

INFORME D'INICIATIVA POL ASTURIANU A ELEN PAL UNVIU AL ALTU COMISIONÁU DE DRECHOS LINGÜÍSTICOS DE LA ORGANIZACIÓN DE LES NACIONES XUNÍES

1. Marginalisation of Asturian in public administration

The "Law of Use and Promotion of Bable/Asturian" (1998), in its fourth article states that "All citizens have the right to use Asturian [...] orally and in writing" and that "the oral or written use of Bable-Asturian in communications between citizens and the Principality of Asturias has to be taken as valid at all purposes." The reality is that the use of Asturian is only made by citizens, since the Asturian administration exclusively uses it (if so) for issues related to the language itself e.g. calls for scholarships for Asturian. In fact, the lack of an official status is a legal excuse used by state and local governments to deny people the right to address them in Asturian.

The Delegation of the Government of Spain in Asturias has been responsible of many cases of citizens' associations, such as "Xunta pola Defensa de la Llingua Asturiana" in 1985, "Conceyu d'Estudiantes Nationalistes" in 1987 or "Coleutivu Llingua y Ensenanza" in 1989, that had not been able to be legalised for providing documentation written in Asturian.

Language marginalisation also affects voting rights. The Provincial Electoral Board, for example, denied political party Andecha Astur in 1991 the possibility to have ballots in Asturian, and in 1995 and 2000 it did not allow it to present its candidacy for the general elections to the Spanish Congress and the Spanish Senate for providing documentation in Asturian. This last time, the Constitutional Court issued a resolution in favor of the political organisation against the decision of the Provincial Electoral Board. Also in April 2011, parties "Conceyu Abiertu" and "UNA-Bloque por Asturias" had their candidacies refused for submitting them in Asturian. Both parties were forced to make the final submission in Spanish.

In the Asturian parliament itself there have been cases of language discrimination. In 1993, an initiative from a Member of the Asturianist Party was rejected by the General Council Bureau of the Principality of Asturias for having paragraphs in Asturian. In 1996, an urgent interpellation by United Left was also rejected for being in Asturian language, saying that they would only admit it if it was simultaneously translated into Spanish.

In December 2010, the official Bulletin of the Principality of Asturias (BOPA) made a call for the first edition of the award named "Protection of Rights and Freedom", in which it stated that candidacies could only be presented in Spanish. After the association "Xuristes pol Asturianu" denounced this case, the government was forced to include Asturian as a valid language as well.

The justice administration is another case of language marginalisation. Famous cases include one of a judge in Mieres who did not allow a wedding in the town of Riosa in 1996 for using Asturian only. In 1997, an Asturian citizen was not allowed to testify in a court in Gijón because the court's clerk refused to take verbal statement in that language. In 2009, another citizen was not allowed to testify in Asturian in the Spanish National High Court.

2. The role of local councils

There have been enough reported cases in the last years of councils that do not accept the submission of Asturian written documents. Councils, however, close as they are to the linguistic reality, usually maintain a more conciliatory position towards legal recognition of language rights. Some councils such as Bimenes or Nava even declared Asturian official language. Nevertheless, the Delegation of the Government of Spain, through the State Attorney, has challenged all official statements and the Superior Court of Asturias has cancelled them all. Also in Nava, some ordinances adopted for the use of Asturian language suffered an attack from the Delegation of the Government of Spain in November 2001, and a judge stated that these ordinances created "social alarm" among the population and they resulted in "harm to general interest." A social response by citizens of Nava was necessary to try to avoid this prohibition.

In October 2007, court number 5 in Oviedo, the capital of Asturias, failed against an Asturian citizen stating that he did not have the right to communicate with this administration in Asturian. This clearly showed a bias in the resolution, since a different court of the same council, number 3, dictated a different resolution in a similar case concluding that every Asturian citizen had the right of addressing the Asturian administration in Asturian language according to the Spanish Constitution.

In this case, since the year 2011, the council of Noreña has been permanently causing concern for the attitude of its mayor against the use of Asturian language. For instance, in that very same year, he refused a motion because it had been made in Asturian. Also, during all these years, he has constantly ridiculed public representatives and councillors for using Asturian language in the plenary sessions, and has even forced them to use Spanish under the menace of expelling them from the sessions.

More recently, in May 2013, the council of Oviedo refused to submit an Asturian-written document presented by the Asturian association "Iniciativa pol Asturianu" because it was not written in Spanish. Pressure from the media and the organisation made the local council rectificate and the document was finally admitted a few days later.

3. The education system

Compulsory education for the entire population has historically been a mainstay in Asturias Castilianization and so it is nowadays. In recent years, the media has shown many cases of parents complaining for their children being ridiculed or punished for speaking Asturian in school, or teachers who did not accept proof of absences written by parents in Asturian. The most striking case jumped to the press in 2001, when the Deputy Ministry of Education investigated a school in Villaviciosa where schoolchildren were fined 25 pesetas for each Asturian word they used. After the court of Villaviciosa filed the complaint, the Provincial Court of Asturias supported this resolution considering that fining students for speaking Asturian "is not a criminal offense of discrimination or any sort of criminal offense."

Teaching Asturian in Primary Education did not come until 1984. In the following years this has been expanded to more centers to reach virtually all public primary schools in Asturias. Today, offering Asturian is mandatory for all schools in Primary and Secondary Education, but the reality is that the absence of good information campaigns and a firm policy from the administration, those schools whose boards, teachers or tutors do not welcome the recovery of Asturian have enrollment figures much lower than other ones. Moreover, the administration has not regulated the Asturian in Infant Education, precisely the age at which the Asturian speaker pupil begins to be enrolled in a language that is not theirs, which constitutes a clear case of discrimination.

Following the above, teaching Asturian language is restricted, almost exclusively, to the state schools network, which means that private schools violate the law, since their students have not the possibility of choosing the subject of Asturian language as the it is required. There is even evidence of cases of Asturian teachers pressured by the educational administration for teaching in Asturian.

The Law of Use, in its Article 10, says that the Principality "is to ensure the teaching of Asturian at all levels and grades, respecting voluntariness in its learning" and that "the compilation of the study or use of Asturian as a subject of the curriculum in no case may serve as a ground for discrimination of students. For those who choose it, the use or learning of Asturian may not avoid them receiving the training and knowledge on equal footing with the rest of the students." This article is clearly violated in Secondary Education (cycle 12-16 years) and High School (16-18 years). There have always been very few high schools offering this subject and there have been many obstacles since its introduction in 1987, since Asturian is not voluntary but optional, so this subject has to compete with other subjects like "IT" or "French", apart from the discrimination that occurs with those who choose Asturian because they can not study these other subjects at once.

A third problem is the lack of recognition of the specialty of Asturian teachers equal than the other subjects in the curriculum. In 2001, the Spanish Ministry of Education refused the demand made by the Asturian Ministry of Education and Culture of creating the specialty of Asturian in the Elementary and Secondary Education, so that teachers who taught that subject could be officially recorded in the state pool of teachers as Asturian Language teachers.

In May 2002, the Principality of Asturias released the final plan of studies for Secondary Education. In it, what in a first draft was called "Asturian Language", was later renamed "Traditional Language: Bable / Asturian", in a clear attempt to lower the status of Asturian language. Also, any reference to language conflict in Asturias or the concepts of standardisation, bilingualism and diglossia, were all erased.

The presence of Asturian at University is one of the goals of the Asturian recovery movement. The statutes of the University of Oviedo in 1985 speak of Asturian language and as the native language of Asturias and its Article 6 says that no one should be discriminated because of its use. Still, the University has made some headlines for refusing documentation presented in Asturian. Still, in early 2014, a student of the Faculty of Teacher Training was denied the opportunity to address the secretariat in Asturian, and the rector himself was forced to apologise for it. In addition, we can not ignore the fact of personal and academic repression suffered by those members of the staff who have been more active among the Asturian language militancy.

The creation of a Degree in Asturian has found the refusal of the Spanish Council of Universities during many years, based on clear ideological prejudices, even though the aforementioned degree of Asturian Philology is supported by numerous cultural, political and civil organisations of the Asturian society, including Asturian Parliament itself.

4. Toponymy

The Law of Use and Promotion of Bable-Asturian, in its Article 15, states that "the local names of the Autonomous Community of the Principality of Asturias shall have its official name in its traditional form." Also, "if a place name has a widespread use in traditional form and in Spanish, the official name may be bilingual". Nevertheless, the reality is that in advertisements, publications, official bulletins, correspondence, etc., the violation of the Law of Use by the Asturian Administration is absolute, and many councils avoid the use of traditional forms, and many denunciations have been made through the years, without much success.

In January 2002, police arrested three members of a political party, the BIA, in Sama (Langreo) during a rally for denouncing the situation of illegality in road signs names by putting stickers on them. In a similar event organised by the "Xunta pola Defensa de la Llingua Asturiana" -a civil organisation for the defense of Asturian language-, representatives of political parties and trade unions 'corrected' poster roads by putting on them some stickers. In June 2002, the same civil organisation presented a contentious administrative against the Ministry of Infrastructure regarding the Castilianisation of local names in road signs.

5. The marginalisation of Asturian in the Spanish State

The lack of recognition of Asturian as an official language, like Galician, Catalan or Basque, implies that this language is left aside from all progresses achieved so far in putting them to the same level than Spanish in the Spanish administration. This discrimination is clearly seen in highly symbolic performances, from the translation of the Constitution into all official languages i.e. Catalan, Basque and Galician, to the use of these languages in the Spanish 'Cortes' (Congress and Senate), to their use in Literature and Translation awards, etc... This includes outrageous measures, such as with taxes like CRU (for photocopies of books), which reverts to the Spanish Writers Society, as well as to the Galician, Catalan and Basque ones, but which does not revert to the Asturian Writers Society for not having their language recognised (it goes to the Spanish one instead). The ISBN does not contemplate Asturian in its coding, which means there can be no section for this language in libraries worldwide.

Marginalisation itself occurs in state companies, which provide their services in all official languages of the State, but refuse using Asturian because it lacks of an official status. Pressure from influential social parties has even managed that some air transport and telephone companies that offered services in Asturian at first had later on withdrew such services.

6. Repression in the workplace

In a situation such as the Asturian one, marked by the use of a diglossic and socially stigmatized Asturian language with hardly any prestige, the inhibition of Asturian speakers at work, specially when it comes to dealing with the public, can be easily seen. More so when there are frequent practices such as making "recommendations" -when no explicit obligation- to workers on trying to speak "properly" and not to let customers know the language they normally speak.

Some cases have reached the media, such as in the mid-eighties, when several taxi drivers were fired for using Asturian in their radio communications, or repeated sanctions by the rail company FEVE to a station master for typing local names and dates in Asturian. This type of cases do not just help creating a feeling of "shame" for speaking Asturian, but also in many cases do not come to light very often for fear of further reprisals.

7. Marginalisation in the media

The Law of Use and Promotion of Bable/Asturian states that the Asturian public media must have an adequate content in Asturian language. Nevertheless, since the creation of the Asturian public radio-television (RTPA) this law has been constantly unfulfilled, and Asturian government has deliberately failed to provide with a public media service in Asturian which represents the reality of Asturian society. Furthermore, the Asturian association "Iniciativa pol Asturianu" made public in February 2013 an internal memo from this entity related to the signing system in news and programmes, in which RTPA workers were "advised" to avoid the use of Asturian words -or to use them with inverted commas, like foreign words.-

In addition to this, in September 2001, the case of Radio Sele -an independent station that only broadcasts in Asturian- came to light. This station had been granted a commercial radio license in a contest organised by the Principality of Asturias in 1999. After the arrival of the Socialist Party to the Asturian government, this licence was revoked without any explanation. In 2006 a court resolution stated that this decision had been illegal and that the Asturian government had to give the license back, but after 8 years nothing has been made to put an end to this injustice.