

ELEN REPORT TO THE UN
UNIVERSAL PERIODIC REVIEW ON
DISCRIMINATION AND ATTACKS ON
CO-OFFICIAL LANGUAGE SPEAKERS
IN THE SPANISH STATE



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ELEN Report on the current attacks on non-Castilian languages in Spain

During the last few years several public institutions of the Kingdom of Spain have launched a political offensive against non-Castilian languages. In most cases, these policies and the various legislative and administrative initiatives are carried out by the People's Party (PP), which is one of Spain's two major parties in both the central government and in most autonomous regions and local authorities.

The NGOs and the media have regularly echoed cases of linguistic discrimination against citizens of the non-Castilian—speaking territories under Spanish sovereignty at the hands of public authorities when they wish to express themselves in their languages.

The cases involve different degrees of severity but all of them signal of an utterly low level of linguistic respect for speakers of non-Castilian languages and constitute clear violations of the Human Rights of those citizens. The disrespect and contempt against non-Castilian-speaking people is regrettably too common among Spanish civil servants and authorities in spite of the official status of the languages (when there is one) and against all the international treaties and conventions signed and ratified by the Kingdom of Spain.

Catalan (attached document #1)

The [Plataforma per la llengua](#) has reported 40 cases of serious linguistic discrimination in the Catalan-speaking territories (2007 to 2013). The cases reported are but a part of the totality of the discrimination that actually occurs, since in many cases the victims of such illegal abuse never report it and nor do they reach the NGOs or the media.

More than 80% of all cases occurred in organisations directly depending on the Spanish administration. This is especially serious since the Spanish government is ultimately responsible for enforcing state laws, the Statutes of Autonomy and the international conventions signed and ratified by Spain, which prohibits discrimination on the grounds of language.

The reported facts show that Catalan-speaking citizens are in an extremely vulnerable position since they cannot go further than reporting the abuses they receive to the very same institutions that are conducting the abuse.

The too common supremacist attitude among Spanish civil servants and authorities is crudely summarized by the expression of a Civil Guard when, after abusing a citizen at the Andorran border who had addressed him in Catalan, he was reminded that his behaviour was illegal because the law protects the use of Catalan in dealings with the administration: *"I wipe my ass with this law because it is useless"* (case 18).

It has to be stressed that the linguistic component is just a part of the human rights violations reported, which could also be fairly considered as acts of xenophobia (cases 2, 10 and 12), physical abuse (cases 6, 9, 26, 29 and 38), humiliation and harassment (cases 1,3,4,5,8,14,18,19,22,25,37,39 and 40) or of damaged interests and violation of legal guarantees (cases 11,13,15,16,17,20,21,23,24,27,28 and 30-36). The two most physically violent assaults occurred in airport facilities, where two people were beaten by officers of the security forces for speaking Catalan (cases 9 and 26).

Some cases have even involved the denial of medical care (cases 23, against a 80 year-old woman and 23, against a male patient who was running a temperature of 38C degrees and had to leave without being assisted by the doctor).

At the courts, which should stand as guarantors for Human Rights the situation is particularly serious. A judge took the custody of a daughter away from her father by alleging that he spoke to her in Catalan to separate her from her mother (case 34). Another judge has taken a girl's custody away from her mother, who had moved to Catalonia because the judge considers that living in a place with two official languages is (literally) 'dangerous' (http://ccaa.elpais.com/ccaa/2014/03/26/catalunya/1395862339_860105.html). Neither the judges nor their supremacist opinions have been challenged by any Spanish legal authority.

In the Valencian Country, less than one third of the population are able to access Catalan medium education. In 2014 the Conselleria (Ministry) of Education has closed 151 Catalan units against the wishes of the families, and removed more than 4,000 vacancies in Catalan. At the same time they have opened units in Castilian-Spanish for just four students in the city of Valencia. It has to be stressed that these policies have been enforced in spite of the recommendations derived from the ECRML second evaluation report (paragraphs 866-871), in which the Committee of Experts considered, in the light of the undertakings entered into by Spain, i.e. the highest under Article 8, that these were only partly fulfilled. It urged the competent authorities to develop educational models essentially in Valencian-Catalan for the whole primary school curriculum as well as for secondary school. The competent authorities were also encouraged to make these models available throughout the territory of Valencia where Valencian-Catalan is used and to clarify whether this is the case for the existing "full-immersion" model, including where pre-school education is concerned.

Moreover, even in Catalonia, just one Castilian-speaking family is enough to force a whole unit to switch languages and continue education in Castilian-Spanish, even if they've been studying in Catalan for the last academic years. This is the law launched by Education Minister Mr. Wert who publicly admitted that the aim of the law was to turn Catalan students into real Spaniards (*españolizar*) (<http://www.elmundo.es/elmundo/2012/10/10/espana/1349858437.html>).

In the Balearic Islands the situation has severely worsened since the current President, Mr. Bauzá, took government. As an example of the conflict between the Balearic Government (People's Party) and the education community (parents as well as teachers and students), the Professor, Jaume Sastre, is currently on the 35th day of a [hunger strike](#) in order to compel President Bauzá to accept a dialogue with educators that defend a quality public school system taught in the Catalan language. In the Public Administration they have gone so far as to revoke the compulsory knowledge of Catalan in order to access jobs as civil servants.

Galizan (attached document #2)

Public administration is the one area hardest hit by the recent setbacks affecting the Galizan language, partly because it is the main sector responsible for protecting and promoting the language, but also because the Spanish and Galizan governments are either failing to implement measures designed to protect it or actively applying measures leading to a regression. Over recent months, the Galizan government has issued instructions to local administrations to publish calls for tender in one of the official languages of the UE, which means that they will be available in Spanish but not in Galizan, contrary to previous practice. In this case, European legislation and the failure to recognise Galizan as an official EU language effectively undermine citizens' rights, whilst at the same time running counter to Art. 10 of the ECRML.

Formal education, severely affected by the recent setbacks, is one of the main causes behind the rapid drop in the number of Galizan speakers. The repeal of the Decree approved in 2007 intended to ensure the presence of

Galizan on a par with Spanish as a language of instruction in primary and secondary education, replaced by the so-called Decree on Multilingualism marked a turning-point. The current Galizan government passed legislation which openly went against the language it is supposedly bound to protect and promote, as confirmed by the last report regarding the application of the ECRML. The Decree effectively reduces the presence of Galizan in schools and actively bans the teaching of certain subjects in Galizan for the first time since the end of Franco's dictatorship.

It is also currently impossible to ensure teaching in Galizan in pre-primary, primary and secondary education, with the legislation passed by the State (Bill for Improving Quality in Education), which leads to a serious situation of inferiority for the co-official languages within the core curriculum.

Again, justice is an area of conflict in which the Legal rulings in the ECRML have been systematically breached. Galizan accounts for no more than 5% of all of the legal notifications and resolutions, and the widespread denial of citizens' rights to use the Galizan language in their dealings with the judicial system is further aggravated by the refusal on the part of the majority of the judiciary and the public prosecutor to use Galizan while carrying out their duties.

Healthcare is another field where it has become increasingly difficult for citizens to be assisted in their chosen language since the PP came to power in the Galizan government, e.g. failing to provide patients with a Galizan-language version of medical consent forms or, in the most dramatic cases, asking them not to speak Galizan at their own home by a Family Doctor (26/07/2012) or forcing to postpone tests because they had been requested in Galizan (03/04/2013).

Basque (attached document #3)

For the Basque language the most problematic area is the Community of Navarre, the unique case in Europe where, in the same territory and under the same laws, the linguistic rights of the citizens are recognised depending the area they live in. The ***Organic Law 13/1982 of 10 August on the Reintegration and Improvement on the Autonomous Regime in Navarre*** states (art 9) that:

- 1. Spanish is the official language of Navarre.*
- 2. Basque language will also have the status of official language in the Basque-speaking zones of Navarre. A law will determine these zones and regulate the official use of the Basque language, and will provide for the teaching of this language within the framework of General State Legislation.*

It's difficult to understand why Navarre (600,000 inhabitants and 10,421 sq Km) has to be divided into three linguistic areas. Moreover, Pamplona, the capital of the Foral Community, where most major services are located, is in the mixed language area and thus Basque is not the official language of the capital and Basque-speaking citizens cannot exercise their linguistic rights when availing themselves of such public services. According to those premises, there are two different categories of citizens in Navarre: the Spanish-speaking ones who have full linguistic rights in the whole territory and Basque-speaking citizens who cannot enjoy the same rights.

Again education is an important sector in which the rights of children are systematically violated. In Navarre hundreds of children have to cover thousands of miles a year in order to access courses in Basque, just because they live in an area where the law does not recognize their right to study in the native language of the territory.

An especially serious case has arisen recently when the media disclosed that the Guardia Civil (Spanish police force) had prepared a report based on tracking 1,652 people who serve as Basque language teachers in Navarre aimed at revealing every possible spurious connection with any of the illegal Basque political or social organizations. The continuous intent to associate the Basque language with terrorism is completely unacceptable in a democracy.

Nevertheless, the violation of Basque-speaking citizens' rights are not restricted to Navarre. In San Sebastian, a citizen who had asked the administrative court to conduct proceedings in Basque saw his process delayed for 274 days. The court of Getxo rejected all the documents provided by a citizen in Basque language and let him know that the court would not take them into account because he didn't present the document in Castilian-Spanish. Meanwhile, a man has been tried for addressing a Guardia Civil in Basque language, so equating the use of an official language with disrespecting or attacking an authority. In the public health system, a citizen who asked the tests he had to fulfil for the forensic surgeon at court, in Basque, was told that there are "no tests" in the Basque language.

Asturian (attached document #4)

Things are even worse for the Asturian language which lacks formally recognized official status. The "Law of Use and Promotion of Bable/Asturian" (1998), states that (4th article) "All citizens have the right to use Asturian [...] orally and in writing" and that "the oral or written use of 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 almost never uses it. The lack of an official status is a legal excuse used by governments to deny people the right to address them in Asturian.

This situation affects fundamental rights such as the right of association (citizens' NGOs such as "Xunta pola Defensa de la Llingua Asturiana" in 1985, "Conceyu d'Estudiantes Nationalistes" in 1987 or "Coleutivu Llingua y Ensenanza" in 1989 had not been able to be legally registered for providing documentation written in Asturian) or voting rights. In the most recent case (April 2011), two political parties had their candidacies refused for submitting them in Asturian.

Again the Spanish justice administration stands out for language marginalisation. In 1997, an Asturian citizen was not allowed to testify in a court because the court's clerk refused to take verbal statement in that language. In 2007, a court in Oviedo failed against a citizen stating that he did not have the right to communicate with this administration in Asturian.

In recent years, the media has shown many cases of parents complaining for their children being ridiculed or punished for speaking Asturian in school. In the most striking case, in 2001, the Deputy Ministry of Education investigated a school where schoolchildren were fined for each Asturian word they used. After the court 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". Again this resolution sustains the idea that Castilian-speaking citizens deserve more rights than Asturian-speaking ones.

Aragonese (attached document #5)

The languages of Aragon (Catalan and Aragonese) rarely generate any conflictual situation. Almost 100% of their speakers can also speak Spanish and they swing languages according to each environment. As a result of centuries of repression and indoctrination Aragonese and Catalan are only used within the family and close social relationships. Trespassing these limits entails social rejection, mockery and serious difficulties for access to services or to fail in dealing with public administration. Only language activists occasionally try to make visible this situation by publicly exercising their rights and they usually have to give up when they reach the point in which the system refuses any interlocution with them. The most recent case was the city councillor of Huesca, Francho Nagore, who declared his will to express himself in Aragonese as much as he could causing unwelcoming reactions of some other councillors. One of them sarcastically asked if written translations of his speeches would be provided and if councillors could be also allowed to speak in French, English or German.

Conclusions

1. Spanish authorities either encourage or at least openly tolerate supremacist attitudes among civil servants and other officials and agents.
2. The judiciary, police, education and health care public systems are permeable to these non-egalitarian attitudes which frequently translate into abusive and totally inappropriate behaviour.
3. Considering the large amount of detailed evidence from many different areas it can be further concluded that discrimination against the autochthonous non Castilian languages is systemic within the Spanish state system, and that this discrimination has become institutionalised.
4. At least the rights recognized by the following charters are frequently and systematically violated by Spanish authorities: Universal Declaration of Human Rights (Art 7); International Covenant on Civil and Political Rights (Arts 2, 14, 26 and 27); Convention on the Rights of the Child (Arts 29 and 30); Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (Art 1); Universal Declaration on Cultural Diversity; Convention on the Protection and Promotion of the Diversity of Cultural Expressions; Fribourg Declaration on Cultural Rights; The Hague Recommendations Regarding the Education Rights of National Minorities (Recommendation 4); Framework Convention for Protection of National Minorities (Arts 4, 10 and 26); European Charter for the Regional or Minority Languages (Arts 8, 9 and 10); Convention for the Protection of Human Rights and Fundamental Freedoms (Arts 5, 6 and 14)
5. The courts which should protect all citizens equally are prone to adopt the very same supremacist attitudes leaving non-Castilian-speakers vulnerable. Clearly the search for justice through (hostile) domestic courts has become exhausted which gives grounds for an appeal to the ECtHR and the ECJ and possibly the Hague.

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