

The Government of the Principality of Asturias works to guarantee the right to be taught in the Asturian language and, in its geographical area, Galician-Asturian, under the most appropriate conditions. To comply with this aim, the Regional Ministry of Education, Culture and Sport has annually an average total staff of 250 teachers (180 on Primary Education and 75 in Secondary).

Moreover, the work of the Government of the Principality in the educational field has been reflected as follows:

- Since the entry into force of the Organic Education Act (LOE), Asturian Language curriculums have been adapted for the various educational stages in which Asturian Language is provided.

It should be noted that the Thirty-Eighth Additional Provision of the new Education Act (LOMCE) introduces the obligation to offer the subject of Asturian Language at each educational stage, as it contains, together with Castilian and the co-official languages, those languages that enjoy legal protection.

- There has been action to publicise and promote enrolment in the subjects of Asturian Language and Galician-Asturian, both in Primary and Secondary education.
- The offer of Asturian Language and Galician-Asturian has been ensured at all levels and educational groups, although study of it remains voluntary:
  - Primary Education: Offered in all state and private-concerted schools in the Principality of Asturias and taught in 90% of public schools and 20 concerted ones.
  - Secondary Education: Offered in all schools in the Principality of Asturias and taught in 89% of state schools and in 9 concerted schools.
  - Baccalaureate: Offered in all the schools in the Principality of Asturias and taught in 32% of state schools.
  - Adult Education: Since the publication of the LOE curriculum, it has been obligatory to offer it in all colleges as an optional subject.
- Compliance with minimum student ratios in the teaching of Asturian and Galician-Asturian has been guaranteed in accordance with the dictates and decisions of the Regional Ministry of Education, Culture and Sport.
- There has been cooperation with the initiatives of the University or its centres, favouring social normalisation and research into the indigenous language.
- Within the Regional Teacher Training Plan, training courses, seminars and workshops are offered to Asturian Language teachers. In addition, the Adolfo Posada Asturian Public Administration Institute permanently offers Asturian courses for which all teachers may enrol.

At every level and stage in Primary and Secondary education in the Principality of Asturias, Asturian Language or Galician-Asturian, according to the school's geographical location, is an obligatory subject for the school and a voluntary one for pupils.

In Primary Education, Asturian Language is voluntary, with pupils able to choose an alternative in the form of study classes. The latter must not involve any teaching of curricular content. In Secondary Education, the subject is optional. Pupils must choose one of several subjects (Asturian Language, French, etc.).

In Primary Education, in the 2010-11 school year, 226 (93.7%) of 241 schools offered Asturian Language and 17,385 (56%) out of 31,050 pupils chose the subject. In the 2011-2012 school year, 226 (91.8%) schools continued to offer Asturian Language out of a total of 246, and the number of pupils fell to 17,235 (53.9%) out of a total of 31,968. In the 2012-2013 school year, the number of schools offering Asturian Language rose to 230 (94.2%) out of 244, with 17,168 (54.2%) pupils taking the subject out of a total of 32,541.

In Secondary Education, in the 2010-2011 school year, 75 (86.2%) schools out of a total of 87 provided Asturian Language for 3,445 (17.3%) pupils out of 19,985. In the 2011-2012 school

year, the number and percentage of schools remained the same and the number and percentage of Asturian Language pupils fell to 15.8% (3,174 out of 20,010). In the 2012-2013 school year, the number and percentage (88.5%) of schools (77 out of 87) offering Asturian Language rose, but the number (2,908 out of 20,257) and percentage (14.3%) of pupils fell.

The University of Oviedo plays a key role in training Asturian Language teachers at all educational centres and levels. In 2008, as stated above, a minor in Asturian Language was created in the curriculums of the Philology Faculty and a major in the curriculums of the Teacher Training College.

Within the Faculty of Teacher Training and Education, two courses in Asturian Studies are available: the Teacher's Degree in Primary Education and the University Master's Degree in Teacher Training for Obligatory Secondary Education, Baccalaureate and Vocational Training.

The Training Certificate in Bable/Asturian and Galician-Asturian is a requisite for teaching these subjects. This is regulated in the Resolution of 26 April 2001. Currently, the Master's Degree enables teachers to impart the Asturian Language in Secondary Education while the Major in Asturian Language enables them to teach it in Primary Education.

Moreover, as part of the Regional Teacher Training Plan, the Regional Ministry of Education, Culture and Sport collaborates with the Asturian Language Academy in offering teacher training courses.

As part of the Regional Teacher Training Plan too, the Regional Ministry of Education designs a specific programme providing Asturian Language teachers with courses, seminars, working groups, and day events etc. These are aimed at continuous training for teachers of the subject in the various stages of the educational system.

***202. The Committee of Experts welcomes this information about teaching in Asturian and encourages the authorities to develop adequate textbooks***

In order to collaborate with teachers as they go about their work, the Regional Ministry of Education, Culture and Sport promotes the formation of working groups to create teaching support material. Periodically, batches of reading books, dictionaries, magazines etc. are distributed to create a resource of bibliographic material in Asturian or Galician-Asturian in all schools, helping the library to become integrated.

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

*h) the promotion of studies and research into regional or minority languages in universities or in equivalent institutions;*

Since 2003, the University of Oviedo has had a specific research group devoted to studying Asturian Philology: the Asturian Philology Seminar (*Seminariu de Filoloxía Asturiana*) (SFA).

The Asturian Philology Review (*Revista de Filoloxía Asturiana*) is the scientific periodical of the Asturian Philology Seminar. Published annually since 2001, it is funded through its own subscriptions and occasional assistance from the University of Oviedo and the Principality of Asturias.

The Asturian Philology Seminar has worked since its creation in linguistic, literary and sociolinguistic fields. In the 2010-2012 period, it has created diverse research projects and activities: an automatic translator, the Asturian Observatory of Neology and Terminology, congresses, reviews, etc.

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

The status of Asturians who live outside Asturias is legally recognised by the Cultural Heritage Act of Asturias and the Asturian Centres dotted around the world. The Asturian Government and the Council of Asturian Communities are involved in maintaining cultural and linguistic contact with Asturians in the world, improving connections between the Asturian diaspora and the land of their birth through activities such as those programmed over the 2010-2012 period. These include the regular dispatch of bibliographic material, Asturian Arts Day Overseas (*Día de les Lletres Asturianes nel Esterior*), the First Distance Learning Course in the Asturian Language for Asturian communities abroad, etc.

## *Paragraph 2*

*The Parties undertake to eliminate, if they have not yet done so, any unjustified distinction, exclusion, restriction or preference relating to the use of a regional or minority language and intended to discourage or endanger the maintenance or development of it. The adoption of special measures in favour of regional or minority languages aimed at promoting equality between the users of these languages and the rest of the population or which take due account of their specific conditions is not considered to be an act of discrimination against the users of more widely-used languages.*

In accordance with Decree 98/2002, of 18 July, which sets out the procedure for recovering and establishing Asturian place-names and always upon the request of the local authority, there has been work on the formalising of the place-names of its population centres. In the 2010-2012 period, the place names of the following municipalities were adopted: Teverga, Ribadesella, Taramundi, San Martín de Oscos, Santa Eulalia de Oscos, Villanueva de Oscos, Quirós, Avilés, Ponga and Illas. To date, the place-names of 50 of the 78 Asturian municipalities have been formalised. A further 15 are in different phases of the process.

With the aim of training specialists to administer this area, in 2010 a course was held on “The recovery of traditional place-names”. The Linguistic Policy Office also launched an information campaign with the motto “¿D’ónde yes?” (Where are you from?), with its version “¿Tu d’ónde es?” for the municipalities where Galician-Asturian is spoken (maps, brochures etc.), in collaboration with municipal corporations in all those local authorities whose official place-name was adopted between 2005 and 2011.

A start has been made on the signage of the new official place-names on roads and motorways under the responsibility of the Autonomous Community, together with the roads and paths which are under municipal responsibility, the latter with grants from the Regional Ministry of Education, Culture and Sport.

Likewise, local authorities have progressively adapted the signage of their roads and paths to new official place-names. They have received financial assistance from the Regional Ministry of Education, Culture and Sport, which as part of its annual open-call for proposals finances numerous place-name signage projects at the request of municipalities.

Finally, there are other examples of actions and measures in favour of Asturian. These include: the presentation in 2012 of the Map of the Principality of Asturias, which featured the traditional place-names adopted; the commencement in 2012 of the creation of Geographic Nomenclature of the Official Place-Names of the Principality of Asturias (this may be consulted on the Principality’s website); the collaboration of the Principality with the Ministry of Public Works in the state campaign promoting place-names (in 2010 the Ministry published the informative brochure “The importance of geographic names and the need for their normalised use”, including its version in Asturian); or advice and management for the possible

request for a change of first name and surnames to adopt the corresponding patronymic in Asturian or Galician-Asturian.

### **Paragraph 3**

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

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

The Government of the Principality of Asturias carries out action directed at the promotion and use of Asturian and Galician-Asturian in educational establishments. This involves the design and development of activities for these establishments, which must be teaching one of these languages to take part.

With the dual aim of supporting the work of teachers and bringing cultural creation in the Asturian and Galician-Asturian language closer to young people, the School Educational Agenda (*Axenda Didáctica Escolar*) is held each year. This offers a wide programme of cultural activities to educational centres (monologues, meetings with authors, concerts, storytelling sessions etc.). In the 2010/2011 school year, €110,000 was spent on 156 performances in which 201 schools participated, while in the 2011/2012 school year, €100,000 was devoted to 102 performances in which 122 schools participated.

Every year, educational materials comprising reading books, dictionaries, reference books, complete works and monographs of different authors etc. are sent to schools where Asturian Language is being taught for the first time or those where their number of pupils has grown.

Moreover, as part of the annual events of Asturian Arts Week, the Regional Ministry of Education, Culture and Sport designs and runs educational activities aimed at disseminating Asturian literature at school. These are intended for all pupils who take Asturian Language at Primary and Secondary Schools (annual literary drawing contest, dispatch of teaching material, institutional events at schools etc.).

To publicise and encourage enrolment for Asturian Language, in both Primary and Secondary education, a variety of actions have been performed, mostly through the Regional Ministry of Education website, Educastur.

During the 2010-2012 period, and in accordance with the provisions of various organic Decrees (Decree 123/2008, of 27 November; Decree 74/2012, of 14 June; and Decree 169/2011, of 19 August) the Autonomous Administration was assisted by the Directorate General for Linguistic Policy. The latter was responsible for "the planning, implementation, coordination with other administrations, monitoring and assessment of the programmes required to develop a linguistic policy that ensures and normalises the use of Bable/Asturian socially, together with its protection, promotion and dissemination". The Linguistic Policy Service is attached to the Directorate General for Linguistic Policy.

As regards Local Administration, various local authorities or Associations of Municipalities have been making use in recent years of Linguistic Normalisation Services or Offices (SNL). By the end of 2012, the work of these Services covered 34 Asturian municipalities. In total, the Services distributed over the entire Asturian territory attend to 659,270 people, considerably more than half the Asturian population.

For over twenty years, the Adolfo Posada Asturian Public Administration Institute has provided a full programme for Asturian Language for the officials of the Administration of the Principality of Asturias. From 2010 to 2012, courses in Asturian were held in the areas of teletraining and self-training through a platform to which the public employees of the Principality of Asturias have access.

Together with the general courses for which enrolment is permanently open, the Directorate General for Linguistic Policy organised training activities each year from 2010 to 2012 in which technical staff from the Principality and various local authorities and Associations of Municipalities took part. These were the «Recovery of traditional place-names» course in 2010, the Working Group on Administrative Language in 2011, and the «Nomenclature of official Asturian place-names: the characteristics and procedure for entering data» course in 2012.

In addition, the Administration of the Principality of Asturias gives preference to a command of the Asturian language when employing staff. In the case of specific positions, this is a requisite (e.g. philologists of the Directorate General for Linguistic Policy, teachers).

Moreover, grants to local corporations for the social normalisation of Asturian, and in its area, Galician-Asturian, regularly enable Asturian Language courses to be provided for local authority employees as well as for the public.

The staff in charge of Linguistic Normalisation Services or Offices in various local authorities and Associations of Municipalities must demonstrate they have a formal command of the Asturian Language.

In the Principality of Asturias, the Linguistic Policy Service of the Directorate General for Linguistic Policy performs the functions of an official translation body, provided for in Act 1/1998, of 23 March, on the use and promotion of Bable/Asturian. It also carries out duties relating to the translation, interpretation or terminology of Galician-Asturian. At present, it translates an average of 300 pages a month into Asturian or Galician-Asturian.

Following two years of joint work by the University of Oviedo and the Government of the Principality of Asturias, “Eslema”, the automatic translator of texts into Asturian from Castilian and vice versa, was placed at the disposal of the public in 2010.

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

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

The following are among the numerous examples of the work of the Administration of the Principality of Asturias in favour of a policy that supports and encourages the Asturian language and/or Galician-Asturian:

- Grants to local authorities for the implementation and operation of Linguistic Normalisation Services at municipal level. In 2010, grants for normalisation services were €261,000; in 2011, they were €234,900 and in 2012, €216,900. These were distributed among 10 local authorities, 3 Associations of Municipalities and the Navia Historic Park Foundation.



- Support for the use of the Asturian language or Galician-Asturian by the public bodies of autonomous and local institutions at public occasions or events of special importance.
- Use of the Asturian language and Galician-Asturian in signage, programmes of activities and radio spots to publicise Asturias Day (8 September).
- Assistance for citizens to submit documents in Asturian or Galician-Asturian through their possible translation by the Linguistic Policy Service, created in 2011.
- Official translation of relevant regulatory Asturian texts: Statute of Autonomy, Act 1/1998 on the use and promotion of Bable or Asturian, Decrees on place-names, etc.
- Broadcasting of institutional advertising in Asturian or Galician-Asturian in the print or digital media, radio or other formats. The sums devoted to this were almost €150,000 in 2010, over €123,000 in 2011, and over €65,000 in 2012.
- Promotion of the use of the Asturian language for specific programmes of Radiotelevision of the Principality of Asturias (programme production, broadcast of outside works in Asturian, programme transmissions, etc.).
- Awarding of grants to the media for the social normalisation of Asturian: to news, radio, television or internet companies etc. 2010, 2011 and 2012 saw €415,000, €373,499 and €127,759 distributed among 54, 50 and 36 Asturian language projects respectively, as well as 4 Galician-Asturian projects in each of these years.
- Funding and subsidising of radio programming in Asturian: 48 examples, including cultural, musical, informative programmes and sporting broadcasts as well as those for young people or children.
- Financial assistance and grants for television programmes in Asturian or Galician-Asturian: 12 examples in the three reference years (informative, cultural, documentary etc.).
- Annual grants for press articles in the Asturian language or Galician-Asturian: 84 examples over the period.
- Training of journalists: “*Falar y más Falar*” (Talk and more talk) course in 2010, etc.
- Annual grants for the promotion of Asturian and Galician-Asturian books. In 2010, €190,000 was devoted to 70 works in Asturian and 3 in Galician-Asturian; in 2011, €171,000 for 61 works in Asturian and 3 in Galician-Asturian; and in 2012, €84,800 for 33 works in Asturian and 3 in Galician-Asturian.
- Promotion of the use of the Asturian language in specific programmes of Radiotelevision of the Principality of Asturias (programme production, broadcast of outside works in Asturian, programme broadcasts, etc.).
- Grants for the normalisation of the social use of the Asturian language and Galician-Asturian, provided by local authorities (Municipalities) and Associations of Municipalities. In 2010, the sum for grants was €185,000 for 158 projects in the Asturian language and 20 in Galician-Asturian; in 2011, it was €166,500 for 141 works in Asturian and 24 in Galician-Asturian, and in 2012, €76,700 for 78 works in Asturian and 13 in Galician-Asturian.
- Annual grants to associations and non-profit bodies for the promotion of Asturian and Galician-Asturian.
- Grants for studies undertaken in Asturian or Asturian-Galician.
- Financial assistance to private companies for the promotion of Asturian and Galician-Asturian music.

- Grants for filmmaking and video activities in Asturias or Galician-Asturian.
- Grants for news, radio and internet companies to cover expenditure incurred in the production of programmes in Asturian or Galician-Asturian. In 2010, 54 projects in Asturian and 4 in Galician-Asturian received a total sum of €415,000; in 2011, 50 projects in Asturian and 4 in Galician-Asturian received a total of €373,499; and in 2012, 36 projects in Asturian and 4 in Galician received a total of €127,759.
- Annual announcement of literary and research prizes that aim to lend prestige to the Asturian language or for literary works in Asturian.
- Co-publishing with publishing companies of Asturian-language books.
- Grants for the acquisition by libraries of books published in Asturian or Galician-Asturian.
- Promotion of the presence of book, record and film production in Asturian at fairs held annually in Asturias.
- Annual holding of Asturian Arts Week (*Selmana de les Lletres Asturianes*): institutional public reading of texts in Asturian or Galician-Asturian (politicians, scholars, Asturian personalities, etc.); publication of educational books and material; talks, celebratory tributes; theatrical performances; poetry recitals, etc.
- Holding of Asturian Book Day (*Día del Libru Asturianu*) in collaboration with bookshops, record shops etc.
- Holding in 2010 of the third edition of the Asturian Science Day (*Día de les Ciencies Asturianes*). This coincides with 10 November when World Science Day for Peace and Development, established by UNESCO, is celebrated internationally.
- Annual open-call for proposals for the Prize for the Best Song in Asturian or Galician-Asturian.
- Publication in 2011 of “Álbum de canciones” (*Song Album*), a vocal composition in the Asturian language.
- Tribute concert in June 2011 in the Principe Felipe Auditorium in Oviedo in celebration of the Seliquin/Xentiquina children’s choir, with the participation of 12 Asturian musical groups, with songs interpreted in Asturian.
- Holding in the 2010-2012 period of the School Educational Agenda, with the aim of bringing Asturian literature, theatre and music closer to a younger audience through present-day Asturian writers, actors and musicians (in educational establishments). This saw grants of around €20,000 awarded over these years.
- Translation of 11 works (anthologies, novels, poems etc.) in the 2010-2012 period.
- Financial support for subtitling and simultaneous translation of Asturian language films shown at the International Film Festival of Gijón/Xixón. A sum of €4,222 was devoted to this in the 2010-2012 period.
- Sponsoring and subsidising of activities and events organised by cultural bodies: Asturias Day; Asturian Arts Week; Book Day; activities promoting El Camino de Santiago etc.
- Undertaking of Asturian, Galician-Asturian, Castilian, or bilingual cultural activities at community, Spanish or international level: a tour of professional theatre tour, amateur theatre, exhibitions etc.

#### **Paragraph 4**

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

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

The Asturian Language Academy is an institution pertaining to the Principality of Asturias that was created in 1980 by Decree 33/1980, of 15 December, of the Regional Council of Asturias. Among the aims provided for in its Statutes are the following: providing guidance and rules for the written and formal cultivation of the Asturian language and its linguistic variations; stimulating the use, teaching and dissemination of Asturian and its different modalities; establishing the criterion of authority in matters regarding regulations, updating and correct use of the Asturian language; safeguarding the linguistic rights of the Asturians; and promoting and safeguarding the Galician-Asturian linguistic variant.

To fulfil these aims, the Asturian Language Academy has created a regulatory Dictionary, Orthography and Grammar. It has also published a History of Asturian Literature as well as carrying out editorial work resulting in over 500 titles.

## **LANGUAGES AND LINGUISTIC MODALITIES NATIVE TO ARAGON**

### **1. INTRODUCTION**

#### **Legislative changes**

The Third Report on Spain referred to the Statute of Autonomy of Aragon, which was approved by Organic Act 5/2007, of 20 April. Article 7 of the Act contains the statutory legal framework for the legal protection of the languages and linguistic modalities native to Aragon and provides for an Act of the Aragonese Parliament to establish the areas that predominantly use these languages and modalities. It should be noted that at no time does the new Statute of Autonomy recognise Catalan as a language that is native to Aragon.

Aragon now has a legal framework to protect its native languages and linguistic modalities. This is constituted by the Act of the Aragonese Parliament 3/2013, of 9 May, on the use, protection and promotion of the languages and linguistic modalities native to Aragon. This Act was adopted to implement Article 7 of the existing Statute of Autonomy of Aragon, which forms part of the Spanish constitutional bloc.

The Aragonese Act 3/2013 recognises Aragon's linguistic plurality and guarantees the use by the Aragonese of Aragonese languages and their linguistic modalities as a historical, cultural legacy to be conserved. This is stated in the preamble of the Act: "The languages and linguistic modalities native to Aragon constitute one of the most outstanding expressions of Aragonese cultural and historical heritage and a social value of respect, coexistence and understanding". This accords both with what is stated to this regard by the Statute of Autonomy of Aragon itself and with the measures for the promotion of regional languages recommended in the European Charter for Regional and Minority Languages (Articles 8-14).

This new regulatory Act on Aragon's linguistic heritage states at its start (Article 2) that "Together with Castilian, Aragon has native, original and historic Aragonese languages and their linguistic modalities that are predominantly used in the northern and eastern areas of the Autonomous Community". It then goes on to underline the huge wealth and variety of linguistic modality that must be preserved and dignified, taking into account the daily usage in the areas where they are predominantly used. These areas of Aragon, as established in Article 5 of the new Act, are as follows:

- a) An area where there is predominant historical use of the Aragonese language and which pertains to the Pyrenean and Pre-Pyrenean areas of the Autonomous Community, together with its linguistic modalities.
- b) An area where there is predominant historical use of the Aragonese language and which pertains to the eastern area of the Autonomous Community, together with its linguistic modalities.

After referring to the above regulatory linguistic regime in force in Aragon, it is important to note here the desire of the Aragonese Government to honour, observe and safeguard compliance with the Charter's mandates and recommendations and as such comply with the maintenance and development of Europe's cultural traditions and wealth. All this is in strict adherence to the provisions of the Statute of Autonomy and therefore with respect for the Charter's spirit and the rights of users of Aragonese languages and their linguistic modalities.

#### **Data on the number of speakers**

**57. The Committee of Experts encourages the Spanish authorities to carry out surveys in cooperation with the speakers of regional or minority languages in order to have accurate updated data concerning the number of users of regional or minority languages and their geographic distribution.**

The updating of the census on the speakers of regional or minority languages in Aragon and their geographical distribution is a necessary task and one that is particularly sensitive for the Aragonese Government.

## **2. APPLICATION OF THE CHARTER**

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

#### ***Paragraph 1***

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

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

**118. *In view of the information received about projects to modify the Law on Languages in Aragon, the Committee of Experts urges the authorities to maintain at least the level of protection currently planned for Aragonese and Catalan.***

As stated above, the existing Statute of Autonomy of Aragon of 2007 does not recognise Catalan as a native language of Aragón at any time.

In accordance with this Statute, which forms part of the Spanish constitutional bloc, the above Act 3/2013, of 9 May, on the use, protection and promotion of the languages and linguistic modalities native to Aragon, approved by the Aragonese Parliament, establishes in Article 2, as noted above, that: "Together with Castilian, Aragon has native, original and historic Aragonese languages and their linguistic modalities that are predominantly used in the northern and eastern areas of the Autonomous Community".

The Aragonese Government, as required in Chapter 1 of this new Act 3/2013, guarantees a level of protection of the Aragonese languages with their linguistic modalities as a historical cultural legacy to be conserved; all this in accordance with the preamble of the Act. Protection is aimed particularly at maintaining native linguistic modalities that historically have lived on in their areas of usage.

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

***135. ... The Committee of Experts asks the authorities to provide information on the development of the language policy with regard to Aragonese and Catalan in Aragon in the next periodical report.***

The Aragonese Government adopts protective measures for Aragonese languages and their linguistic modalities in the same sectors as previously and to which reference was made in Part III of the European Charter for Regional or Minority Languages. These sectors are education, justice, administrative authorities and public services, the media, cultural activities and services, economic and social life and trans-frontier business. The measures include:

- The facilitating of voluntary learning of Aragonese languages and their modalities native to the eastern area and in the Pyrenean and Pre-Pyrenean area in the localities that request it. The Aragonese Act 3/2013 (Article 12) recognises the right to receive the teaching of the languages and linguistic modalities native in the areas of predominant historical use, through appropriate provision in educational establishments.

- The awarding of literary prizes aimed at stimulating creation in the languages native to Aragon. These have been merged into a single competition with the name of Arnal Caveró-Guillem Nicolau, according to Decree 221/2013, of 19 February, of the Aragonese Government, which regulates prizes for literary creation and the Aragonese publishing sector.

- The issuing of publications in the same collection, *Literaturas de Aragón (Literature from Aragon)*, to provide Aragonese languages with an active presence.

- The ensuring of the conservation of the assets of Aragonese linguistic heritage and the dissemination of Aragonese languages and its modalities in accordance with Articles 9-11 of Act 3/2013.

- Compliance with Chapter VI of Act 3/2013, on the use of these languages and modalities in Aragonese institutions and administrations (the Aragonese Parliament, Aragonese justice system, local entities, place-names etc.).

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

***154. ...The Committee of Experts asks the authorities to take efforts to find a consensus on orthography and on the development of Aragonese in public life, especially in the field of education. It asks them to report on developments in this respect in the next periodical report.***

The Aragonese Language Academy, created by Act 3/2013 (Article 7), is tasked with the imminent establishing of the orthographic rules for the correct use of languages and linguistic modalities native to Aragon (Article 7.2 a).

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

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

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

***217. Article 15 of the Law on Languages in Aragon provides for the establishment of Aragonese language academies. It creates the Aragonese Language Academy and the Catalan Language Academy as official institutions that constitute the linguistic authority over Aragonese and Catalan in Aragon respectively. During the on-the-spot visit, the Committee of Experts was informed that these bodies have not yet been developed.***

In line with the provisions of the Statute of Autonomy of Aragon, the Aragonese Government, wishes to state and reiterate that this Statute, adopted by the Spanish Parliament by means of the Organic Act on the Statute of Autonomy of Aragon, and modified by Organic Act 5/2007, of 20 April, does not at any time recognise Catalan as a language native to Aragon.

In accordance with the above Statute of Autonomy, which forms part of the Spanish constitutional bloc, the Act of the Aragonese Parliament 3/2013, of 9 May, on the use, protection and promotion of the languages and modalities of Aragon, therefore establishes in Article 2 the following:

“Together with Castilian, Aragón has native, original and historic Aragonese languages and their linguistic modalities that are predominantly used in the northern and eastern areas of the Autonomous Community.”

Moreover, Act 3/2013 creates in Article 7 the Aragonese Language Academy as the official scientific institution in the field of the languages and linguistic modalities native to Aragon. The Academy is expected to be constituted soon.

Below is a verbatim transcription of Chapter III of Act 3/2013, as regards the Aragonese Language Academy:

“Article 7. The Aragonese Language Academy.

1. The Aragonese Language Academy is created as the official scientific institution in the field of native languages and linguistic modalities.

2. The Aragonese Language Academy has the task of:

a) Establishing the rules on the correct use of the languages and linguistic modalities native to Aragon.

b) Advising the public authorities and institutions on matters relating to the proper use of native languages and linguistic modalities and how to advance them in society.

3. The Aragonese Language Academy will be composed of people of recognised prestige in the field of philology, literature and linguistics, preferably doctors. Preference will be given to native speakers with extensive experience in the practice and promotion of the linguistic and literary values of the Aragonese community, and in which the languages and linguistic modalities native to Aragon are represented.

4. The Aragonese Government will approve the statutes of the Aragonese Language Academy by which its composition, organisation and operation will be established”.

“Article 8. Linguistic rules of the languages and linguistic modalities native to Aragon.

When public bodies use the languages and linguistic modalities native to Aragon, in accordance with the provisions of this Act, they must obey the linguistic rules established by the Aragonese Language Academy.”

### **Paragraph 3**

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

***231. The authorities have not directly responded to the Committee of Experts’ recommendation in their third periodical report. The Committee of Experts has been made aware of some specific campaigns and initiatives at local or regional level, as well as specific measures at state level from which regional or minority languages can benefit.***

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

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

With regard to the above, it should be underlined that Article 16 of the above Aragonese Act 3/2013, which concerns citizen relations with the Public Administration, provides for and guarantees the public use of native languages and their modalities by stating:

“The right is recognised of all citizens to express themselves orally and in writing, in addition to Castilian, in the languages and linguistic modalities native to Aragon in the respective areas where they are predominantly used, in accordance with the provisions of this law”.

### **Paragraph 4**

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

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

Although there is no provision for the creation of any specific body of this type, this will be assessed when budgetary availability permits.

## **TAMAZIGHT IN MELILLA**

### **1. INTRODUCTION**

***22. With respect to the presence of Tamazight in Melilla, the Committee of Experts ... encourages the authorities to acknowledge its presence as a regional or minority language and continue its support, in cooperation with the speakers.***

In 2013, the Government of the Autonomous City of Melilla promoted a Social Pact for Interculturality. Point 14 of the operative provisions of this PSI states that: "Accepting the repeated observations and recommendations of the Committee of Ministers of the Council of Europe, with regard to the application in Melilla of the European Charter for Regional or Minority Languages, the Assembly recognises Tamazight as a traditional language that forms part of the common immaterial cultural heritage of all the people of Melilla. The obligatory protection and safeguarding of Tamazight must not be in detriment to the official Castilian language nor to the need and obligation to learn it".

***56. ... The Committee of Experts encourages the Spanish authorities to carry out research in cooperation with the speakers of regional or minority languages in order to have accurate updated data about the number of users of regional or minority languages and their geographic distribution.***

Nowadays, only partial data is available on the number and distribution of Imazighen speakers. The Institute of Cultures, which is attached to the Ministry of the Presidency and City Security, has subsidised 11 research projects that must be completed by December 2014. Their conclusions will provide accurate information that brings us closer to a reliable map of speakers of the Tamazight language. While it would be ideal to create a census of speakers, this task requires material and human resources that the City's own resources could not allow to be taken on alone.

### **2. APPLICATION OF THE CHARTER**

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

##### ***Paragraph 1***

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



***a) the recognition of the regional or minority languages as an expression of cultural wealth.***

The two most widely-spoken languages in Melilla are Castilian and Tamazight. The former is the sole official language recognised by Organic Act 2/1995, of 13 March, on the Statute of Autonomy for Melilla. While not expressly mentioning Tamazight, this text protects its use and conservation of the language as inferred from section h) of Article 5.2, that establishes as “a basic aim” of the City’s institutions “the promotion and stimulation of the values of understanding, respect and appreciation of the *cultural y linguistic* plurality of Melilla’s population”.

The above Social Pact for Interculturality, as well as seeking the practical application of the Charter’s principles and objectives with regard to Tamazight, also refers to Haketia. Undertaking No. 16 of this Pact declares: “the City will promote the study, research and conservation of the Haketia language, a linguistic modality closely linked to the cultural wealth of Melilla’s Jewish community”.

The Explanatory Memorandum of the Social Pact for Interculturality justifies the study and preservation of Haketia in the following terms:

“Haketia is a cultural treasure because of the history that accompanies it and its linguistic singularity. Closely linked to the cultural wealth of Melilla’s Jewish community, it is a singular example of how fruitful the mixture and interrelation of cultures may be in generating new expressions with a personality of their own from the flows and influences of disparate sources. A linguistic modality (or dialect) derived from Judeo-Castilian, or Ladino, the language of Sephardic Jews expelled from the Iberian Peninsula in 1492, Haketia was underpinned by the Castilian of the 15<sup>th</sup> century (Castizo), but seasoned with numerous Hebraisms and Arabisms. Following the decree to expel them, the Sephardim who settled in the north-west of Africa started to add new Arabisms and Berber expressions and phrases to Ladino. This process was not removed from the fact that those Jews who had already been established in the Maghreb since the 2nd century habitually spoke, according to their location, Arabic or Tamazight and reserved Hebrew for religious ceremonies. The hybridation of all these idiomatic flows gave rise to Haketia, a language that in essence is transmitted orally and one which refuses to disappear”.

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

In line with the requirements of Article 7.1.g) of the Charter, The Social Pact for Interculturality expressly states that “the City will take the necessary measures to ensure that any Melilla citizen who so wishes may learn the Tamazight language”. The City, through the Institute of Cultures, has for the past decade held a Permanent Seminar on Tamazight Language and Culture. Courses (elementary and upper intermediate) are open to any citizen who wishes to enrol. Similarly, the Institute of Cultures facilitates the teaching and learning of Tamazight through internet courses ([www.melillatamazight.es](http://www.melillatamazight.es)). This option will be reinforced from 2014 by employing teachers who will take charge of course tuition. Moreover, the Institute of Cultures is attempting to reach agreements with universities with a view to providing the teaching and educational benefit of Tamazight with an official and regulated nature.

***Paragraph 3***

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

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

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

All the political parties represented in the Assembly and some thirty trades union, social and cultural organisations have been involved in the creation of the Social Pact for Inter-Culturality (PSI), which was promoted by the Government of the City of Melilla in 2013. As a result of this initiative, the Commission of the Presidency and Citizen Security adopted a document for ratification by the Assembly in solemn declaration. This document, entitled the Declaration Proposal of the Assembly of the City of Melilla for a Social Pact for Interculturality, states in its operating provisions: "The City undertakes to develop Article 5.2. h) of its Statute of Autonomy (mentioned above) with a view to implementing the principles and objectives of the European Charter for Regional and Minority Languages". This expressly states the City Government's desire for the aims and principles contained in Article 7 of the Charter to be adopted, as its own, by the whole Assembly of the Autonomous City and therefore to represent the standard for public policies on the defence and preservation of Tamazight as a regional or minority language.

The commitments of the PSI as regards the Administration's workings include implementation of training programmes for awareness and intercultural competence "aimed at managers and public employees and those involved in the design and application of local public policies". The PSI framework document states: "The learning and teaching of intercultural competence is essential to democratic culture and social cohesion". As regards intercultural competence in the linguistic area, in 2014 the Institute of Cultures will promote Tamazight courses aimed at groups of those local public employees with a more direct and efficient relationship with those citizens who speak the language. Initially, the courses have been proposed to the Local Police and (although they depend on the State Administration) to health workers (doctors, nurses, auxiliaries etc.) employed in the District Hospital and in health centres in the City.

It should be underlined here that the use of written documents in Tamazight in administrative procedures and formalities is not feasible at present. Firstly, because Tamazight still lacks a standardised written form that is universally accepted (at least of the language used in the linguistic region that includes Melilla), it is used and transmitted orally in the main; secondly, because the vast majority of speakers do not usually write in their mother tongue.

With regard to the media, the regional state broadcaster, Televisión Melilla, promotes and facilitates the broadcast of Tamazight-language programmes. A weekly news programme is broadcast exclusively in the language.

Moreover, the City also encourages the production and dissemination of audiovisual works in Tamazight. In 2013, the Institute of Cultures produced and released a documentary (Ziara) on maraboutism and popular religiosity in Melilla and adjoining areas of Morocco, whose protagonists mainly speak Tamazight. These parts of the documentary were subtitled (not dubbed) in Castilian.

The Institute of Cultures also produced and released a feature-length fiction film (Solteros) in which its characters of Amazigh origin sometimes express themselves in their mother tongue. As in the previous case, the parts in Tamazight are subtitled (not dubbed) in Castilian.

It should also be underlined that in 2014 the Institute of Cultures will propose to the Melilla Press Association an agreement by which local journalists receive information about

Tamazight and are helped to learn the language. It is notable that practically all the local media (three television stations, four radio stations and three newspapers) employ journalists whose mother tongue is Tamazight.

#### **Paragraph 4**

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

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

The Institute of Cultures was created for purposes including the organising and supporting of cultural activities that properly integrate the knowledge and practice of Tamazight. This led in 2013 to the promotion and subsidising of a theatrical work “*Ahora sí*”. This was created, scripted and performed by Imazighen (the plural of Amazigh) women who used both the Castilian and Tamazight languages on stage. The work was performed in the events hall of the National Distance University (UNED) and at Melilla’s most important theatre, the Kursaal, and was attended and supported by the principal local authorities.

For the Amazight New Year in the second fortnight in January, the Institute of Cultures schedules a series of public events in which Tamazight is the working language. There are musical performances, story-telling, song recitals and traditional ballads by groups and individuals who address the public in Tamazight. To help non-Tamazight speakers to understand these artistic displays, leaflets with the Castilian translations and their original phonetic transcriptions (in Latin script) are published and handed out.

## **DARIJA IN CEUTA**

### **1. INTRODUCTION**

**19 and 56. Clarify the status of Arabic Darija in cooperation with the speakers and if necessary with the aid of a scientific study to determine whether the language has an ongoing presence in Ceuta.**

The Institute of Ceutan Studies is conducting an in-depth study on this matter. To date, its conclusions are well advanced and its completion is expected soon. The study findings will be transferred as appropriate to the Directorate General for Coordination of Competences with Autonomous Communities and Local Entities, of the Ministry for Finances and Public Administrations.

This study attempts to assess various aspects of Ceuta’s highly diverse and complex linguistic situation. It places special emphasis on Castilian and Ceutan Arabic (Darija) as their speakers are in the majority and have special characteristics with regard to bilingualism. Other measurement parameters used will provide information on the important sociolinguistic characteristics that have a bearing on this detailed, accurate study.

Other languages used in Ceuta have not been ignored in this study. These include Berber or Tamazight together with Hebrew and Hindi, which are in a clear minority, and in whose communities the relevant data has been gathered for the final report.

The study is coordinated by qualified professors from the Area of Arabic and Islamic Studies of the Department of Semitic Studies of the University of Granada.

## **2. APPLICATION OF THE CHARTER**

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

#### ***Paragraph 3***

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

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

Nowadays, there is a lack of data to attribute a lack of tolerance towards Ceutan Arabic (Darija) in Ceuta. It is clear and evident that the different languages are used in complete freedom.

Partial studies have been conducted on tolerance and respect for minorities in a comprehensive manner, not only concerning the difference in mother tongue of the various communities but also extending this to all cultural aspects.

#### ***Paragraph 4***

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

**247. Take into account the needs and wishes expressed by the groups who speak these languages. You are encouraged to create for them, when necessary, bodies responsible for advising the authorities on the issues involving regional or minority languages.**

The Autonomous City of Ceuta has the Institute of Ceuta Studies, a local autonomous body, to advise it on a variety of fields and subjects relating to Ceuta, as well as issues regarding regional or minority languages. The Foundation Award for Coexistence is also worthy of mention. One of its aims is its participation and collaboration with institutions in the design and development of programmes and action that promotes, safeguards and galvanises culture and cultural heritage, especially with regard to cultural diversity.

