

*Ministers' Deputies*

## **CM Documents**

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### **1239 Meeting, 4 November 2015**

10 Legal questions

#### **10.2 European Charter for Regional or Minority Languages –**

b. Fourth report of the Committee of Experts in respect of Spain

**Item to be prepared by the GR-J at its meeting on 13 October 2015**

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

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<sup>1</sup> This document has been classified restricted at the date of issue. In accordance with the Deputies' decision (CM/Del/Dec(2001)765/10.4), it will be declassified after examination by the Committee of Ministers.

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

To facilitate this task, the Committee of Ministers adopted, in accordance with Article 15, paragraph 1, an outline for periodical reports that a Party is required to submit to the Secretary General. This outline requires the State to give an account of the concrete application of the Charter, the general policy for the languages protected under Part II and, in more precise terms, all measures that have been taken in application of the provisions chosen for each language protected under Part III of the Charter. The Committee of Experts' first task is therefore to examine the information contained in the periodical report for all the relevant regional or minority languages on the territory of the State concerned. The periodical report shall be made public by the State in accordance with Article 15, paragraph 2.

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

Having concluded this process, the Committee of Experts adopts its own report. Once adopted by the Committee of Experts, this evaluation report is submitted to the authorities of the respective State Party for possible comments within a given deadline. Subsequently, the evaluation report is submitted to the Committee of Ministers, together with suggestions for recommendations that, once adopted by the latter, will be addressed to the State Party. The full report also contains the comments which the authorities of the State Party may have made.

## CONTENTS

|                                                                                                                                                                       |     |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|
| Executive Summary.....                                                                                                                                                | 4   |
| Chapter 1 Background information and general issues.....                                                                                                              | 5   |
| 1.1. Ratification of the Charter by Spain.....                                                                                                                        | 5   |
| 1.2. Presentation of the regional or minority language situation in Spain: update.....                                                                                | 6   |
| 1.3. Particular issues arising in the evaluation of the application of the Charter in Spain related to central authorities.....                                       | 11  |
| Chapter 2 Conclusions of the Committee of Experts on how the State authorities have reacted to the recommendations of the Committee of Ministers (RecChL(2008)5)..... | 12  |
| Chapter 3 The Committee of Experts' evaluation in respect of Part II and Part III of the Charter.....                                                                 | 14  |
| 3.1. Evaluation in respect of Part II of the Charter.....                                                                                                             | 14  |
| 3.2. Evaluation in respect of Part III of the Charter.....                                                                                                            | 24  |
| 3.2.1 <i>Catalan in Catalonia</i> .....                                                                                                                               | 25  |
| 3.2.2 <i>Basque in Navarre</i> .....                                                                                                                                  | 33  |
| 3.2.3 <i>Basque in the Basque Country</i> .....                                                                                                                       | 46  |
| 3.2.4 <i>Catalan in the Balearic Islands</i> .....                                                                                                                    | 54  |
| 3.2.5 <i>Valencian in Valencia</i> .....                                                                                                                              | 64  |
| 3.2.6 <i>Galician in Galicia</i> .....                                                                                                                                | 75  |
| 3.2.7 <i>Aranese in Catalonia</i> .....                                                                                                                               | 88  |
| Chapter 4 Findings and proposals for recommendations.....                                                                                                             | 102 |
| 4.1. Findings of the Committee of Experts in the fourth monitoring round.....                                                                                         | 102 |
| 4.2. Proposals for recommendations on the basis of the results of the fourth monitoring round.....                                                                    | 105 |
| Appendix I: Instrument of ratification.....                                                                                                                           | 106 |
| Appendix II: Comments by the Spanish authorities.....                                                                                                                 | 107 |

## Executive Summary

1. Spain ratified the European Charter for Regional or Minority Languages in April 2001. The Charter entered into force in Spain in August 2001. It grants special protection under its Part III to the co-official languages in the Autonomous Communities: Catalan in the Balearic Islands, Basque in the Basque Country, Aranese and Catalan in Catalonia, Galician in Galicia, Basque in Navarre, and Valencian in Valencia.
2. Furthermore, the following languages are granted more general protection under Part II of the Charter: Galician in Castile and Leon, Aragonese in Aragon, Asturian and Galician-Asturian in Asturias, and Leonese in Castile and Leon. There are other languages which are not yet officially recognised, but which have a traditional presence in Spain. Caló is protected as a non-territorial language.
3. The Spanish authorities have chosen a very high level of protection for Part III languages. Throughout the monitoring cycle, the implementation has improved considerably. The undertakings which fall under the responsibility of the Autonomous Communities are by and large fulfilled.
4. In this fourth monitoring round, however, some significant problems as identified in the previous monitoring rounds still seem to exist. The legislation on the right to have proceedings before judicial and state administration bodies conducted in the relevant language has not been changed, despite the recommendations made by the Committee of Ministers. The Organic Law of Judicial Power is one of the most prominent obstacles to the fulfilment of the implementation of Art. 9 of the Charter.
5. A recurring problem is the lack of staff who can use the relevant languages in some areas of the state administration as well as in public services, particularly in health care. This hampers the use of minority languages in those areas. The Committee of Experts therefore considers a coherent and systematic policy approach to services to be provided of great importance.
6. The Organic Law 8/2013 providing for the strengthening of the teaching of Castilian all over Spain is not welcomed by speakers of some minority languages as they fear that the strengthening of Castilian will be at the expense of regional and minority languages. The trilingual education model was introduced in a number of Autonomous Communities. The compulsory nature of this model was perceived as an additional challenge to be dealt with by the Autonomous Communities. This model especially affects the Balearic Islands, Galician and Valencian. Great care should be taken that the offer of this model will not negatively affect the provision of education in regional or minority languages, including their promotion and support structure.
7. In education and broadcast media, co-operation between the Autonomous Communities where the same or similar languages are spoken, is needed.

## Part III Languages

8. The languages that are protected under Part III of the Charter enjoy strong support in general from the regional and local authorities. Although some problems still persist, most undertakings under the Charter are fulfilled. Positive trends can be discerned with respect to teaching of the Basque language. The so-called Model D education has been ensured in the "mixed zone" of Navarre.
9. In most Autonomous Communities, more effort is needed in the field of printed and broadcasting media, to have adequate coverage in the whole region.
10. The low proportion of staff with a command of the Basque language causes problems in the fields of justice, police, health and social care in the Basque Autonomous Community. In the Balearic Islands, the introduction of the trilingual model of education met with particularly strong resistance.
11. The gradual reduction of Galician-medium education in Galicia, including its support level, is cause for concern for the speakers. Moreover, the legislation in place limits the use of Galician in education to a maximum of 50%.
12. In Valencia, the introduction of the compulsory trilingual model might decrease the offer of Valencian-medium education.

13. According to the Statute of Catalonia, Aranese became another language covered by Part III of the Charter. The implementation of the undertakings is still in its early years.

## **Part II Languages**

14. For the languages that are only covered by Part II of the Charter, the level of protection in most cases has not improved. Official statistics regarding the number of users are still lacking and close co-operation with the speakers is needed in order to provide reliable data.

15. There is a lack of adequate protection for the most endangered languages, like Arabic in Ceuta, Portuguese in Extremadura, Leonese in Castile and Leon, Galician in Extremadura, and Valencian in Murcia. Consequently, increased attention and further action is needed. Nevertheless, some progress has been made with regard to Tamazight in Melilla.

16. In Aragon, speakers are very concerned about the way the minority languages spoken in Aragon are described in the new Law on the use and protection and promotion of languages and linguistic modalities. It makes no explicit reference to the names of the traditional minority languages, which are Aragonese and Catalan. It is feared that the traditional names will gradually disappear.

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

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

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

18. Article 15.1 of the Charter requires States Parties to submit three-yearly reports in a form prescribed by the Committee of Ministers<sup>2</sup>. The Spanish authorities presented their fourth periodical report to the Secretary General of the Council of Europe on 7 April 2014. The English translation was made available on 9 May 2014. The report covers the period from 2010 to 2013.

19. This fourth evaluation report is based on the information obtained by the Committee of Experts from the fourth periodical report of Spain and through meetings held with representatives of speakers of regional or minority languages in Spain and the Spanish authorities during the on-the-spot visit, which took place from 6 to 10 October 2014. The Committee of Experts received an extensive number of comments from bodies and associations legally established in Spain, submitted pursuant to Article 16.2 of the Charter. This information was very helpful in the course of evaluating the application of the Charter and the Committee of Experts would like to express its appreciation to these organisations for their valuable contribution and participation in the monitoring process.

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

21. The Committee of Experts adopted this present fourth evaluation report on 20 March 2015.

<sup>2</sup> MIN-LANG (2009) 8 Outline for 3-yearly periodical reports as adopted by the Committee of Ministers of the Council of Europe.

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

22. The Committee of Experts refers to the relevant paragraphs of the three previous evaluation reports<sup>3</sup> for basic information on the situation of regional or minority languages in Spain. Spain declared at the time of ratification that Part III applies to the languages recognised as official languages in the Statutes of Autonomy of Autonomous Communities of:

Balearic Islands - Catalan  
 Basque Country - Basque  
 Catalonia – Aranese, Catalan  
 Galicia - Galician  
 Navarre - Basque  
 Valencia - Valencian.

23. As regards Part II of the Charter, Spain declared that the languages protected by the Statutes of Autonomy in the territories where they are traditionally spoken are also considered as regional or minority languages. The Committee of Experts interprets this declaration as presently covering the following languages:

Galician in Castile and Leon,  
 Aragonese and Catalan in Aragon,  
 Asturian and Galician-Asturian in Asturias, and  
 Leonese in Castile and Leon.

24. Furthermore, in the previous three evaluation reports, the Committee of Experts observed that some languages that were not officially recognised or protected by the Statutes of Autonomy nevertheless seem to have a traditional presence in Spain and could therefore be covered by Part II of the Charter. Currently, these are:

Arabic in the Autonomous City of Ceuta,  
 Galician in Extremadura,  
 Portuguese in Extremadura and in Castile and Leon,  
 Tamazight in the Autonomous City of Melilla, and  
 Valencian in Murcia.

25. Furthermore, Caló is protected as a non-territorial language.

### Arabic in the Autonomous City of Ceuta

26. In the third evaluation report, the Committee of Experts urged the authorities to clarify the status of Darija Arabic, in co-operation with the speakers and if necessary with the help of a scientific study to determine whether the language has a continuous presence in Ceuta. According to the fourth periodical report, the use of Darija (spoken Arabic) in Ceuta is a result of immigration of its speakers to Ceuta and is therefore in the view of the authorities not a regional or minority language as defined by the Charter because it does not have a traditional and continuous presence in Ceuta.

27. The Committee of Experts would like to emphasise that the obligation to offer promotion and protection to a regional and minority language depends solely on the traditional presence of the language in the territory.

28. According to the fourth periodical report the position of the language needs to be clarified. The Institute of Ceutan Studies is conducting an in-depth study on this matter. The study shows that 32.4% of the population in the Autonomous City of Ceuta have Arabic as a mother tongue and 26.2% use Darija Arabic.

29. The Committee of Experts urges the authorities to clarify the status of Arabic based on the findings of this study.

<sup>3</sup> First evaluation report of the Committee of Experts on the application of the European Charter for Regional or Minority Languages in Spain ECRML (2005) 4; Second evaluation report of the Charter in Spain ECRML (2008) 5; Third evaluation report of the Charter in Spain ECRML (2012) 5.

### **Portuguese in Extremadura**

30. During the on-the-spot visit, the Committee of Experts received updated information through the NGO “Asociación Além Guadiana” about Oliventine Portuguese, stating that “Oliventine Portuguese cannot be considered extinct, as it is still retained and actively used notably by the elderly of this border city and its surrounding villages.”

### **Portuguese in Castile and Leon**

31. No information has been received through the fourth periodical report on Portuguese in Castile and Leon.

32. The Committee of Experts encourages the Spanish authorities to clarify the current status and use of Portuguese in Castile and Leon and Portuguese in Extremadura, and to provide information in the next periodical report.

### **Tamazight in the Autonomous City of Melilla**

33. In the third evaluation report, the Committee of Experts encouraged the authorities to acknowledge the presence of Tamazight as a traditional regional or minority language and continue its support, in co-operation with the speakers. Despite the fact that the speakers of Tamazight, the Imazighen, account for 40% of the total population of Melilla, the language had no official recognition in Melilla and was not taught at school. Language courses in Tamazight for adults are offered, including for local and state civil servants, as well as teacher training courses. However, in 2013, the authorities of the autonomous city of Melilla recognised Tamazight as a traditional language that forms part of the common immaterial heritage of all the people of Melilla.

34. According to the information provided by the Spanish authorities in their fourth periodical report, only partial data are available on the number and distribution of Tamazight speakers. The Institute of Cultures, which is attached to the Ministry of the Presidency and City Security, has subsidised eleven research projects, to be completed by December 2014.

35. The Committee of Experts urges the authorities to provide the relevant information and related updated data about the number of speakers of Tamazight.

### **Valencian in Murcia**

36. According to the fourth periodical report, the district of El Carxe with its three municipalities, Yecla, Jumilla and Abanilla, in the Region of Murcia, constitute a Valencian-speaking area.

37. Courses of Valencian have been provided in Yecla (Murcia): in 2005, the local authority of Yecla requested the collaboration of the Academy of the Valencian Language (AVL) to provide courses. 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.

### **Caló**

38. According to the information contained in the fourth periodical report, the Comprehensive Plan for the Roma population in Catalonia 2009-2013, approved by Government Decision GOV/114/2009, of 30 June 2009, 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 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 revitalisation of Caló as a Romani-related language.

39. The Committee of Experts commends the authorities for the action taken in Catalonia and encourages the Spanish authorities to inform the Committee of Experts about the results of the implementation of the Comprehensive Plan and other measures taken.

40. The Committee of Experts asks for additional information about the situation of Caló in other parts of Spain.

**Part II languages**

41. In the previous evaluation rounds, 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 geographical distribution. The Committee of Experts encouraged the authorities to strengthen their efforts to create an increasing coherence among the language communities and allow a better distribution of financial resources devoted to education in and of regional or minority languages.

**Asturian in Asturias**

42. According to the information provided in the fourth 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.

43. According to non-governmental sources, the Asturian language is spoken in all the territory belonging to the Asturian Community except west of the river Navia, in which Galician-Asturian / Gallego-Asturiano is spoken. Nevertheless, it should be mentioned that Asturian is not only spoken in the Principality of Asturias, but also in Castile and Leon. More accurately, it is spoken in the North and West of the province of Leon and west of the province of Zamora, where it is known as Leonese.

44. According to various sociolinguistic surveys, some 250,000 people can speak Asturian (i.e., a quarter of the population).

45. According to information provided by NGOs to the Committee of Experts during the on-the-spot visit, these data do not match with those corresponding to the last official study carried out in the Principality of Asturias, known as the 2001 sociolinguistic report on Asturian language<sup>4</sup>.

46. The Committee of Experts urges the authorities to clarify the number of Asturian speakers. A new and updated research is highly needed. The Committee of Experts asks the authorities to provide specific information in the next periodical report.

**Aragonese and Catalan in Aragon**

47. According to the third periodical report, the most favourable official estimates for Aragonese lie at 10,000 speakers. Representatives of the speakers, however, estimated that there were 25,000 speakers.

48. According to the 2011 census (figures published in 2014), there are 91,085 Catalan speakers and 54,481 Aragonese speakers.

49. The Committee of Experts urges the authorities to clarify the current number of Aragonese and Catalan speakers and to provide information in the next periodical report.

**Galician in Castile and Leon**

50. According to the fourth periodical report, based on the data provided by the Galician Institute of Statistics in its "Survey of living conditions of families. Leisure and cultural habits, 2008", around 50,000 people habitually speak Galician in Galician-speaking areas in the Autonomous Communities of Asturias and of Castile and Leon. The Committee of Experts asks for updated information on the number of Galician speakers in Castile and Leon.

**Leonese in Castile and Leon**

51. While there is no official data on the number of speakers of Leonese in the provinces Leon and Zamora, estimations lie between 25,000 and 50,000 speakers.

52. No additional information has been provided in the fourth periodical report. The Committee of Experts urges the Spanish authorities to provide specific information in the next periodical report.

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<sup>4</sup> (by Ramón Llera-Ramo & San Martín Antuña, published in 2003), where the number of speakers declared as users of Asturian is about 500 000 (49%)

### **Galician-Asturian in Asturias**

53. According to the information provided in the fourth periodical report, Galician-Asturian is well established and spoken in the area west of the river Navia, but according to the Royal Galician Academy, there is a decrease in the number of speakers of Galician-Asturian.

54. The Committee of Experts asks for additional information concerning Galician-Asturian in the next periodical report.

### ***Part III languages***

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

55. According to the information provided in the fourth periodical report, it was felt that certain instruments of language policy and planning have been of considerable importance, 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.

56. In the fourth periodical report, the Autonomous Community provides the data obtained from the Fifth Sociolinguistic Survey<sup>5</sup> in 2011. This Survey is carried out every five years among those aged 16 or over 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.

57. Limited to the sociolinguistic situation of the Autonomous Community of the Basque Country, the details inferred from that survey can be summarised as follows:

- 32% of those aged 16 or over in the Autonomous Community are bilingual, 17.4% passive bilingual and 50.6% Castilian-speaking monolingual. The bilingual population continues to grow and currently numbers 600,000, an increase of 181,000 since 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.
- 29% of the population aged 16 or over use Basque.
- The use of Basque has increased most in formal settings. 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 twenty years; at present, 62% of the population is in favour of the language.

58. The Committee of Experts welcomes the efforts made to encourage the use of the Basque language and asks the authorities to provide additional information about the conclusions to be drawn from these findings.

#### **Catalan in Catalonia**

59. In previous evaluation rounds, the Committee of Experts took note of the adoption of the Organic Law 6/2006, reforming the Statute of Autonomy of Catalonia. Article 6.1 claims that "the language of Catalonia shall be Catalan. As such, Catalan shall be the language of normal and preferential use by the public authorities and the public media of Catalonia, and shall also be the language normally used as a vehicular and learning language in education." It introduces a duty to know Catalan as well as Castilian and it includes a chapter on linguistic rights and duties. In 2010, the Constitutional Court declared unconstitutional the initial provision of the aforementioned Article 6.1 in which Catalan is a language of "preferential" use.

<sup>5</sup> [www.euskadi.net/euskara](http://www.euskadi.net/euskara)

60. According to the information provided in the fourth periodical report, 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 inhabitants aged over 14 years), of whom approximately 17% are of foreign origin; in 2008, there were 4,823,400 Catalan-speakers aged over 15 years in Catalonia according to the 2008 survey. The 2012 Barometer of communication and culture reported the following data on the Catalan-language skills of the population aged over 15 years in Catalonia:

#### **Catalan in Catalonia<sup>6</sup>**

| <i><b>Knowledge of Catalan</b></i> | <i><b>Percentage of population 2012</b></i> | <i><b>No. inhabitants 2012</b></i> | <i><b>Increase since 2009</b></i> |
|------------------------------------|---------------------------------------------|------------------------------------|-----------------------------------|
| Understand it                      | 97.1%                                       | 6,252,269                          | 213,139                           |
| Speak it                           | 84.3%                                       | 5,428,077                          | 484,947                           |
| Write it                           | 70.1%                                       | 4,513,739                          | 819,639                           |
| Total population aged >14 years    | -                                           | 6,439,000                          | 93,750                            |

61. Thus, the 2012 data shows that 97.1% of the adult population report that they understand Catalan, 84.3% that they can speak it and 70.1% that they can write it.

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

62. According to the information provided in the fourth periodical report, new data is available through the census 2011<sup>7</sup>.

|            | Understand it | Speak it | Read it | Write it |
|------------|---------------|----------|---------|----------|
| Percentage | 78.2%         | 56.0%    | 61.02%  | 39.80%   |

63. According to the information provided in the fourth periodical report, during the period covered by the present report, various legislative and organisational changes have taken place within the Autonomous Community, with the aim of reducing the number of agencies involved. In April 2012, the Institute of Balearic Studies was renamed the Consortium-Institute of Balearic Studies. It was assigned functions concerning non-formal instruction in Catalan, the certification of adult proficiency tests in Catalan, language assessment in secondary 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.

#### **Galician in Galicia**

64. According the information provided in the fourth report, the percentages of people that report a (good / very good) knowledge of Galician are:

|            | Understand it | Speak it | Read it | Write it |
|------------|---------------|----------|---------|----------|
| Percentage | 95%           | 89%      | 83%     | 58%      |

65. According to the 2011 census, 43.8% of the population always use Galician, 45.3% sometimes and 10.9% never. Compared to the 2001 census, this represents a decline of the monolingual use of Galician, when 56.8% always used Galician, 30.3% sometimes, and 12.9% never used Galician.

<sup>6</sup> According to the Barometer of communication and culture (2012)

<sup>7</sup> The 2011 Population and Housing census concerning the language skills of persons of six years or older was published in 2014 by the Instituto Nacional de Estadística.

66. During the period covered, some legislative changes took place. In May 2010, the Decree 79/2010 on multilingualism in non-university education in Galicia was adopted. Some parts of this Decree (paragraphs 5.2 and 12.3) were declared invalid by the High Court of Justice of Galicia in 2012. In October 2011, the Decree 201/2011 regulating the use of Galician on the Internet of the General Administration of Galicia and of the public sector in this Autonomous Community was passed. Finally, in March 2012, the Act 2/2012 on general protection for consumers and users was adopted. Chapter VI is dedicated to regulating the use of languages between consumers and Administration (art. 45) and to the language rights of the consumers (art.46).

### **Valencian in Valencia**

67. According to the information provided in the fourth periodical report, most of the population (76.7% overall) can speak Valencian or have a knowledge of it. This proportion rises to 82.4% in the Valencian-speaking region.

68. The Committee of Experts commends the Academy of the Valencian Language (AVL) for actively contributing to the promotion of Valencian in the format of the multilingual general plan and invites the authorities to provide information about the results achieved in the next periodical report.

### **Aranese in Catalonia**

69. According to the Catalan authorities and on the basis of the Survey on Language Uses (EULP) of 2013, the total population of the Aran Valley is 10,090, of which 80.7% understand Aranese, while 55.6% are able to speak it. The use of Aranese as the habitual language has seen a decrease since 2008. The above-mentioned survey demonstrates that Aranese is the habitual language of 17.6% of the Aran Valley population, with Catalan being the main language of 16.4% of the population, Castilian the language of 55.1% of the population and 10.6% of the population speaking other languages or combining them.

## **1.3. Particular issues arising in the evaluation of the application of the Charter in Spain related to central authorities**

70. The Committee of Experts was informed about severe budgetary cuts concerning research projects and related activities with respect to regional and minority language issues and asks the authorities to provide updated information about the amount of funding made available for the promotion of minority languages.

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

71. The Committee of Experts already observed that not only do the State authorities carry the ultimate responsibility of compliance with international treaties, but some undertakings under the Charter also fall under the direct remit of the State authorities. The most challenging undertakings in the Spanish context lie in the field of justice and local state administration under Part III of the Charter. This has already been the subject of a Committee of Ministers recommendation.

### *Issues relating to the use of regional or minority languages in the judiciary*

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

### *Issues relating to the use of regional or minority languages with the administration*

73. There does not seem to be an analysis of which administrative and other forms are used the most and which forms should be translated as a matter of priority. Also, many websites have only translated the first level of navigation or static information into the regional or minority language. The Committee of Experts was informed about persisting problems and asks the Spanish authorities to provide information in the next periodical report.

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

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

*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”;*

74. Some improvements have been made with respect to the use of co-official languages by the judicial, criminal, civil and administrative authorities, in line with the provisions set out in Article 231 of the Organic Act on Judicial Power; notably by using the official language of the corresponding Autonomous Community in court proceedings, 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.

75. Efforts have been made with respect to 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.

76. The Article 231 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 an 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”.

77. Although, according to the Spanish authorities there have been some improvements, the Committee of Experts reiterates the necessity of the amendment of the legal framework.

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

*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;*

78. Some progress has been made concerning training of judges and magistrates within 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.

79. This training is taken into account in the assessments made when judicial posts are to 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.

80. 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.

81. Although according to the Spanish authorities there have been some improvements, the Committee of Experts reiterates the necessity to take legal and practical measures 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.

**Recommendation no. 3:**

*3. review the recruitment, career and training schemes for the staff of the State administration offices with a view to ensuring that an adequate proportion of the staff posted in the Autonomous Communities have a working knowledge of the relevant languages;*

82. 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.

83. Despite some progress made there is still no structured policy with respect to recruitment and career development for staff of state administration posted in the Autonomous Communities ensuring adequate working knowledge of relevant regional or minority languages.

**Recommendation no. 4:**

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

84. Through the mandate entrusted to the Official Languages Council, an interdepartmental collegiate body attached to the State Secretariat for Public Administrations, general responsibility has been given for the development, analysis, promotion and technical coordination within the General State Administration for the use of the official languages of the Autonomous Communities. 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 have been reported 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 notable 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.

85. 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 on 6 July 2010. These recommendations included: the improvement of the overall situation in this area, with an increased focus on staff proficiency in the outreach services of the General State Administration.

86. Implementation of the recommendation still remains inadequate with respect to the needs expressed during the on-the-spot visit by the speakers of the regional or minority languages concerned.

**Recommendation no. 5:**

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

87. Some progress has been made with respect to Catalan. 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 Catalanian Government.

88. An important number of initiatives have been taken to further promote the use of Catalan in healthcare. For example, the Catalanian 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. Furthermore 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.

89. Medical personnel have access to Catalan-language courses provided by the Balearic School of Public Administration (EBAP). In 2012, 732 people enrolled for these courses, and in 2013, 360 enrolled. The personnel of the Mallorca Island Council acquired 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, Huiafàs 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, are all in Catalan, external documentation to users is usually bilingual.

90. These specific positive examples provided by the Spanish authorities in the fourth periodical report, should be complemented by adequate information from other Autonomous Communities.

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

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

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

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

##### **Preliminary remarks**

92. The Committee of Experts is concerned about the lack of information in the fourth periodical report related to the following Part II languages: Galician in Extremadura, Leonese in Castile and Leon, Portuguese in Castile and Leon and Portuguese in Extremadura,

93. Furthermore, the Committee of Experts is also concerned about the very limited amount of information provided in the fourth periodical report related to Valencian in Murcia, and about the situation of Caló in Autonomous Communities other than Catalonia.

94. Based on information provided by other sources, the Committee of Experts considers those languages to be endangered.

95. The Committee of Experts urges the Spanish authorities to provide updated information about the current state of affairs of the above-mentioned languages, as well as measures taken to protect them.

##### **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;***

**Aragonese and Catalan in Aragon**

96. In the previous evaluation report, the Committee of Experts recommended to the Spanish authorities “to take steps to adopt a specific legal framework for protecting and promoting Aragonese and Catalan in Aragon.” The Committee of Experts noted that the Aragonese Parliament adopted the Law 10/2009 on the use, protection and promotion of languages native to Aragon. The Committee of Experts was informed shortly after the previous on-the-spot visit that the newly elected government declared that some aspects of the Law would be amended. In the third evaluation report, the Committee of Experts urged the authorities to at least maintain the current legal level of protection afforded to Aragonese and Catalan and looked forward to receiving information on the development of the language policy in the next periodical report.

97. According to the fourth periodical report, Aragon has adopted a new legal framework to protect its native languages and linguistic modalities. This is constituted by the Act of the Aragonese Parliament 3/2013, on the use, protection and promotion of the languages and linguistic modalities native to Aragon. 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. Article 2 of the Act states 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”.

98. According to the information provided to the Committee of Experts by non-governmental sources in the fourth monitoring round, 30 mayors and councillors of the Catalan-speaking areas of Aragon issued the Second Mequinensa Statement, in June 2013, (jointly with sociologists and linguists from the University of Zaragoza) in order to achieve the withdrawal of the law of 2013.

99. The Committee of Experts maintains its position that both Aragonese and Catalan are traditionally spoken languages in Aragon and, as such, protected by the Charter.

***The Committee of Experts strongly urges the authorities to take the necessary steps to recognise the status of Catalan and Aragonese as traditionally spoken languages in Aragon.***

**Asturian in Asturias**

100. According to the information provided in previous monitoring rounds, Castilian is the only official language in Asturias. The Act 1/1998 on the Use and Promotion of Asturian, which states that the Asturian language is a “traditional language of Asturias” still in force.

101. The fourth periodical report does not contain any new information about this issue. The Committee of Experts asks for clarification and additional information about the status of Asturian and Galician-Asturian in the next periodical report.

**Tamazight in Melilla**

102. The Committee of Experts acknowledges the recognition of the Tamazight language in Melilla. According to the fourth periodical report in 2013, the Government of the Autonomous City of Melilla promoted a Social Pact for Interculturality (PSI). 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”.

**Leonese in Castile and Leon**

103. In the third evaluation report, the Committee of Experts welcomed the recognition of Leonese in Article 5.2. of the 2007 Statute of Autonomy of Castile and Leon, approved by the Organic Law 14/2007. However, the Committee of Experts was informed by representatives of the speakers that, despite several calls from language associations, the Ombudsman and the Regional Parliament, the Government of Castile and Leon had, by then, not adopted any regulations implementing the Statute.

104. The fourth periodical report does not contain any new information about this issue. The Committee of Experts asks the authorities to provide information on this in the next periodical report.

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

**Basque in Navarre**

105. According to the fourth periodical report, the Navarre Basque Council/Basqueren Nafar Kontseilua has been defined in the '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". The overall budget assigned to Euskarabidea has decreased from €3,191,002 in 2010 to €2,318,934 in 2012. The Committee of Experts takes into consideration the effects of the economic crisis, however, the overall budget for the Euskarabidea has decreased rapidly, which might have a negative effect on the protection and promotion of the Basque language in Navarre.

**Basque in the Basque Country**

106. According to the fourth periodical report, a Plan of Action for the promotion of Basque (ESEP) was approved by the Plenum of the Basque Language Advisory Council and the Basque Government Council in 2012, and ratified by the Basque Parliament in 2013.

107. The Committee of Experts asks the Spanish authorities to provide information about the Plan of Action for the promotion of Basque in the next periodical report.

**Portuguese in Extremadura**

108. No progress has been made in the protection and promotion of the language despite some limited private initiatives in the field of education.

109. The Committee of Experts understands that the Portuguese language is endangered. It urges the Spanish authorities to take resolute action to protect the Portuguese language in Extremadura, by *inter alia* contributing to the current revitalisation process based on private initiatives.

**Portuguese in Castile and Leon**

110. The Committee of Experts has not received any information regarding this undertaking and asks for information in the next periodical report.

**Galician in Extremadura**

111. The Committee of Experts has not received any information regarding this undertaking. The Committee of Experts asks for information in the next periodical report.

**Catalan in the Balearic Islands**

112. In the third evaluation report, the Committee of Experts asked for more information about the adoption and implementation of the General Language Normalisation Plan for the Balearic Islands. According to the fourth periodical report, under the Language Normalisation Plan, the Regional Ministry of Education, Culture and Universities had 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 was being prepared and would be issued once approved. No concrete timetable for the adoption of the Parliamentary Order has been provided by the fourth periodical report. Rules for academic standards and curricula, teacher training, planning, etc., in language teaching, have also been prepared.

113. The Committee of Experts welcomes this development and encourages further developments and resolute actions for Catalan in the Balearic Islands. The Committee of Experts asks the Spanish authorities to provide information about the Parliamentary Order and the scope of application of the rules for the Linguistic and Cultural Education Plan in the next periodical report.

114. The Institute of Balearic Studies was renamed Consortium-Institute of Balearic Studies in 2012, and it was assigned functions for the certification of adult proficiency tests in Catalan, language assessments in secondary and high school education, certificates of equivalency in Catalan (c.f. Article 7.1.f of the Charter).

115. Decree 16/2011 on the evaluation and certification of knowledge of Catalan amended the certification system officially accrediting knowledge of Catalan among the adult population. The certificates awarded correspond to the Common European Framework of Reference for Languages (CEFR) established by the Council of Europe.

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

116. In the third evaluation report, the Committee of Experts looked forward to receiving information on the development of the language policy in the next periodical report. According to the fourth periodical report, the Aragonese Act 3/2013 recognises Aragon's linguistic plurality. Article 12 of the Act recognises the right to receive teaching of the languages and linguistic modalities native in the areas of predominant historical use, through appropriate provision in educational establishments. The new Act guarantees the use of Aragonese languages with their linguistic modalities in Aragonese institutions and in administration. However, the Committee of Experts understands that this does not refer explicitly to Catalan and Aragonese.

117. The Aragonese Academy of Language has been created by virtue of Article 7 of the Act 3/2013 as the official scientific institution in the field of the languages and linguistic modalities native to Aragon.

118. During the on-the-spot visit, the Committee was informed by non-governmental sources that the Act 3/2013 on the protection and promotion of the language and linguistic modalities of Aragon nullifies the recognition of the Catalan linguistic community in Aragon. The newly created Aragonese Academy of Language would decide upon grammar and norms for Catalan, now renamed as "the language of the Eastern area of Aragon".

119. According to information provided to the Committee of Experts by NGOs during the fourth monitoring round, the Act 3/2013 can nullify the 2010 Protocol of Cooperation between the Department of Education of the Catalan Government and the Department of Education, Culture and Sport of the Aragonese Government. That protocol ensured voluntary teaching of Catalan in schools in Aragon, and the recognition of the official Catalan language certificates issued to Aragonese students that studied Catalan in Aragonese schools.

120. The Committee of Experts reminds the authorities that by virtue of Article 2.1. of the Charter, all languages that meet the criteria of a regional or minority language as defined in Article 1 are automatically protected under the Charter, regardless of the Declaration contained in the State Party's instrument of ratification.

***The Committee of Experts strongly urges the authorities to adopt a specific legal framework for the protection and promotion of Catalan and Aragonese in Aragon as separate languages.***

### **Asturian and Galician-Asturian in Asturias**

121. The Committee of Experts notes that the fourth periodical report has grouped the references made to Asturian in Asturias and Galician-Asturian under the same chapter, without a clear distinction between the languages concerned, which remains confusing.

122. The Committee of Experts asks the Spanish authorities to make a clear distinction between the information provided for Asturian and Galician-Asturian in different paragraphs of the next periodical report.

123. According to the fourth periodical report, the total budget allocated for Asturian and Galician-Asturian 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). During the on-the-spot visit, the Committee of Experts was informed that the budget in 2013 was even further reduced to 1,706,735 €. The Committee of Experts notes with concern the substantial decrease in budgetary resources.

124. According to the fourth periodical report, in 2010-2012 financial support was provided for the implementation of numerous projects promoting Asturian in the economic and social sectors. The report, however, does not identify any concrete projects. During the on-the-spot visit, the Committee of Experts was informed about several actions and projects dealing with the promotion of Asturian in education, media and in the social sector.

***The Committee of Experts strongly urges the authorities to take resolute action to support both Asturian and Galician-Asturian.***

125. According to the fourth periodical report, 18 municipalities are served by Municipal Offices for Linguistic Normalisation Services with regard to Asturian and 16 municipalities to Galician-Asturian.

126. The Committee of Experts asks the Spanish authorities to clarify the specific mandate given to the Municipal Offices for Linguistic Normalisation Services and to provide information about the results achieved in the next periodical report.

### **Galician in Castile and Leon**

127. The Committee of Experts has not received any information regarding this undertaking and asks for information in the next periodical report.

### **Galician in Extremadura**

128. In the previous evaluation reports, the Committee of Experts encouraged the authorities to take more resolute action to promote Galician in Castile and Leon and in Extremadura and to report about the measures taken in the next periodical report.

129. No information was provided in the fourth periodical report. The Committee of Experts has not received any information regarding this undertaking and asks for information in the next periodical report.

***The Committee of Experts urges the authorities to take resolute action to promote Galician in Castile and Leon and in Extremadura.***

### **Leonese in Castile and Leon**

130. In the third evaluation report, the Committee of Experts encouraged the authorities to take resolute action to promote Leonese and to report about the measures taken in the next periodical report.

131. The Committee of Experts has not received any information regarding this undertaking and asks for information in the next periodical report.

***The Committee of Experts urges the authorities to take resolute action to promote Leonese in Castile and Leon.***

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

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

132. In the third evaluation report, the Committee of Experts asked the authorities to make efforts to find a consensus so that the development of Aragonese is not hampered in public life, especially in the field of education. It asked the authorities to report on developments in this respect in the next periodical report.

133. According to the fourth periodical report, measures have been taken in order to award literary prizes with the aim to stimulate creation in languages native to Aragon. The Decree 221/2013 of the Aragonese Government regulates prizes for literary creations. The Aragonese publishing sector has founded the literary prize Arnal Cervero-Guillem Nicolau. However, it is not clear to the Committee of Experts for which languages the prizes are awarded.

### **Asturian in Asturias**

134. According to the fourth periodical report, in the 2010-2012 period, progress has been made in the use of Asturian on the institutional portal of the Government of the Principality of Asturias. Asturian appears in sectoral portals administered by the Ministry of Education, Culture and Sport. The following actions have been mentioned in the fourth periodical report: the presence of a sub-portal in Asturian, the translation and uploading of the Service and Procedure Catalogue, making available the Asturian 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 language in the “Educastur” portal, for information about educational activities relating to the Asturian language.

135. As far as place-names are concerned, 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 progress.

136. Awareness campaigns on the use of the Asturian language in the commercial sector, such as shop sign templates, posters and brochures advertising Asturian products, were carried out in 2010-2012.

137. During the on-the-spot visit, the Committee of Experts was informed by non-governmental sources, that with respect to the legalisation of traditional forms of place-names, despite the significant amount of town councils which have successfully carried out this process, in the last two years there has been little improvement. In fact, among those councils in which traditional forms are now legalised, the vast majority keeps showing the old Spanish forms on their websites, public events and publications.

### **Galician-Asturian in Asturias**

138. According to the fourth periodical report, the Asturian Language Academy is an institution which promotes and safeguards Galician-Asturian.

139. The Committee of Experts asks for more information in the next periodical report about the results achieved by the Asturian Language Academy with respect to Galician-Asturian.

### **Galician in Castile and Leon**

140. In the third evaluation report, the Committee of Experts encouraged the authorities to step up their measures to facilitate and promote the use of Galician in public life.

141. The Committee of Experts has not received any information regarding this undertaking and asks for information in the next periodical report.

### **Galician in Extremadura**

142. In the third evaluation report, the Committee of Experts encouraged the authorities to step up their measures to facilitate and promote the use of Galician in public life.

143. The Committee of Experts has not received any information regarding this undertaking and asks for information in the next periodical report.

### **Leonese in Castile and Leon**

144. In the third evaluation report, the Committee of Experts reminded the authorities that the recognition of the language in a piece of legislation is not sufficient for the promotion and protection of it but that concrete and practical measures are needed to facilitate and promote the use of Leonese in public life.

145. The Committee of Experts has not received any information regarding this undertaking and asks for information in the next periodical report.

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

146. In the previous monitoring cycle, the Committee of Experts had been informed of an agreement between the Basque Country and Navarre in favour of Basque language and encouraged the authorities to provide more information on the content of this agreement.

147. A specific Collaboration Agreement was signed in 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, translations to and from Castilian and Basque and terminology. In 2013, action was resumed 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. According to information provided to the Committee of Experts by NGO sources, the agreement is not implemented by the Government of Navarre.

148. In 2009-2012, encounters arising from the Cooperation Protocol concluded in March 2007 between the Basque Government, the Galician Government and the Catalan Government have continued to promote and normalise the use of their languages.

### **Valencian**

149. The Valencian Language Academy of the Valencian Community supported the organisation of Valencian language courses in Murcia. The Committee of Experts was not informed about any formal agreements between Murcia and Valencia.

150. According to the information provided in the fourth periodical report, some good practice examples of cooperation are available such as the promotion of the edition of the Writer of the Year dedicated to Enric Valor, an itinerant exhibition which 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 was 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).

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

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

151. The Committee of Experts has not received any information regarding this undertaking and asks for information in the next periodical report.

### **Asturian and Galician-Asturian in Asturias**

152. The Committee of Experts noted in its previous evaluation reports that obstacles hampering the teaching of Asturian persisted. For example, the lack of a proper university degree in Asturian led to a discriminatory situation where future teachers of Asturian were obliged to follow an additional year of training.

153. According to the information provided in the fourth periodical report 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 curricula, from Primary to Baccalaureate, have incorporated Asturian. The Asturian University incorporates regular studies in Asturian: a minor in Philology, a major in teacher training and a specialisation in the Master's Degree in secondary, baccalaureate and vocational teacher training.

154. Depending on the school's geographical location in the Principality of Asturias, the Asturian language or the Galician-Asturian language is a compulsory subject for schools and voluntary for pupils.

155. The offer of Asturian and Galician-Asturian language has been ensured at all levels and for all educational groups, although study of it remains voluntary. Since the publication of the curriculum in the Organic Education Act, it has been obligatory to offer Asturian and Galician-Asturian in all colleges as an optional subject in adult education.

156. In primary education, the Asturian language is voluntary - pupils are able to choose it as an alternative subject. The latter must not involve any teaching of curricular content. In the 2010-11 school year, 93.7% of the schools offered Asturian language classes and 56% of pupils chose the subject. In the 2011-2012 school year, 91.8% of the schools continued to offer Asturian language classes, and the percentage of pupils taking the course was 53.9%. In the 2012-2013 school year, the percentage of schools offering Asturian language classes rose to 94.2% with 54.2% of the pupils taking the subject.

157. In secondary education, the subject is voluntary. Pupils must choose one of several subjects (Asturian language, French, etc.). In the 2010-2011 school year, 86.2% of the schools provided Asturian language classes for 17.3% of the pupils. In the 2011-2012 school year, the percentage of schools remained the same and the percentage of Asturian language pupils fell to 15.8%. In 2012-2013, the percentage of schools rose to 88.5 % offering Asturian language classes, while the percentage of pupils taking Asturian language as a subject fell to 14.3%.

158. During the on-the-spot visit, the Committee of Experts was informed by the representatives of the speakers that despite the high percentage of state schools which currently offer the Asturian language as a subject, for the last years the Asturian Government has not reacted to private schools refraining from offering the Asturian language as a subject.

159. According to the fourth periodical report, 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.

160. The Committee of Experts encourages the authorities to provide more specific information about teacher training in Galician-Asturian. The figures provided by the authorities are mainly dealing with the Asturian language. The Committee of Experts asks the authorities for differentiated information about Asturian and Galician-Asturian in the next periodical report.

### **Galician in Castile and Leon**

161. In the third evaluation report, the Committee of Experts asked for more information about the development of the "A fala na escola" project ("speaking in school"), which aims, among other things, at integrating Galician in the regular curriculum in the three municipalities where Galician is spoken. However, no information was provided in the fourth periodical report.

162. According to the fourth periodical report, the education departments of the Governments of Galicia and of Castile and Leon have concluded a protocol establishing a Framework of Collaboration to incorporate Galician into study plans in primary and secondary education. Under this protocol, primary school pupils 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 for the pupils studying exclusively in Castilian. In secondary education, the subject of social sciences can be studied in Galician throughout compulsory secondary education, 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 compulsory secondary education and in the first and second years of high school.

### **Galician in Extremadura**

163. The Committee of Experts has not received any information regarding this undertaking and asks for information in the next periodical report.

### **Leonese in Castile and Leon**

164. In the third evaluation report, the Committee of Experts encouraged the authorities to take measures to offer Leonese as an integral part of the curriculum, at least as a subject and in those areas where it is mainly spoken.

165. The Committee of Experts has not received any information regarding this undertaking and asks for information in the next periodical report.

#### **Valencian in Murcia**

166. In the third evaluation report, the Committee of Experts encouraged the authorities to make available Valencian education at primary school level in the Carche district. No information was provided in the fourth periodical report and the Committee of Experts asks the Spanish authorities to provide information in the next periodical report.

***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;***

#### **Galician-Asturian in Asturias**

167. The Committee of Experts has not received any information regarding this undertaking and asks the Spanish authorities to provide information in the next periodical report.

#### **Galician in Castile and Leon**

168. The Committee of Experts has not received any information regarding this undertaking and asks for information in the next periodical report.

#### **Galician in Extremadura**

169. The Committee of Experts has not received any information regarding this undertaking and asks for information in the next periodical report.

#### **Leonese in Castile and Leon**

170. The Committee of Experts has not received any information regarding this undertaking and asks for information in the next periodical report.

#### **Valencian in Murcia**

171. According to the information provided in the fourth periodical report, the Academy of the Valencian Language provided courses in the region. In 2011 and 2012, the number of courses increased to two per year.

172. The Committee of Experts has not received any additional and up-dated information regarding this undertaking and asks for information in the next periodical report.

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

#### **Aragonese in Aragon**

173. According to the information provided in the fourth periodical report, the Aragonese Language Academy was created in 2013 as the official scientific institution in the field of native languages and linguistic modalities. One of its tasks is to establish rules on the correct use of the languages and linguistic modalities native to Aragon. The Committee of Experts would welcome information about the functioning of the Academy in the next periodical report.

#### **Asturian in Asturias**

174. According to the information provided in the fourth periodical report, the University of Oviedo has had a specific research group on Asturian Philology since 2003: the Asturian Philology Seminar (Seminariu de Filoloxía Asturiana).

### **Galician-Asturian in Asturias**

175. The Committee of Experts has not received any information regarding this undertaking and asks for information in the next periodical report.

### **Galician in Castile and Leon**

176. The Committee of Experts has not received any information regarding this undertaking and asks for information in the next periodical report.

### **Galician in Extremadura**

177. The Committee of Experts had been informed about university studies conducted by the University of Vigo on Galician in Extremadura.

178. The Committee of Experts has not received any information regarding this undertaking and asks for information in the next periodical report.

### **Leonese in Castile and Leon**

179. The Committee of Experts has not received any information regarding this undertaking. The Committee of Experts asks for information in the next periodical report.

***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.***

### **Asturian in Asturias**

180. According to the fourth periodical report, 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 Asturias and the Asturian diaspora through activities such as those programmed over the 2010-2012 period. These include the regular dispatch of bibliographic material, Asturian Arts Day Overseas, the First Distance Learning Course in Asturian language for Asturian communities abroad.

### **Leonese in Castille and Leon**

181. No information was provided in the fourth periodical report regarding contacts between the Leonese and Mirandese speakers. The Committee of Experts asks for information in the next periodical report.

### **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.***

182. In the third evaluation report, the Committee of Experts urged the Spanish authorities to ensure continued support for the promotion and use of regional or minority languages in accordance with the spirit of the Charter. The Committee of Experts took note of the adoption of the Organic Law 8/2013 on Education. According to the representatives of speakers, this law may actually result in reducing the offer of education in regional or minority languages.

183. The Committee of Experts strongly urges the Spanish authorities to ensure continued support for the promotion and use of regional or minority languages, in particular with respect to part II languages, in accordance with the spirit of the Charter.

184. The Committee of Experts has observed that there is little knowledge of regional or minority languages among the population in Spain living in monolingual Autonomous Communities. There is an obvious need for the authorities to raise awareness about linguistic plurality and to promote mutual understanding between all linguistic groups in Spain. It encourages the authorities to take measures to this effect and to report on it in the next periodical report.

***The Committee of Experts asks the Spanish authorities to take resolute action in order to promote the visibility of all regional or minority languages through education and media.***

#### **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.***

185. The Committee of Experts recalled in its last evaluation rounds the importance of taking into account the wishes expressed by the speakers of languages that are not necessarily recognised by the Statutes of Autonomy as an official language, but that are nevertheless covered by Part II of the Charter. It therefore called on the authorities to report on those languages as well in the forthcoming periodical report. The Committee of Experts welcomed the setting up of the Council of Official Languages in the General State Administration and the Bureau for Official Languages. The Committee of Experts expresses its concern about the limited number of meetings and action taken by the Bureau for Official Languages.

186. The Committee of Experts asks the Spanish authorities for information about the current work programme and related activities of the Bureau for Official Languages in the next periodical report.

187. The Committee of Experts has not been informed of any particular body or bodies representing the interests of the speakers and advising the authorities in language matters.

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

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

In the case of Catalan in Catalonia:

- Article 8, paragraph 1.d; f.i; g; h; i;
- Article 9, paragraph 1.d; 2.a;
- Article 10, paragraph 1.c; paragraph 2.a; b; c; d; e; f; g; paragraph 5 ;
- Article 11, paragraph 1.a.i; bi; ci; d; e.i; paragraph 2; paragraph 3;
- Article 12, paragraph 1.a; b; c; d; e; f; g; h; paragraph 2, paragraph 3;
- Article 13, paragraph 1.a; b; c; d; paragraph 2.a; b; e.
- Article 14 a; b.

In the case of Basque in Navarre:

- Article 8, paragraph 1, e.iii ; f ; g; i;
- Article 9, paragraph 1.d; paragraph 2.a;
- Article 10, paragraph 2. c; d; e; f; g; paragraph 4.c; paragraph 5;
- Article 11, paragraph 1. f.ii ; paragraph 2;
- Article 12, paragraph 1.a;f ; g; h; paragraph 2;
- Article 13, paragraph 1.a; b; c; d; paragraph 2. b; e;
- Article 14, a; b.

In the case of Basque in the Basque Country:

- Article 8, paragraph 1.d.i; e.iii; g; h; i; paragraph 2;
- Article 9, paragraph 1.a.iv; d; paragraph 2.a; paragraph 3 ;
- Article 10, paragraph 1.c; paragraph 2.c; d ; e; f; g; paragraph 4.c; paragraph 5;
- Article 11, paragraph 1.a.i; b; c; d; e.i; f.ii; g; paragraph 2; paragraph 3;
- Article 12, paragraph 1.a; b; c; d; e; f; g; h; paragraph 2; paragraph 3;
- Article 13, paragraph 1.a; b; c; d; paragraph 2. a; b; e;
- Article 14. a;.

In the case of Catalan in the Balearic Islands:

- Article 8, paragraph 1.f.i; g; h; paragraph 2;
- Article 9, paragraph 1.d; paragraph 2.a; paragraph 3;
- Article 10, paragraph 1.c; paragraph 2.b; c; d; e; f;; paragraph 4. c; paragraph 5
- Article 11, paragraph 1. c.i; e.i; paragraph 2;
- Article 12, paragraph 1. a; b; c; d; e; paragraph 2; paragraph 3 ;
- Article 13, paragraph 1.a; b; c; d ;
- Article 14 a; b.

In the case of Valencian in Valencia:

- Article 8, paragraph 1. e.i; e.ii; e.iii; f.i; g; i; paragraph 2.
- Article 9, paragraph 1. a.ii; a.iii; a.iv;; b.ii; b.iii; c.ii; .d; paragraph 2. a;
- Article 10, paragraph 2. c; d; e; g; paragraph 4.c; paragraph 5;
- Article 11, paragraph 1.d; f.ii; g; paragraph 2;
- Article 12, paragraph 1.a; b; c; d; e; g; h;
- Article 13 paragraph 1.a; b; c; d; paragraph 2.b; e;
- Article 14 a.

In the case of Galician in Galicia:

- Article 8, paragraph 1. e; f.i; g; h; paragraph 2;
- Article 9, paragraph 1.d; paragraph 2.a;
- Article 10, paragraph 1.c; paragraph 2.c; d; e; f; g; paragraph 4.c; paragraph 5;
- Article 11, paragraph 1.a.i; f.ii; g; paragraph 3 ;
- Article 12, paragraph 1.a; b; c; d; h; paragraph 3;
- Article 13, paragraph 1.a; b; c; d; paragraph 2.e.
- Article 14 a.

In the case of Aranese in Catalonia:

- Article 8, paragraph 1.b; g;
- Article 9, paragraph 1.a.i ; a.ii ; a.iii ; a.iv ; b.i ; b.ii; b.iii; c.i; c.ii; c.iii; d; paragraph 2.a;
- Article 10, paragraph 2.d; f; paragraph 5 ;
- Article 11, paragraph 2; paragraph 3;
- Article 13, paragraph 1.a; b; c.

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

### *3.2.1 Catalan in Catalonia*

## **Article 8 – Education**

### ***Paragraph 1***

190. The Committee of Experts was informed that the Organic Law 8/2013 provides for a stronger presence of education in Castilian throughout Spain. The Committee of Experts is concerned that it may negatively affect the offer of education in regional or minority languages.

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

191. In its previous evaluation report the Committee of Experts considered these undertakings fulfilled. The Committee of Experts asked the authorities to report on how much practical impact the decision of the Supreme Court asking for Castilian to be introduced as the language of instruction “proportionately and equally to Catalan at all class levels” has had on the Catalan language education.

192. According to the information provided in the fourth periodical report, measures have been taken to provide and guarantee pre-school, primary and secondary education in Catalan. This includes, among others, learning support and counselling for schools, teachers and the education community, promotion and coordination to develop teaching materials, rules and academic management and the coordination of programmes to promote the use of Catalan in schools.

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

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

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

**iii. if, by reason of the role of the State in relation to higher education institutions, subparagraphs 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;**

194. According to information provided in the fourth periodical report, in 2010, a Decree on the accreditation of the language proficiency of teachers in the Catalan university system was adopted.

195. According to the fourth periodical report, the use of Catalan in university education in the academic years from 2010-2011 to 2012-2013, 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%    |

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

## **Paragraph 2**

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

197. According to the fourth periodical report, the Ramon Llull Institute is 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.

198. 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.

199. It should also be noted that the Cervantes Institute 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 Espacio de las Lenguas Ibéricas de Madrid (Madrid Centre for Iberian Languages) which received 174 registrations.

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

## **Article 9 – Judicial authorities**

### **Paragraph 1**

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

#### **a. in criminal proceedings:**

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

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

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

***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;*

201. In the third evaluation report, the Committee of Experts noted some legal and practical difficulties concerning Article 9. In the previous monitoring rounds, the Committee of Experts identified Article 231 of the Organic Law of Judicial Power as one of the most prominent obstacles to the full implementation of Article 9 of the Charter in Spain. That article states that in any judicial procedure, judges, magistrates, prosecutors, clerks and other officers will use the Castilian language. The co-official language will only be allowed if neither of the parties objects to it. It therefore has not been made clear that the criminal, civil or administrative judicial authorities will conduct the proceedings in any of the Autonomous Communities in the co-official language at the request of one party.

202. According to information provided in the fourth periodical report, 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.

203. In addition, the government has established an adaptation plan for judicial staff taking up a position in Catalonia for the first time. They are offered a briefing on the linguistic and legal resources available to facilitate the acquisition of Catalan-language proficiency. Judicial staff are given a training session on linguistic rights and legislation.

204. 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. By means of an automatic translator, the judge or other judicial officials can send any document to be translated, and then request its linguistic editing by the language service or do so him/herself.

205. In 2013, the Catalan Government, seeking to normalise the use of Catalan in the administration of justice and to foster a standard pattern of Catalan use in this field, 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".

206. According to the representatives of the Association of Jurists for the protection of the Catalan language many speakers are still unaware of their right to use Catalan in court proceedings.

207. During the on-the-spot visit, the Committee of Experts was informed by NGOs that there is still no requirement for judges working in Catalonia to know Catalan.

208. According to the Association of Jurists, there has been a downward trend in the use of Catalan in terms of numbers of proceedings, documents and sentencing in the last years. This was already highlighted in the third periodical report and remains a matter of great concern for the Catalan authorities and the representatives of the speakers.

209. During the on-the-spot visit, the Committee of Experts was informed by the Association of Jurists that the downward trend of rulings issued in Catalan was continuing and that currently only 12 % of the total amount of proceedings were conducted in Catalan. According to the information provided by the association, people are afraid to use Catalan. Additional delays when proceedings are dealt with in Catalan are to be expected and regularly observed by the association.

210. 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 are written in Catalan (58.75% in 2010, 62.84% in 2011 and 62.60% in 2012).

211. Based on the information at the Committee of Experts' disposal and despite some persisting difficulties concerning Article, 9. paragraph 1. a ii, iii, iv – b ii and iii, c ii and iii, the Committee of Experts maintains its previous conclusions that those undertakings are still fulfilled. The undertakings under Article 9. paragraph 1. a i; b i; c i; remain partly fulfilled..

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

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

### **Paragraph 3**

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

212. In the third evaluation report, the Committee of Experts considered the undertaking fulfilled.

213. According to the fourth periodical report, under a cooperation agreement signed between the Official State Gazette (BOE) and the Catalanian Government, in 2012, 290 supplements were published in Catalan, together with 209 provisions, of which 53 were laws or rules of equivalent effect.

214. During the period referred to in the fourth report, within the Lexcat project, three steps 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.

215. During the on-the-spot visit, the Association of Jurists informed the Committee of Experts about the delays of translation of legislative texts from Castilian into Catalan. Delays of three months and more considerably hamper the use of Catalan by lawyers and judges when conducting legal proceedings.

216. Nevertheless, the Committee of Experts considers that the undertaking remains fulfilled.

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

### **Paragraph 1**

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

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

217. In the third evaluation report, the Committee of Experts considered the undertaking partly fulfilled. It noted that there did not seem to be any overall policy or strategic approach to analyse the current state of affairs and plan a more systematic provision of documents and sufficient staff with an adequate knowledge of Catalan. The Committee of Experts encouraged the authorities to provide sufficient resources to the Council of Official Languages in the General State Administration to carry out this task.

218. The fourth periodical report provided no information on this undertaking.

219. During the on-the-spot visit, the Committee of Experts was informed that concerning the state administration in Catalonia there have been no significant improvements.

220. The Committee of Experts maintains its previous conclusion that the undertaking remains partly fulfilled.

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

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

221. In the third evaluation report, the Committee of Experts considered the undertaking partly fulfilled.

222. According to the information provided in the fourth report, there are some improvements in several bodies of the General State Administration, most of them related with the presence of Catalan in websites of Ministries.

223. While acknowledging some positive advances, the Committee of Experts observes that there still is an inadequate proportion of state administration texts and forms for the population available in Catalan or in bilingual form and concludes that the undertaking remains partly fulfilled.

### **Paragraph 3**

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

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

224. In the third evaluation report, the Committee of Experts maintained its previous conclusions that the undertaking was partly fulfilled. It invited the authorities to provide more specific information about the use of Catalan in public services.

225. According to the information provided in the fourth periodical report the Act 22/2010 of 20 July, on the Consumer Code of Catalonia states that consumers 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).

226. The Committee of Experts commends the Catalanian authorities on progress made, but maintains its previous conclusions that the undertaking remains partly fulfilled with respect to the state level.

### **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;***

227. In the third evaluation report, the Committee of Experts maintained its previous conclusion and considered the undertaking partly fulfilled for state administration and public services under its competence, and fulfilled for regional and local authorities and public services under regional competence.

228. According to the information provided in the fourth periodical report, 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 of the static information on unemployment benefits on its website.

229. Within the Ministry of Development, the website content of Spanish Airports and Air Navigation is available in all 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.

230. Within the Ministry of the Interior, a considerable proportion of electoral information and material is presented in co-official languages through the corresponding websites. Furthermore co-official languages are used on the Gender Violence website, and the Civil Guard website. The Directorate General of Police is working on a computer application for receiving and processing reports of crimes in co-official languages.

231. 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.

232. Taking into account the additional information made available, the Committee of Experts considers that the undertaking is now fulfilled for state administration and public services under its competence. It remains fulfilled for regional and local authorities and public services under regional competence.

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

233. In the third evaluation report, the Committee of Experts considered the undertaking partly fulfilled as far as state administration bodies were concerned.

234. According to the information provided in the fourth periodical report, there was an overall increase of proficiency in Catalan of officials employed in the services of the General State Administration. 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. 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.

235. The Committee of Experts commends the authorities for their efforts in training public officials. However, there is still a shortage of Catalan speaking staff in the state administration. The Committee of Experts therefore concludes that the undertaking remains partly fulfilled as far as state administration bodies are concerned.

**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:***

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

236. In the previous evaluation reports, the Committee of Experts considered the undertaking fulfilled.

237. Between 2009 and 2012, annual grants were provided by the Catalan Government in nine specific areas, divided by medium (print, digital media, including audiovisual productions). 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.

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

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

### **Paragraph 2**

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

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

239. In the third evaluation report, the Committee of Experts asked the authorities to comment on the lack of availability of services in Catalan in certain sectors.

240. According to the fourth periodical report, 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.

241. In addition to the above-mentioned regulations, many initiatives have been applied to promote the use of Catalan in healthcare. For example, Catalan-language courses are offered for staff working in health centres, as well as specific courses tailored to the needs of various professional groups and specialised courses on health sciences terminology.

242. Other actions include the Sant Jaume d'Olot hospital (Girona) 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 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.

243. During on-the-spot visit the representatives of the speakers drew the attention of the Committee of Experts to the fact that in some sectors, notably in health care and care for the elderly, the services in Catalan need to be improved.

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

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

245. In the third evaluation report the Committee of Experts considered the undertaking partly fulfilled and asked the authorities for more information on safety instructions in Catalan in the next periodical report.

246. According to the information made available in the fourth periodical report, 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.

247. The Fourth periodical report provided information on 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.

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

### 3.2.2 Basque in Navarre

## Article 8 – Education

### Paragraph 1

249. The Committee of Experts was informed that the Organic Law 8/2013 provides for a stronger presence of education in Castilian throughout Spain. The Committee of Experts is concerned that it may negatively affect the offer of education in regional or minority languages.

250. On 10 March 2015, the Regional Official Gazette published the Foral Law 4/2015 that modifies the Foral Law 18/1986 on Basque Language. The amendment gives a similar status to education in the non-Basque zone as that of language education in the mixed zone. In practice, it enables the introduction of the D model in public schools in the non-Basque zone. The Committee of Experts commends the authorities for this development. However, since this information reached the Committee of Experts at a late stage, it will not comment on it in this report, but will deal with the issue in the next monitoring round.

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

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

251. In the third evaluation report, the Committee of Experts considered the undertakings fulfilled. It nevertheless encouraged the authorities to ensure that a sufficient offer of Basque-medium education is secured in the future. It also asked the Spanish authorities to provide information in their next periodical report on the number of traditional Basque-medium schools in which the multilingual model has been applied. As referred to in the fourth periodical report, there were 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. In addition, model B provides bilingual education.

252. According to the information provided in the fourth periodical report there is no mandatory trilingual education in Navarre. The introduction of trilingual educational experiences such as the Programme of Learning in English has not jeopardised the bilingual models which include Basque. The structure of these models and the number of centres affected remains the same.

253. The numbers of students studying the various models, according to the tables included in the State report are given below.

254. 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.

| <b>Basque-speaking zone</b>             |              |              |              |              |                            |              |              |              |              |
|-----------------------------------------|--------------|--------------|--------------|--------------|----------------------------|--------------|--------------|--------------|--------------|
| <b>Pre-School and Primary Education</b> |              |              |              |              | <b>Secondary Education</b> |              |              |              |              |
|                                         | <b>09-10</b> | <b>10-11</b> | <b>11-12</b> | <b>12-13</b> |                            | <b>09-10</b> | <b>10-11</b> | <b>11-12</b> | <b>12-13</b> |
| Model A                                 | 428          | 438          | 414          | 389          | Model A                    | 291          | 287          | 287          | 301          |
| Model D+B                               | 4,428        | 4,567        | 4,900        | 5,042        | Model D+B                  | 1,806        | 1,820        | 1,878        | 1,977        |
| Model G                                 | 0            | 0            | 0            | 0            | Model G                    | 0            | 0            | 0            | 0            |
| <b>Total</b>                            | <b>4,856</b> | <b>5,005</b> | <b>5,314</b> | <b>5,431</b> | <b>Total</b>               | <b>2,097</b> | <b>2,107</b> | <b>2,165</b> | <b>2,278</b> |

255. 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.

| <b>Mixed zone</b>                       |               |               |               |               |                            |               |               |               |               |
|-----------------------------------------|---------------|---------------|---------------|---------------|----------------------------|---------------|---------------|---------------|---------------|
| <b>Pre-School and Primary Education</b> |               |               |               |               | <b>Secondary Education</b> |               |               |               |               |
|                                         | <b>09-10</b>  | <b>10-11</b>  | <b>11-12</b>  | <b>12-13</b>  |                            | <b>09-10</b>  | <b>10-11</b>  | <b>11-12</b>  | <b>12-13</b>  |
| Model A                                 | 8,370         | 8,281         | 7,934         | 7,839         | Model A                    | 2,188         | 2,159         | 2,060         | 2,151         |
| Model D                                 | 10,300        | 10,353        | 10,552        | 10,631        | Model D                    | 4,995         | 5,343         | 5,539         | 5,795         |
| Model G                                 | 16,727        | 17,369        | 17,178        | 17,427        | Model G                    | 12,363        | 13,222        | 13,987        | 13,980        |
| <b>Total</b>                            | <b>35,397</b> | <b>36,003</b> | <b>35,664</b> | <b>35,897</b> | <b>Total</b>               | <b>19,546</b> | <b>20,724</b> | <b>21,586</b> | <b>21,926</b> |

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

257. The Committee of Experts still considers that the undertaking remains fulfilled.

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

258. The Committee of Experts considered in the third monitoring round that the undertaking was partly fulfilled and encouraged the authorities to increase the offer of Basque-medium education in technical and vocational education.

259. According to the information provided in the fourth periodical report, linguistic models are defined for compulsory education and the baccalaureate. No linguistic model is defined for vocational training, but subjects are offered in Basque.

260. There are three centres in the Basque-speaking zone for 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 students, Basque or Castilian.

261. The Committee of Experts considers the undertaking fulfilled.

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

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

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

262. In its previous evaluation report, the Committee of Experts considered that the undertaking was fulfilled. However, it lacked information on whether the scheme of the Basque training plan met the needs of teacher training.

263. According to the information provided in the fourth periodical report, 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.

264. The Committee of Experts considers the undertaking fulfilled.

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

265. In the third evaluation report, the Committee of Experts did not conclude on the fulfilment of the undertaking. It asked the authorities to comment on whether the Navarre School Council dealt or not with the quality of teaching and the progress achieved in Basque-medium education.

266. According to information provided in the fourth periodical report, 'Foral' Act No. 12/1997 of 4 November, amended by Act No. 19/2012 of 4 of December, regulates the Navarre School Council. One of the specific functions of the Navarre School Council is to draft an Annual Report on the region's education system including Basque education. 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<sup>8</sup>.

267. The Committee of Experts considers the undertaking fulfilled.

## **Article 9 – Judicial authorities**

### **Paragraph 1**

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

***a. in criminal proceedings:***

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

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

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

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

***b. in civil proceedings:***

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

<sup>8</sup> <http://consejoescolar.educacion.Navarre.es/index.php/es/reports/inse.html>

*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;*

268. In the third evaluation report, the Committee of Experts noted some legal and practical difficulties concerning Article 9. In the previous monitoring rounds the Committee of Experts identified Article 231 of the Organic Law of Judicial Power as one of the most prominent obstacles to the full implementation of Article 9 of the Charter in Spain. That article states that in any judicial procedure, judges, magistrates, prosecutors, clerks and other officers will use the Castilian language. The co-official language will only be allowed if neither of the parties objects to it. It therefore has not been made clear that the criminal, civil and administrative judicial authorities will conduct the proceedings in any of the Autonomous Communities in the co-official language at the request of one party.

269. According to the fourth periodical report, 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.

270. Furthermore, the fourth periodical report refers to an increased percentage of Basque speakers in the Justice Administration in Navarre. The 'Foral' Decree No. 55/2009 of 15 June regulating the assessment of proficiency in Basque among the permanent staff of the 'Foral' Community of Navarre's Administration and autonomous bodies allows the assessment of proficiency in Basque as a minimum requirement for all jobs in the Basque-speaking zone.

271. During the on the spot visit the Committee of Experts was informed that despite the language training provided for court staff, the majority of staff still lack the skills needed to perform their work and communicate with the public in Basque.

272. Based on the information at the Committee of Experts' disposal and despite some persisting difficulties concerning Article, 9. paragraph 1. a ii, iii, iv – b ii and iii, c ii and iii, the Committee of Experts maintains its previous conclusions that these undertakings are still fulfilled. The undertakings under Article 9. paragraph 1. a i; b i; c i; remain partly fulfilled.

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

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

**Paragraph 3**

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

273. In the third evaluation report, the Committee of Experts considered the undertaking fulfilled.

274. According to the information provided in the fourth periodical report, the Navarre Official Gazette Service introduced the Corpus of the 'Foral' regulation known as the LEXNAVARRRE euskaraz in Basque, which contains all the provisions promulgated in Navarre and is permanently updated.

275. In the fourth periodical report, information was provided on the Specific Collaboration Agreement on language matters concluded in July 2012 between the Navarre and Basque Governments. It includes in its fields of action Basque-Castilian and Castilian-Basque translations of Spanish and foreign legal provisions, including EU Treaties and Directives, and the creation and maintenance of a public data base of translation terminology.

276. Based on the information received, the Committee of Experts considers that the undertaking remains fulfilled.

**Article 10 – Administrative authorities and public services****Paragraph 1**

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

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

277. The third evaluation report, the Committee of Experts considered the undertaking formally fulfilled.

278. The fourth periodical report provided no information on this undertaking.

279. The Committee of Experts maintains its previous conclusion that the undertaking remains formally fulfilled.

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

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

280. In the third evaluation report, the Committee of Experts considered this undertaking partly fulfilled.

281. According to the information provided in the fourth periodical report, there are some improvements in several bodies of the General State Administration. Most of these improvements are related to the presence of Basque on ministerial websites.

282. While acknowledging some positive developments, the Committee of Experts observes that there is still an inadequate proportion of State administrative texts and forms available bilingually or in Basque.

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

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

284. In the third evaluation report, the Committee of Experts could not draw any conclusion on this undertaking due to contradictory information on the use of Basque in identity cards and driving licences. It asked for clarification, whether state administration authorities covering the “Basque-speaking zone” issue documents in Basque.

285. The fourth periodical report provided no information on this undertaking.

286. The Committee of Experts urges the authorities to provide further information on this undertaking.

**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;**

287. In the third evaluation report, the Committee of Experts concluded that the undertaking was partly fulfilled.

288. No information was provided in the fourth periodical report.

289. The Committee of Experts considers that the undertaking remains partly fulfilled and asks the authorities to provide additional information in the next periodical report.

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

290. In the third evaluation report, the Committee of Experts considered the undertaking partly fulfilled as far as the regional authorities were concerned. It encouraged the authorities to take measures to encourage the use of Basque with administrative bodies.

291. According to the information provided in the fourth periodical report, 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.

292. The Committee of Experts considers the undertaking fulfilled.

**Paragraph 3**

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

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

293. In the third evaluation report, the Committee of Experts considered the undertaking not fulfilled.

294. No additional information was made available in the fourth periodical report.

295. Due to the fact that no further information was provided, the Committee of Experts considers that the undertaking remains not fulfilled.

***The Committee of Experts urges the authorities to ensure the use of Basque in 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;***

296. In the third evaluation report, the Committee of Experts considered the undertaking fulfilled with respect to paragraph 1 and partly fulfilled as regards paragraphs 2 and 3.

297. According to the information provided in the fourth periodical report 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 of the static information on unemployment benefits on its website.

298. Within the Ministry of Development, the website content of Spanish Airports and Air Navigation 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.

299. Within the Ministry of the Interior, a considerable proportion of electoral information and material is presented in co-official languages through the corresponding websites. Furthermore co-official languages are used on the Gender Violence website, and the Civil Guard website. The Directorate General of Police is working on a computer application for receiving and processing reports of crimes in co-official languages.

300. 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.

301. According to the information provided in the fourth periodical report, 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.

302. The Euskarabidea Translation Unit translated 3,470 pages in 2010, 4,143 in 2011 and 6,096 in 2012.

303. 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.

304. According to the information provided in the fourth periodical report, 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.

305. Taking into account the additional information made available, the Committee of Experts considers the undertaking fulfilled for state administration and public services under its competence. It is also fulfilled for regional and local authorities and public services under regional competence.

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

306. In the third evaluation report, the Committee of Experts considered the undertaking not fulfilled as far as state administration and public services were concerned. With regard to the Navarrese authorities, the Committee of Experts considered that the undertaking was partly fulfilled.

307. According to the information made available in the fourth periodical report, training in Basque of Public Administration staff in Navarre in 2010-2012 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 persons took part in 2010, 1,098 in 2011 and 1,120 in 2012.

308. 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 as follows: 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.

309. The Committee of Experts commends the authorities for their efforts in training public officials. However, there is still a shortage of Basque speaking staff in state administration. The Committee of Experts therefore concludes that the undertaking remains partly fulfilled as far as state administration bodies are concerned and it is fulfilled with regard to local and regional authorities.

## **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;***

310. In the third evaluation report, the Committee of Experts considered the undertakings not fulfilled. The Committee of Experts urged the authorities to ensure the availability of at least one radio station and one television channel in Basque, if necessary, in co-operation with the Basque Autonomous Community.

311. According to the information provided in the fourth periodical report, to receive a direct subsidy an operator is required to offer two programmes of its own per week in Basque which can be received throughout the 'Foral' Community. In 2013, only one regional television station was in operation (*Navarra Televisión*).

312. In addition, the fourth periodical report 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.

313. 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.

314. During the on-the-spot visit, the Committee of Experts was informed by NGOs that the Spanish state is supposed to ensure an adequate presence of minority languages on public media. However, while Royal Decree 439/2004 established 266 districts in the Local Digital Television Plan, none of the five districts allotted to Navarre falls within the area designated as Basque-speaking zone.

315. According to information provided by NGO sources to the Committee of Experts, the Spanish national stations, *Televisión Española* and *Radio Nacional*, switch to regional broadcasting at certain times of the day, but the presence of Basque in those local slots is at best purely symbolic.

316. The Committee of Experts was informed by NGOs that in 2009 the Basque Government and the Navarre Government had signed a cooperation protocol for Basque television to be broadcast in Navarre. In 2013, the Navarre Government unilaterally terminated that agreement.

317. During the on-the-spot visit, the representatives of the speakers deplored that there was still no Basque TV or radio in Navarre and that there seemed to be no political will by the Navarre Government to make use of the facilities which could be provided by the Basque Country in order to remedy this situation.

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

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

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

319. In the third evaluation report, the Committee of Experts considered the undertaking partly fulfilled.

320. According to the information provided in the fourth periodical report, 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 stations in Baztan and Bera; five new local radio stations (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. There are 12 licensed radio stations in the mixed zone (Estella, Isaba, Ochagavía and Pamplona). It seems that the coverage of the new local stations still does not serve the needs of the speakers for the entire territory where Basque is used.

321. According to the information provided by NGO sources during the on-the-spot visit, the Navarrese Government withdrew *Euskalerria Irratia*'s broadcasting licence in 1998. The radio station fought the decision, and in 2005 the courts ruled against the decision and required licences to be redistributed. This was done in 2006, and the result was again overruled by the Navarre Supreme Court in 2010 on account of "irregularities". The Navarre Government appealed against the ruling. The Committee of Experts was informed that the final decision of the Spanish Supreme Court was in favour of *Euskalerria Irratia*.

322. The Committee of Experts concludes that the undertaking remains partly fulfilled and asks the authorities to provide information about the geographical coverage of the newly licenced radio stations.

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

323. In the third evaluation report, the Committee of Experts considered the undertaking fulfilled. However, the Committee of Experts encouraged the authorities to increase their support for private television broadcasting in Basque in order to adequately cover the entire zone where Basque-speakers mostly live.

324. According to the information provided in the fourth periodical report, the 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.

325. The two new regional television channels proposed as licence-holders will also broadcast programmes in Basque as will all the local television broadcasters proposed for the mixed zone (three channels in Pamplona).

326. During the on-the-spot visit, the Committee of Experts was informed that in 2013 the Ombudsman of Navarre made specific recommendations to the Department of Culture of the Navarrese Government concerning obstacles to watching digital television in Basque. The Ombudsman asked for "measures to be taken to make it possible to watch Basque Television in Navarre as widely as possible."

327. Based on the information received, the undertaking is partly fulfilled. The Committee of Experts reminds the authorities that this undertaking is aimed to encourage and/or facilitate the creation of at least one television channel in Basque in order to adequately cover the entire zone where Basque-speakers mostly live.

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

328. In the third evaluation report, the Committee of Experts considered the undertaking fulfilled. It encouraged the authorities to report on any further recent audio and audiovisual productions in Basque in the next periodical report

329. According to the information provided in the fourth periodical report, the 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.

330. Furthermore, in order 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: *Ttapi-ttapa* (€18,584) *Xaloe Telebista* (€49,000), *Xorroxin Irratia* (€11,950) and *Bierrik Fundazioa* (€6,250).

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

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

332. In the third evaluation report, the Committee of Experts considered the undertaking partly fulfilled. It encouraged the authorities to actively promote the creation of a newspaper in Basque.

333. According to the information provided in the fourth periodical report, 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. However, the Committee of Experts has not been informed of the proportion of Basque used in newspapers. 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, but that magazine is not a newspaper in the sense of the Charter.

334. The Committee of Experts concludes that the undertaking remains partly fulfilled. The Committee encourages the Navarre authorities to strengthen their efforts towards the creation of a newspaper in Basque.

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

335. In the third evaluation report, the Committee of Experts considered the undertaking fulfilled. The Committee of Experts also invited the authorities to provide information on whether the grants can be used to study journalism in Basque at the University of the Basque Country.

336. 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 complement university training, providing grants for practical work in communication companies which use Basque or in media offering information in Basque. During the period 2010-2013, grants were given for practical work to *DEIA* (Vizcaya), *28 Kanala* (Guipúzcoa), *Xaloea Telebista* (Nafarroa), the *OINEZ'12 San Fermin Ikastola* Communication Campaign, and *Radio 98.3 Irratia*.

337. The Committee of Experts welcomes the initiative of *Euskarabidea* and considers the undertaking fulfilled.

**Paragraph 3**

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

338. In the third evaluation report, the Committee of Experts considered the undertaking not fulfilled. It urged the authorities to provide the relevant information in the next periodical report.

339. According to the information provided in the fourth periodical report, the 'Foral' Parliament dissolved 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.

340. The Committee of Experts still lacks concrete information about how the interests of the Basque speakers are represented or taken into account and considers that the undertaking is still not fulfilled.

**Article 12 – Cultural activities and facilities**

**Paragraph 1**

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

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

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

341. In the third evaluation report, the Committee of Experts considered the undertaking partly fulfilled and urged the authorities to provide more specific information in the next monitoring round.

342. The information provided in the fourth periodical report is limited to the financial support provided by the Navarre Government's INAAC Foundation with respect to various films. The INAAC Foundation has collaborated financially on 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.

343. During the on-the-spot visit the Committee of Experts was informed by NGOs that, according to their observations, Basque is not taken into sufficient consideration by the policy on culture of the Department of Culture and Tourism of the Government of Navarre. Publications like *Acércate a Navarra; El Reyno de las cuatro estaciones* and other publications promoting cultural issues in Navarre are only available in Castilian.

344. The Committee of Experts therefore considers that the undertakings remain partly fulfilled and urges the authorities to provide more specific information in the next periodical report.

**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;**

345. In the third evaluation report, the Committee of Experts considered the undertaking fulfilled.

346. According to the information made available in the fourth periodical report, the Navarre Film Library has its website 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.

347. The *Punto de Vista* (Point of View) 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.

348. According to the fourth periodical report aid is provided by the Directorate-General of Culture to many cultural activities such as 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; support 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.

349. According to the information provided in the fourth periodical report, all the information on the artistic programmes organised by the Directorate-General of Culture is published on the website in Castilian and Basque. The posters and programmes are prepared in Basque for artistic programmes presented partly in the Basque-speaking and/or mixed zone. In 2013, 1,300 posters and 11,500 programmes were published in Basque.

350. According to information provided by NGOs to the Committee of Experts in the fourth monitoring round, in 1998 the Navarrese Government signed an agreement on cooperation with a number of local bodies to promote the use of Basque and Basque culture in local social life. This agreement includes the setting up of Basque language services in 23 towns. The Navarrese Institute of the Basque Language, known as *Euskarabidea*, unilaterally terminated the agreement. The entire economic burden of supporting language normalisation is now falling to local councils. During the on-the-spot visit, the Committee of Experts was informed by NGOs about substantial cuts in funding provided to town councils' Basque language services. This challenges the possibilities of the speakers from receiving Basque language services in libraries and cultural centres. The Committee of Experts asks the authorities to clarify the present situation.

351. The Committee of Experts considers the undertaking fulfilled.

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

352. In the third evaluation report, the Committee of Experts considered the undertaking partly fulfilled.

353. No information was provided in the fourth periodical report.

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

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

### **Paragraph 2**

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

***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;***

355. In the third evaluation report, the Committee of Experts considered the undertaking partly fulfilled.

356. According to information provided to the Committee of Experts during the fourth monitoring round, the Navarrese Government has not taken any steps or initiatives to promote the use of Basque in the socio-economic domain. There are also no specific rules concerning bank documents in Basque.

357. The Committee of Experts therefore concludes that the undertaking remains partly fulfilled and asks the authorities to provide information in the next periodical report.

***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;***

358. In the third evaluation report, the Committee of Experts considered the undertaking not fulfilled. It urged the authorities to ensure the use of Basque in social care facilities.

359. According to the information provided in the fourth periodical report, following 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-Osasunbidea*) called for an amendment to 'Foral' Decree No. 347/1993 of 22 November regulating entry to and provision of jobs in the 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.

360. 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 merit.

361. 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 merit.

362. Furthermore, 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 dropped from €46,208 in 2011 to €28,708 in 2012.

363. According to the information provided in the fourth periodical report, 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.

364. The Committee of Experts revises its previous conclusion and considers that the undertaking is now partly fulfilled.

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

365. In the third evaluation report, the Committee of Experts considered the undertaking partly fulfilled.

366. No information was provided in the fourth periodical report.

367. The Committee of Experts considers that the undertaking remains partly fulfilled and asks the authorities to provide information in the next periodical report.

### 3.2.3 Basque in the Basque Country

368. During the on-the-spot visit, the Committee of Experts was informed by the representatives of the speakers that the fourth periodical report had been prepared without the prior involvement of the NGO community.

369. The Committee of Experts encourages the authorities to actively promote exchanges and to step up cooperation with the speakers.

## Article 8 – Education

### **Preliminary remarks**

370. The Basque Government considers in its fourth report that the introduction of the trilingual model would not negatively impact the teaching of Basque. The Basque Government will assess the results of the introduction of the trilingual model, as it is in the process of evaluating the Basque language education system.

### **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;**

371. In the third evaluation report, the Committee of Experts considered the undertaking fulfilled, but encouraged the authorities to ensure that a sufficient offer of Basque-medium education would be secured in the future in the framework of the trilingual education model.

372. According to the information provided in the fourth periodical report, the D model (Basque) increased during the reference period. It remains the dominant model for pre-school education. The progress of the D model in pre-school is positive. In the period of 2010-2011, the percentage of pupils in model D was 71.1%, 2011-2012 72.3% and 2012-2013 73.5%.

373. The Committee of Experts considers the undertaking fulfilled.

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

374. In the third evaluation report, the Committee of Experts considered the undertaking fulfilled.

375. According to the information provided during the on-the-spot visit by the authorities on primary education, the D model (Basque) increased during the reference period and remains the dominant model for primary education. The progress of the D model is as follows: in the period 2010–2011, the percentage of pupils in model D was 63.7%; in 2011–2012 it was 65.4% and in 2012–2013 it rose to 67.4%.

376. The Committee of Experts considers the undertaking fulfilled.

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

377. In the third evaluation report, the Committee of Experts considered the undertaking fulfilled.

378. According to the information provided in the fourth periodical report, the D model (Basque) increased during the reference period and remained the dominant model for secondary education. The progress of the D model in secondary school is positive. In the 2010-2011 period, the percentage of students in model D was 55.9%, in 2011-2012 it was 57.7% and in 2012-2013 it rose to 59.4%.

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

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

380. In the third evaluation report, the Committee of Experts considered the undertaking fulfilled.

381. According to the information provided in the fourth periodical report, 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 the teaching of adults and adult literacy and 200,000 from the general education system.

382. The following are the data on students 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 2012-2013.

383. 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.

384. According to information provided by NGOs in the fourth monitoring round to the Committee of Experts, the demand for Basque classes for adults is not fully covered by public services; most of the Administration's own demand for Basque-language training for their staff is met by grassroots *euskaltegiak* schools pertaining to the private sector. Subsidies received by these non-public *euskaltegiak* are inadequate. There is a great need for a long-term system to be set up to finance the *euskaltegiak*.

385. The Committee of Experts commends the authorities with respect to the efforts made and encourages the authorities to maintain and further develop Basque to be the language of instruction in adult education courses including services provided by private schools.

386. The Committee of Experts concludes that the undertaking remains fulfilled.

## **Article 9 – Judicial authorities**

### **Paragraph 1**

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

**a. in criminal proceedings:**

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

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

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

**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;**

387. In the third evaluation report, the Committee of Experts noted some legal and practical difficulties concerning Article 9. In the previous monitoring rounds, the Committee of Experts identified Article 231 of the Organic Law of Judicial Power as one of the most prominent obstacles to the full implementation of Article 9 of the Charter in Spain. That article states that in any judicial procedure, judges, magistrates, prosecutors, clerks and other officers will use the Castilian language. The co-official language will only be allowed if neither of the parties objects to it. It therefore has not been made clear that the criminal, civil and administrative judicial authorities will conduct the proceedings in any of the Autonomous Communities in the co-official language at the request of one party.

388. According to the information provided in the fourth periodical report, there are as yet no language profile requirements for members of the judiciary, of the prosecution service or of the judicial staff. However, under collaboration agreements concluded by the Basque Government with both the Spanish Ministry of Justice and the General Council of the Judiciary, the staff may access the training available in the calls for each collective. Knowledge of the Community's official languages is considered a merit.

389. Furthermore, according to the information provided by a Basque Bar Association during the on-the-spot visit, clients do not want to add on top of the legal disputes language problems in addition while choosing to use Basque. Therefore the number of court proceedings in Basque remains still very low.

390. According to information received by the Committee of Experts during the on-the-spot visit, at present 23 out of 250 judges (about 10%) in the Basque Country are proficient in Basque. There are currently 22 prosecutors proficient in Basque.

391. During the on-the-spot visit, the Committee of Experts was informed by NGOs that it is very challenging to try to speak Basque in courts, as speakers are obliged to inform the court ahead of time. This makes many Basque speakers avoid speaking Basque or surrender their right to speak Basque before the courts.

392. Based on the information at the Committee of Experts' disposal and despite some persisting difficulties concerning Article, 9. paragraph 1. a ii, iii, iv – b ii and iii, c ii and iii, the Committee of Experts maintains its previous conclusions that those undertakings are still fulfilled. The undertakings under Article 9. paragraph 1. a i; b i; c i; remain partly fulfilled.

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

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

**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;***

393. In the third evaluation report, the Committee of Experts considered the undertaking partly fulfilled and encouraged the Spanish authorities to adopt a more proactive attitude and to develop a structured policy in order to ensure that the administrative authorities use Basque on a more regular and systematic basis.

394. The fourth periodical report provided no information on this undertaking.

395. During the on-the-spot visit, the Committee of Experts was informed by the NGOs that the central authorities and ministerial services were not replying in Basque and that documents provided by those services were only monolingual, in Castilian only.

396. The overall picture remains on the same level of fulfilment in line with the assessment made during the previous monitoring round, that the use of Basque in state administration bodies remains variable.

397. There does not seem to be an overall policy or strategic approach to analyse the overall current state of affairs and plan a more systematic provision of documents and sufficient staff with an adequate knowledge of Basque.

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

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

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

399. In the third evaluation report, the Committee of Experts considered the undertaking partly fulfilled.

400. According to the information provided in the fourth report, there are some improvements in several bodies of the General State Administration, most of them related to the presence of Basque in websites of ministries.

401. While acknowledging some positive advances, the Committee of Experts observes that there still is an inadequate proportion of state administration texts and forms for the population available in Basque or in bilingual form and concludes that the undertaking remains partly fulfilled.

## **Paragraph 2**

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

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

402. In the third evaluation report, the Committee of Experts considered the undertaking partly fulfilled.

403. According to the information provided in the fourth periodical report, the specific obligations on the 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. Various measures have been adopted for the use of Basque in the *Ertzaintza* (Basque Police) and in the *Osakidetza* (Basque Health Service).

404. In connection with the evaluation of the Police Force, a report has been drawn up highlighting the advances made in normalising the use of Basque after the adoption of Decree No. 76/2012 of 22 May. This provision regulates the requirements of linguistic proficiency applicable for posts in the *Ertzaintza*. However, the Committee of Experts has not received information on the practical outcome of this law.

405. The Committee of Experts welcomes the progress made and looks forward to receiving updated information on the use of Basque in the police force and health services.

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

406. In the third evaluation report, the Committee of Experts considered the undertaking partly fulfilled

407. In the Autonomous Administration, 80% of direct public service jobs ensure that it is possible for the public to address that Administration in Basque. The right to communicate in Basque is guaranteed.

408. *Elebide*, the service for the protection of language rights, runs a campaign every year to make its service known, notably with the aim to explain to the public how to access it. The number of complaints has increased since 2006 (from 212 in 2009 to 298 in 2012).

409. The Committee of Experts reconsiders its previous conclusion and considers that the undertaking is now fulfilled.

### **Paragraph 3**

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

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

410. In the third evaluation report, the Committee of Experts considered the undertaking partly fulfilled. It encouraged the authorities to insert in public tenders also the obligation to use Basque.

411. According to the information provided in the fourth periodical report, the Autonomous, 'Foral' and Municipal Authorities guarantee that personnel with knowledge of Basque will be hired, that this is compulsory 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 required.

412. The Committee of experts reconsiders its previous conclusion and considers that the undertaking is now fulfilled and asks the authorities to provide further information in the next periodical report.

### **Paragraph 4**

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

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

413. According to information provided in the fourth report, the level of translation into Basque has been maintained, with an increase in some of the websites of public entities of the General State administration. In the third evaluation report, the Committee of Experts maintained its previous conclusion and considered the undertaking partly fulfilled for state administration and public services under its competence, and fulfilled for regional and local authorities and public services under regional competence.

414. According to the information provided in the fourth periodical report 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 of the static information on unemployment benefits on its website.

415. Within the Ministry of Development, the website content of Spanish Airports and Air Navigation is available in all 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.

416. Within the Ministry of the Interior, a considerable proportion of electoral information and material is presented in co-official languages through the corresponding websites. Furthermore, co-official languages are used on the Gender Violence website, and the Civil Guard website. The Directorate General of Police is working on a computer application for receiving and processing reports of crimes in co-official languages.

417. 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.

418. Taking into account the additional information made available, the Committee of Experts considers that the undertaking is now fulfilled for state administration and public services under its competence. It remains fulfilled for regional and local authorities and public services under regional competence.

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

419. In the third evaluation report, the Committee of Experts considered the undertaking fulfilled for regional authorities and partly fulfilled for local and state authorities.

420. 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 people in these courses in 2009/2010, and 3,070 in 2011/2012.

421. At state level, according to the information provided in the fourth periodical report, the level of training of the previous period has been maintained, or 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 an asset for those applying for these positions. This is always the case for jobs that involve dealing with the public. 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.

422. The Committee of Experts concludes that the undertaking remains fulfilled with regard to local and regional authorities and partly fulfilled with respect to local state administration bodies.

***The Committee of Experts urges the Spanish authorities to pursue their efforts and to review the career and training structure in the State public administration, with a view to ensuring that an adequate proportion of the staff posted in the state administration offices located in the Basque Country has the necessary command of the Basque language.***

**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;***

423. In the third evaluation report, the Committee of Experts considered the undertaking partly fulfilled.

424. In the fourth periodical report, information already referred to in the third periodical report was again repeated. In connection with the *Osakidetza* (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.

425. According to the information provided in the fourth periodical report, 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; on the awarding of the *BIKAIN* certificate to 10 public and private healthcare centres since 2008; and on the attempts by the Basque Health Service to increase the use of Basque by sector professionals with users and patients.

426. In 2013, the public body *Osakidetza* (Basque Health Service) assessed the extent to which the plan (Basque Plan) had been fulfilled, noting an advance in normalising the use of Basque since the first assessment in 2008. 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.

427. During the on-the-spot visit, the Committee of Experts was informed by the representatives of the speakers that there were no longer any language tests in Basque in the health sector. More needed to be done in order to increase the use of Basque within the Basque Health Service.

428. The Committee of Experts considers that the undertaking remains partly fulfilled and asks the authorities to clarify how they ensure that new staff is proficient in Basque.

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

429. In the third evaluation report, the Committee of Experts considered the undertaking formally fulfilled.

430. The information provided on this aspect in the third periodical report is reiterated in the fourth periodical report. It should, however, be highlighted that the *KONTSUMOBIDE* (Basque Consumer Institute) provides all its information in Basque and Castilian (including its website) and that the *OSALAN* (Basque Occupational Safety and Health Institute) also publishes its manuals in Basque.

431. The Committee of Experts now considers the undertaking fulfilled.

## **Article 14 – Transfrontier exchanges**

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

**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.**

432. In the third evaluation report, the Committee of Experts considered the undertaking fulfilled.

433. According to the information provided in the fourth periodical report, 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, was renewed on 31 January 2012 for the period 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, and the elaboration of the Fifth Sociolinguistic Survey. Also annually, a collaboration fund was set up with contributions from both sides which have amounted to €1,600,000 in recent years. Likewise, this collaboration has been translated into a programme to foster and promote reading in Basque for which the Basque Government has earmarked €117,600 in the last three years.

434. In view of the overall available information, the Committee of Experts considers that the undertaking remains fulfilled.

### 3.2.4 Catalan in the Balearic Islands

#### Article 8 – Education

435. The co-official status of Castilian and Catalan in the Balearic Islands is guaranteed by the provisions of the corresponding Statute of Autonomy (Articles 4, 35 and 36.2), and by the Act 3/1996 of 29 April on linguistic normalisation (Articles 18, 20 and 22.3). This legislation has been referred to in previous periodical reports. 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.

#### Paragraph 1

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

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

436. In the third evaluation report, the Committee of Experts considered the undertaking a.i fulfilled and b.i as well as c.i partly fulfilled.

437. According to the fourth periodical report, the implementation of the trilingual model 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.

438. According to information made available by the representatives of the speakers to the Committee of Experts during the on-the-spot visit, strong concerns and criticism have been voiced about the trilingual model. The Committee of Experts was informed by NGOs about the difficulties in finding qualified teachers to implement the trilingual model.

439. Based on the information received, the Committee of Experts revises its previous conclusion for a.i and considers that the undertaking is now partly fulfilled and maintains its previous conclusions for b.i as well as c.i, considering that the undertakings are partly fulfilled.

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

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

440. In the third evaluation report, the Committee of Experts considered the undertaking not fulfilled and encouraged the authorities to make technical and vocational education available in Catalan.

441. In the fourth periodical report, no information was provided.

442. The Committee of Experts maintains its previous conclusion and considers that the undertaking is not fulfilled.

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

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

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

***iii. if, by reason of the role of the State in relation to higher education institutions, subparagraphs 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;***

443. In the third evaluation report, the Committee of Experts considered the undertaking fulfilled, but urged the authorities to provide information on the proportion of subjects taught in Catalan at University level.

444. According to the information provided in the fourth periodical report, previous periodical 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 department and by degree of use.

445. The study is based on students' replies 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.

446. The study provides 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.

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

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

448. In the third evaluation report, the Committee of Experts considered the undertaking not fulfilled.

449. According to the information provided in the fourth 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 awarding of certificates in this field and proposing measures to the corresponding regional ministry to improve the teaching of Catalan.

450. The Committee of Experts concludes that the undertaking remains not fulfilled and invites the authorities to provide information on the Technical Advisory Committee for Teaching in Catalan.

## **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;***

451. In the third evaluation report, the Committee of Experts noted some legal and practical difficulties concerning Article 9. In the previous monitoring rounds, the Committee of Experts identified Article 231 of the Organic Law of Judicial Power as one of the most prominent obstacles to the full implementation of Article 9 of the Charter in Spain. That article states that in any judicial procedure, judges, magistrates, prosecutors, clerks and other officers will use the Castilian language. The co-official language will only be allowed if neither of the parties objects to it. It therefore has not been made clear that the criminal, civil and administrative judicial authorities will conduct the proceedings in any of the Autonomous Communities in the co-official language at the request of one party.

452. According to the information provided in the fourth periodical report, 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 an official certification of proficiency in Catalan language.

453. 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.

454. No detailed figures have been made available to the Committee of Experts in the fourth periodical report concerning the number of judges and magistrates having a certified knowledge of Catalan.

455. According to information made available by the representatives of the speakers to the Committee of Experts during the on-the-spot visit, strong concerns and criticism were voiced by various NGOs and associations speaking about a downward trend in the use of Catalan in public administration and at the level of justice administration.

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

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

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

## **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;***

457. In the third evaluation report, the Committee of Experts considered the undertaking partly fulfilled.

458. No information was provided about this undertaking in the fourth periodical report.

459. In the fourth monitoring round, the Committee of Experts was informed by NGOs of inappropriate treatment of citizens when speaking Catalan to Spanish security forces.

460. The Committee of Experts has taken into account the recent developments and maintains its previous conclusion that the undertaking is only partly fulfilled.

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

461. In the third evaluation report, the Committee of Experts considered the undertaking partly fulfilled.

462. According to the information provided in the fourth report, there are some improvements in several bodies of the General State Administration, most of them related to the presence of Catalan on ministry websites.

463. While acknowledging some positive advances, the Committee of Experts noted that there is still an inadequate proportion of state administration texts and forms for the population available in Catalan or in bilingual form and concludes that the undertaking remains partly fulfilled.

## **Paragraph 2**

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

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

464. In the third evaluation report, the Committee of Experts considered the undertaking fulfilled.

465. According to the information provided in the fourth periodical report, 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:

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

466. The Committee of Experts was informed that the Balearic Civil Service Act, 9/2012 of 19 July that amends the Act 3/2007 on Civil Service, eliminates the general requirement of a certain knowledge of Catalan to gain employment in the Administration. According to the NGOs, this may limit the citizens' right to use the co-official language of their choice. The Act also establishes that either the Catalan or a bilingual version of Balearic place names will be considered official, thus eliminating the exclusive use of Catalan that had existed in this area before.

467. According to the information provided by the representatives of the speakers to the Committee of Experts, it is in general possible to use Catalan in dealings with regional and local administration. Contacts in Catalan with Police forces are rather difficult.

468. Based on the information received, the Committee of Experts considers that the undertaking remains fulfilled and asks for information about the practical consequences of the new Act.

## **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;***

469. In the third evaluation report, the Committee of Experts considered the undertaking partly fulfilled.

470. No relevant information was provided in the fourth periodical report.

471. The Committee of Experts concludes that the undertaking remains partly fulfilled and asks for information about the use of Catalan in public services in the next periodical report.

**Paragraph 4**

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

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

472. In the third evaluation report, the Committee of Experts considered the undertaking fulfilled at regional and local level and partly fulfilled at state level.

473. According to the information provided in the fourth 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.

474. According to information provided in the fourth periodical report, the level of translation into Catalan has been maintained, with an increase in some of the websites of public entities of the General State administration.

475. According to the information provided in the fourth periodical report 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 beginning of 2013 and provided translations in these languages of most static information on unemployment benefits on its website.

476. Within the Ministry of Development, the website content of Spanish Airports and Air Navigation is available in all 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.

477. Within the Ministry of the Interior, a considerable proportion of electoral information and material is presented in co-official languages through the corresponding websites. Furthermore, co-official languages are used on the Gender Violence website, and the Civil Guard website. The Directorate General of Police is working on a computer application for receiving and processing reports of crimes in co-official languages.

478. The Committee of Experts takes note of the efforts made and concludes that the undertaking remains partly fulfilled as far as state administration bodies are concerned and that it is fulfilled with regard to local and regional authorities.

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

479. In the third evaluation report, the Committee of Experts considered the undertaking partly fulfilled with regard to state administration offices in the Balearic Islands and not fulfilled with respect to public services.

480. According to the information provided in the fourth periodical report, currently, the vast majority of staff working for the public administration of the Autonomous Community of the Balearic Islands possesses a certificate of proficiency in Catalan to ensure that citizens' linguistic rights can be met.

481. In addition, according to the authorities, 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 guarantees the existence of a large number of potential applicants to civil service employment. Following that position, the Balearic Islands authorities eliminated the requirement of proficiency in Catalan for recruitment. According to the representatives of the speakers, this might endanger the right of citizens to use Catalan in relations with the administration.

482. The Committee of Experts did not receive any specific information on the recruitment or training of staff in state administration. There is still a shortage of Catalan speaking staff in state administration. The Committee of Experts therefore concludes that the undertaking remains partly fulfilled as far as state administration bodies are concerned and that it is fulfilled with regard to local and regional authorities.

483. The Committee of Experts maintains its previous conclusion that the undertaking remains partly fulfilled with regard to state administration offices present in the Balearic Islands. Concerning regional and local authorities, the Committee of Experts expects that the amendment of the Balearic Civil Service Act will not hamper the provision of services in Catalan. It asks the authorities to provide information about the effects of the new law.

## **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;***

484. In the third evaluation report, the Committee of Experts considered the undertaking fulfilled. It encouraged the authorities to ensure the existence of at least one TV station broadcasting in Catalan in the Balearic Islands.

485. According to the information provided in the fourth periodical report, IB3 Television, the regional broadcaster for the Balearic Islands, broadcasts content in Catalan, 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.

486. During the on-the-spot visit, the closing down of *Televisió de Mallorca* was explained by the Balearic authorities in terms of redundancy of programmes offered in Catalan by other broadcasters like IB3. The Committee of Experts has been informed that funding for the remaining public TV, IB3, has been increased.

487. During the on-the-spot visit the Committee of Experts was informed by NGOs that IB3 is the only remaining public channel in the Balearic Islands that broadcasts partially in Catalan.

488. The Committee of Experts considers that the undertaking remains still fulfilled, but expresses its concern about the decrease of public television in Catalan in the Balearic Islands. The Committee of Experts asks the authorities to provide specific information about broadcasting capacities in Catalan in the Balearic Islands in the next periodical report.

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

489. In the third evaluation report, the Committee of Experts considered the undertaking partly fulfilled.

490. According to the information provided in the fourth periodical report, IB3 Radio uses the Balearic form of Catalan in all its output (news, entertainment, sports, etc.).

491. 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.

492. During the on-the-spot visit, the Committee of Experts was informed about the closing down of public radio station *Ona Mallorca*.

493. The Committee of Experts considers that the undertaking is fulfilled, but expresses its concern about the decrease of public radio broadcasting in Catalan in the Balearic Islands.

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

494. In the third evaluation report, the Committee of Experts considered the undertaking partly fulfilled.

495. According to the information provided in the fourth periodical report, audiovisual productions in Catalan produced by IB3 in the last year included 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*.

496. During the on-the-spot visit, the Committee of Experts was informed by NGO sources that there are no more films shown and produced in Catalan.

497. The Committee of Experts concludes that the undertaking is fulfilled and asks the authorities to maintain their support for audio and audiovisual productions.

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

498. In the third evaluation report, the Committee of Experts considered the undertaking fulfilled. It encouraged the Spanish authorities to provide concrete examples of audiovisual productions financed and on other measures for financial assistance to audio-visual productions.

499. The information concerning audiovisual productions in Catalan is already given in paragraph 495.

500. According to NGO sources, no financial support was made available for private audiovisual productions in Catalan.

501. The Committee of Experts considers the undertaking still fulfilled and encourages the Spanish authorities to provide information about the funds allotted to this particular purpose in the next periodical report.

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

502. In the third evaluation report, the Committee of Experts considered the undertaking fulfilled for journalist training. The Committee of Experts was not in a position to conclude for other media staff.

503. According to the information provided in the fourth periodical report, the Balearic Studies Institute has provided language consulting services to the Balearic Islands Public Broadcasting Corporation since 2012.

504. 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.

505. 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.

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

### **Paragraph 3**

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

507. In the third evaluation report, the Committee of Experts considered the undertaking not fulfilled.

508. No information was provided in the fourth periodical report on the audiovisual Council of the Balearic Islands as requested by the Committee of Experts.

509. The Committee of Experts therefore concludes that the undertaking remains not fulfilled and urges the authorities to provide specific information in the next periodical report.

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

### **Paragraph 1**

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

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

510. In the third evaluation report, no information was provided. The Committee of Experts asked the authorities to provide information on the cultural activities and the direct participation of Catalan speakers.

511. According to the information provided in the fourth periodical report, numerous activities related to Catalan culture were held in 2013, such as the commemoration of the centenary of the birth of the poet María Villangomez, a great writer and poet in Ibizan-Catalan literature, and the commemoration of the third centenary of the birth of Friar Junípero Serra.

512. 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 types 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.

513. The Menorca Island Council, too, has scheduled numerous activities in recent years to promote Catalan language and culture. In 2011, it created a website for popular culture, organised 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.

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

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

515. In the third evaluation report, the Committee of Experts considered the undertaking partly fulfilled. It urged the authorities to provide information on the existence of a body or bodies in the Balearic Islands responsible for collecting, keeping a copy of and presenting or publishing audio, audiovisual and other works produced in Catalan.

516. No information was made available in the fourth periodical report.

517. The Committee of Experts considers that the undertaking still remains partly fulfilled.

***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.***

518. In the third evaluation report, the Committee of Experts considered the undertaking not fulfilled.

519. According to the information provided in the fourth periodical report, 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.

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

521. In 2010, the NEOXOC project was initiated with the Pompeu Fabra University to undertake research and development concerning 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.

522. 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.

523. 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").

524. Based on the information provided, the Committee of Experts revises its previous conclusion and considers that the undertaking is fulfilled.

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

### **Paragraph 2**

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

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

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

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

525. In the third evaluation report, the Committee of Experts considered these undertakings partly fulfilled.

526. According to the information provided in the fourth 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.

527. 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.

528. The personnel of the Mallorca Island Council has 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.

529. According to information provided by NGOs to the Committee of Experts in the fourth monitoring round, frequent reports of people encountering difficulties in health care services when using Catalan have been brought to their attention.

530. The Committee of Experts considers that the undertaking Art 13.2.c remains partly fulfilled. The Committee is lacking information on Art 13.2 a. and b. and is therefore not in a position to conclude.

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

531. In the third evaluation report, the Committee of Experts considered the undertaking not fulfilled. It strongly urged the Spanish authorities to report in detail about this undertaking.

532. According to the fourth periodical report, 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.

533. 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 are available.

534. The Committee of Experts considers that the undertaking is now fulfilled.

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

535. In the third evaluation report, the Committee of Experts considered the undertaking formally fulfilled. It strongly urged the Spanish authorities to report in detail about this undertaking.

536. According to the information provided in the fourth periodical report with regard to education and training activities for consumers and users, some publications to facilitate the use of Catalan in contracts and, in general, in business and professional activities were issued in 2010 and 2012.

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

### ***3.2.5 Valencian in Valencia***

#### **Preliminary remarks**

538. According to the information provided in the third periodical report, the linguistic zoning determined by the 1983 Law on the Use and Teaching of Valencian, into Valencian and Castilian-speaking areas (based on historical criteria) only refers to the field of education. According to the same law, Valencian is a co-official language in the whole territory of Valencia, and in practice local authorities choose their language of preference in line with this zoning (either monolingual Castilian or Valencian, or bilingual). All citizens have the right to use Valencian before authorities in the entire territory of Valencia.

539. According to information provided in the fourth periodical report, 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: [http://www.cece.gva.es/polin/docs/sies\\_docs/encuesta2010/index.html](http://www.cece.gva.es/polin/docs/sies_docs/encuesta2010/index.html). The most important outcome is that 96.1% of the population within the Valencian-speaking region understand Valencian. It was also found that 76.7% of the entire population 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 family and school. In the whole region, 85.9% of the population, and 89.3% in the Valencian-speaking region, understand written Valencian.

## **Article 8 – Education**

### **Paragraph 1**

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

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

540. In the third evaluation report, the Committee of Experts considered the undertakings partly fulfilled and encouraged the authorities to take measures so that the introduction of the compulsory trilingual model does not disproportionately affect Valencian-medium education. The Committee of Experts strongly urged the authorities to make Valencian-medium education available throughout the territory of Valencia where Valencian is used, and especially to ensure continuity from primary to secondary education.

541. According to information provided in the fourth periodical report, in 2012, the Decree 127/2012 of 3 August of the Valencian Council, regulating trilingual education in non-university education in Valencia, was approved (Valencian Official Gazette (DOCV) No. 6834).

542. The Valencian educational administration allows parents the 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 academic year 2013-2014, another 38 schools will begin to apply the Multilingual Teaching Programme in Valencian (PPEV).

543. Furthermore, the fourth periodical report provided new data on the percentage of students attending the Programme to Teach in Valencian (PEV) and the Programme in Language Immersion (PIL) and, for both models, the share of pupils taught in Valencian for the academic year 2011-2012 were as follows: 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.

544. Under current legislation, the Programme to Teach 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 speakers, and whose families voluntarily choose this programme.

545. During the on-the-spot visit, the Committee of Experts was informed by the NGOs that, since 2012, the offer of immersion programmes devoted to teaching in Valencian has decreased substantially.

546. The Committee of Experts concludes that these undertakings remain partly fulfilled and asks the authorities to provide specific information about the developments and the application of trilingualism in non-university education.

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

547. In the third evaluation report, the Committee of Experts considered the undertaking partly fulfilled and urged 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.

548. According to the information provided in the fourth periodical report, 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 model of education also implement the programmes referred to above. According to the authorities, the Education in Valencian Programme (PEV) assures the provision of education in Valencian in all or most of the modules of technical and vocational education.

549. Considering the estimated low numbers of students actually included in this education, the Committee of Experts considers that the undertaking remains only partly fulfilled.

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

550. In the third evaluation report, the Committee of Experts considered the undertaking fulfilled.

551. According to the information provided in the fourth periodical report, almost 90% of teachers are proficient in Valencian. In recent years, there has been a significant increase in the number of people with certified 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.

552. During the fourth monitoring round, the Committee of Experts was informed that the Valencian citizens holding university diplomas in Catalan Philology are faced with difficulties in selection competitions for teaching positions in Valencia. The Valencian Government has continued to ignore relevant court sentences (some 46, state: October 2014) that confirm the unanimous position of the academic world which says that “Catalan” and “Valencian” are two names that refer to the same language.

553. During the on-the-spot visit, according to the information provided by NGOs to the Committee of Experts, only 33% of the Valencian teaching staff have a formal diploma.

554. The Committee of Experts considers this undertaking fulfilled. It nevertheless asks the authorities to clarify how the diploma in Catalan Philology can, in practice, be validated.

**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**

**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**

**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**

555. In the third evaluation report, the Committee of Experts pointed to some legal and practical difficulties concerning Article 9. In the previous monitoring rounds, the Committee of Experts identified Article 231 of the Organic Law of Judicial Power as one of the most prominent obstacles to the full implementation of Article 9 of the Charter in Spain. That article states that in any judicial procedure, judges, magistrates, prosecutors, clerks and other officers will use the Castilian language. The co-official language will only be allowed if neither of the parties objects to it. It therefore has not been made clear that the criminal, civil and administrative judicial authorities will conduct the proceedings in any of the Autonomous Communities in the co-official language at the request of one party.

556. During the on-the-spot visit, the Committee was informed by NGOs that if a party decided to use Valencian in its documents, courts would *a priori* pose no problems, but in 99% of cases, courts write all resolutions of both proceedings and actions in Castilian. It seems that in 20 years of practice only one judgment has been issued in Valencian.

557. The Committee of Experts was informed by non-governmental sources in the fourth monitoring round that court employees, including judges and prosecutors, were not obliged to have a knowledge of Valencian, meaning that people who wanted to use their own language had to rely on the good will of the civil servant or on a translation. The use of Valencian in courts was not ensured and had to be demanded by citizens at every turn, which formed an important obstacle to the normal use of the language in courts.

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

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

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

**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**

559. In the third evaluation report, the Committee of Experts considered the undertaking partly fulfilled.

560. No specific information was provided in the fourth periodical report.

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

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

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

562. In the third evaluation report, the Committee considered the undertaking partly fulfilled.

563. According to the information provided in the fourth periodical report, there are some improvements in several bodies of the General State Administration, most of them related to the presence of Valencian on ministerial websites.

564. While acknowledging some positive developments, the Committee of Experts observed, during the on-the-spot visit, that there is still an inadequate proportion of state administration texts and forms available in Valencian, as well as an inadequate proportion of bilingual texts and forms.

565. The Committee of Experts concludes that the undertaking remains partly fulfilled and asks the authorities to provide information in the next periodical report.

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

566. In the third evaluation report, the Committee considered the undertaking partly fulfilled.

567. No information was provided in the fourth periodical report.

568. The Committee of Experts considers that the undertaking remains partly fulfilled and asks the authorities to provide information in the next periodical 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;***

569. In the third evaluation report, the Committee of Experts considered the undertaking partly fulfilled as regards local authorities and fulfilled as regards regional authorities. The Committee of Experts lacked information about the extent to which Valencian was used within the framework of local authorities.

570. According to information provided in the fourth periodical report with respect to regional authorities and concerning the use of languages in administrative proceedings, staff employed by the regional authorities in Valencia reply in the same language used by citizens when addressing them. 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.

571. As regards administrative texts and forms in Valencian, most of the forms used in government financial offices in the region are bilingual. Finally, it is notable that at present 77% of public employees within the regional administration have an officially recognised knowledge of the Valencian language.

572. According to information made available in the fourth periodical report, 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 current inhabitants of the region (38.63% of the population). In this questionnaire, taking into account data obtained from 102 municipalities concerning the knowledge of Valencian among municipal employees (with a total of 10,508 employees), 41.39% are recognised as having some knowledge of Valencian, 6.51% are certified as having the level of language competency equivalent to A2 (under the Common European Framework of Reference for Languages); 14.3% are certified as B1; 15.64% as C1; and 4.91% as C2.

573. According to the information provided in the fourth periodical report, the Valencian Government and its ministries, departments and agencies 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. On the portal of the Valencian Government, one of the most important areas is the "PROP Guide"<sup>9</sup>. There is also an alert service enabling users to choose the language in which they wish to receive information. In addition, online instruction in Valencian is provided.

574. The Directorate General for Information Technology provides all the technological resources offered on the portal of the Valencian Government<sup>10</sup>. This is in compliance 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, which stipulates that websites owned by entities referred to in it should allow access to their content and services in both Valencian and Castilian, including the complete performance of bureaucratic procedures and the availability of normalised e-documents in both languages.

575. The Committee of Experts considers that the undertaking remains partly fulfilled as regards local authorities and fulfilled as regards regional authorities.

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

576. In the third evaluation report the Committee of Experts considered the undertaking formally fulfilled and urged the authorities to take measures of encouragement to increase the use of Valencian.

577. Moreover, all PROP offices (Valencian Government public information bureaux) receive 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.

578. According to information in the fourth periodical report with respect to this undertaking, 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".

579. The Committee of Experts concludes that the undertaking is fulfilled for regional administration. It received no further information on the use of Valencian in local administration. It encourages the authorities to provide information on the possibility to submit oral or written applications in Valencian in the next periodical report.

***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;***

<sup>9</sup>

<sup>109</sup> "Formacion on line gratuita" (free online training) - [http://www.gva.es/va/inicio/atencion\\_ciudadano/buscadore](http://www.gva.es/va/inicio/atencion_ciudadano/buscadore)  
<http://saps.gva.es>

580. In the third evaluation report, the Committee of Experts considered the undertaking not fulfilled. It strongly urged the Spanish authorities to provide information on the use of Valencian by local authorities in debates in their assemblies in their next periodical report.

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

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

### **Paragraph 3**

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

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

583. According to the third periodical report, the Committee of Experts lacked information about the proportion of staff in the public services in Valencia with an adequate command of Valencian. It considered this undertaking not fulfilled.

584. Within the Ministry of Development, the website content of Spanish Airports and Air Navigation (AENA) is available in all 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.

### **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;***

585. In its third evaluation report, the Committee of Experts considered the undertaking not fulfilled with regard to public services and fulfilled in relation to paragraphs 1 and 2.

586. According to the information provided in the fourth 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 numbers of 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.

587. 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.

588. According to additional information provided in the fourth periodical report concerning 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 of the static information on unemployment benefits on its website.

589. 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 home menus and sub-menus 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.

590. 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.

591. Based on the information received, the Committee of Experts revises its previous conclusions and considers that the undertaking is now partly fulfilled for the state administration and public services under its competence. It is fulfilled for regional and local authorities.

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

592. In the third evaluation report, the Committee of Experts considered the undertaking fulfilled with respect to regional authorities, and partly fulfilled with respect to the state administration. The Committee of Experts could not reach a conclusion regarding local authorities and public services. It urged the Spanish authorities to provide information on the recruitment and training of civil servants and officials in public services and local authorities.

593. According to the information provided in the fourth periodical report, the Plan to Promote Knowledge and Use of Valencian includes language training, both general and specialised, for employees of the Valencian Government. The plan addresses the training activity itself, the role of Valencian in career progress, the generalisation of the SALT (Diccionario Traductor Valenciano) translator<sup>11</sup>, and the online programme "Learning Valencian".

594. The Committee of Experts concludes that the undertaking is fulfilled with respect to regional authorities. Nevertheless, it remains partly fulfilled with respect to state administration bodies. No conclusion can be reached for local authorities and public services.

**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;***

595. In the third evaluation report, the Committee of Experts considered the undertaking fulfilled. It nevertheless urged the Spanish authorities to find a viable solution for the question of retransmission of programmes in Catalan from Catalonia in the spirit of the Charter.

596. According to the information provided in the fourth periodical report, from 1987 to 2012 the Autonomous Community of Valencia had a public broadcasting company, RTVV S.A. This company was abolished by the 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.

<sup>11</sup> <http://traductor.lasprovincias.es/>



597. 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 Televisión Española (RTVE) in regional programmes.

598. The Committee of Experts reconsiders its previous conclusion and concludes that the undertaking is now not fulfilled.

***The Committee of Experts urges the Spanish authorities to take the necessary measures to encourage and/or facilitate the creation of one public TV channel and a public radio station in Valencian.***

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

599. In the third evaluation report, the Committee of Experts considered the undertaking not fulfilled. It urged the authorities to clarify the number of private radio stations broadcasting and offering programmes in Valencian.

600. According to the information provided in the fourth periodical report, in Valencia, twelve private radio stations currently broadcast local programmes primarily in Valencian.

601. In accordance with Valencian legislation, 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.

602. During the on-the-spot visit, the Committee of Experts was informed by NGO representatives that there was currently no regional radio station in Valencian and that the range of broadcasting through local radio was very limited.

603. The Committee of Experts is not in a position to conclude and invites the authorities to provide additional information 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;***

604. In the third evaluation report, the Committee of Experts considered the undertaking not fulfilled.

605. According to information provided in the fourth 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.

606. 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.

607. In this respect, in the competition for the awarding 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.

608. During the on-the-spot visit, the Committee of Experts was informed by some NGOs that there was still no regional television available in Valencian and coverage by local channels was very limited.

609. The Committee of Experts is not in a position to conclude and asks the authorities to provide information on the geographical coverage of private TV broadcasting in Valencian.



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

610. In the third evaluation report, the Committee of Experts considered the undertaking not fulfilled. It urged the authorities to take the necessary measures to encourage and/ or facilitate the creation of at least one newspaper in Valencian.

611. According to the information provided in the fourth periodical report, it should be underlined 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). Furthermore, the Valencian language is well represented in local and district-wide publications, as well as in those related to festive activities.

612. The main public funding for the promotion of Valencian in the press is made by the Academy of the Valencian Language (AVL). This organisation's funding has been gradually increasing: since 2006, it has started broadcasting activities on the radio, and since 2013 it has also created a digital press component. These funding offers have always been excellently received, and very significant sums have been set aside by the AVL for this purpose.

613. The Committee of Experts usually considers newspapers to be publications that bring general news and are issued at least once a week.

614. The Committee of Experts invites the authorities to provide more information on whether the local and district wide publications qualify as newspapers.

### **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.***

615. In the third evaluation report, the Committee of Experts considered the undertaking not fulfilled.

616. According to the information provided in the fourth 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. However, no particular information was provided.

617. The Committee of Experts invites the authorities to provide more specific information on which institutions or bodies exist and in what way Valencian language speakers are represented or their interests taken into account.

## **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;**

618. In the third evaluation report, the Committee of Experts considered the undertaking partly fulfilled and urged the Spanish authorities to include more specific information on this undertaking in the next periodical report.

619. No further information was provided in the fourth periodical report.

620. The Committee of Experts considers that the undertaking remains partly fulfilled and urges the Spanish authorities to include specific information on this undertaking in their next periodical report.

### **Paragraph 2**

***In respect of territories other than those in which the regional or minority languages are traditionally used, the Parties undertake, if the number of users of a regional or minority language justifies it, to allow, encourage and/or provide appropriate cultural activities and facilities in accordance with the preceding paragraph.***

621. In the third evaluation report, the Committee of Experts considered the undertaking partly fulfilled. It looked forward to receiving additional information from the authorities on the promotion of cultural activities and facilities outside the Valencian-speaking areas.

622. The Committee of Experts has not received any relevant information under this undertaking.

623. The Committee of Experts maintains its conclusion and considers that the undertaking is partly fulfilled.

### **Paragraph 3**

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

624. In the third evaluation report, the Committee of Experts considered the undertaking partly fulfilled. It asked the authorities to provide more information and updated examples.

625. According to the information provided in the fourth periodical report, collaboration activities, as well as language and culture courses, have been developed between the Autonomous Community of Valencia and the University of Leipzig in Germany. Two courses were initiated in 2011 on "Castilian 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".

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

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

### **Paragraph 2**

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

***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;***

***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;***

626. In the third evaluation report, the Committee of Experts considered the undertakings 13.2 a and c not fulfilled. It urged the Spanish authorities to include specific information with regard to these two undertakings.

627. No information was provided in the fourth periodical report related to Article 13.2 a or c.

628. The Committee of Experts considers that Article 13.2. a. and c remain not fulfilled, since there is no clear indication that the Valencian authorities pursue a policy to ensure that social care facilities offer the possibility of receiving and treating persons in Valencian. It urges the Spanish authorities to include specific information with regard to these two undertakings in their next periodical report.

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

629. In the third evaluation report, the Committee of Experts considered the undertaking partly fulfilled. It asked the authorities to submit more specific information and concrete examples of other safety instructions in Valencian, as well as on whether such practice has any kind of regulatory or legislative basis.

630. According to information provided in the fourth periodical report, 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.

631. The Committee of Experts considers that the undertaking is now fulfilled.

**Article 14 – Transfrontier exchanges**

***The Parties undertake:***

***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.***

632. In the third evaluation report, the Committee of Experts considered the undertaking not fulfilled. It strongly urged the authorities to provide specific information on possibilities for cross-border co-operation in the sense provided by this provision.

633. No information was provided by the authorities in the fourth periodical report.

634. In the absence of any information on this undertaking, the Committee of Experts considers that the undertaking remains not fulfilled. It strongly urges the authorities to provide specific information on possibilities for cross-border co-operation in the next periodical report.

**3.2.6 Galician in Galicia**

**Article 8 – Education**

***Paragraph 1***

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

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

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

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

635. In the third evaluation report, the Committee of Experts considered these undertakings partly fulfilled. It strongly urged the authorities to make available Galician-medium education.

636. According to the information provided in the fourth periodical report, the Decree 79 /2010 establishes that the vehicular languages for teaching children aged 3-6 years are Galician and Castilian. 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, 43.3% of the classes are in Galician, and 56.5% in Castilian. Article 5.2 of the Decree, which stipulated that the teacher would use the predominant language in the classroom and would try to teach the other co-official language to the children, was suspended by the Regional Court of Galicia in 2012. The Education Inspection Department of the Galician Ministry of Culture, Education and University Planning, published the results of a study for 2012-2013, which showed that the predominant language among pupils was Galician in 46.6% of the classes for children aged 3-6 years, and Castilian in 53.4% of these classes.

637. In addition, the above-mentioned decree states that in Primary school 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. According to the decree, in secondary education 50% will be provided in Galician and 50% in Castilian. This target seems to be 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.

638. According to the information provided by the speakers during the fourth monitoring round, the Decree 79/2010 has had a very negative impact by setting a maximum of 50% for teaching in Galician, with the final aim of further reducing it to one third, whilst at the same time expressly forbidding the teaching, in Galician, of Mathematics in primary education and of Mathematics, Technology and Physics, and Chemistry in secondary education. Concerning pre-school education, Galician is only present at the level of 6.57% in towns with more than 50,000 inhabitants. Teaching of natural sciences takes place only in Castilian. According to the information provided by the speakers, the introduction of bilingualism led to decreased teaching hours in Galician.

639. According to the information provided in the fourth periodical report, 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 pupils' predominant language. These programmes include the provision of children's books in Galician, as well as training and advice for teachers. 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 in 2014 the programme would become an annual event, its duration being extended and it being offered to a broader range of teachers.

640. The Committee of Experts emphasises that the Decree 79/2010 limits the teaching in Galician to a maximum of 50% with the final aim of reducing it further to one-third. This is clearly in contradiction with the undertakings chosen by the authorities under the Charter that require education predominantly in Galician.

641. The Committee of Experts considers that the undertakings for pre-school and for primary and secondary education are not fulfilled.

***The Committee of Experts strongly urges the authorities to make available Galician-medium education at all appropriate levels.***

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

642. In the third evaluation report, the Committee of Experts considered this undertaking partly fulfilled. It also considered that predominantly Galician-medium education should be made available. The third periodical report stated that at least 50% of the education is through the medium of Galician. According to Article 9 of the Decree 79/2010 both co-official languages must be used in teaching to the same extent in each centre.

643. According to the information provided in the fourth periodical report, 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 that 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.

644. In view of the high level of commitment under this undertaking, the Committee of Experts considers that predominantly Galician-medium education should be made available and considers the undertaking not fulfilled.

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

645. In the third evaluation report, the Committee of Experts considered this undertaking not fulfilled. It urged the authorities to provide information in the next periodical report.

646. According to information provided in the fourth 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 public and private, at all levels.

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

648. According to information made available by the speakers during the on-the-spot visit, but contrary to the information indicated in the fourth periodical report by the authorities, the inspection system is not fulfilling this task because data collected via the XADE programme is not considered a real and reliable assessment of the presence of Galician in education. The government refuses to provide independent studies.

649. In the absence of specific information about relevant supervisory bodies in the sense of the Charter and the production and publication of periodic reports, the Committee of Experts maintains its previous conclusion and considers that the undertaking is not fulfilled. It strongly urges the authorities to provide information on this undertaking in the next periodical report.

## **Article 9 – Judicial authorities**

### **Paragraph 1**

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

***a. in criminal proceedings:***

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

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

650. In the third evaluation report, the Committee of Experts noted some legal and practical difficulties concerning Article 9. In the previous monitoring rounds the Committee of Experts identified Article 231 of the Organic Law of Judicial Power as one of the most prominent obstacles to the full implementation of Article 9 of the Charter in Spain. That article states that in any judicial procedure, judges, magistrates, prosecutors, clerks and other officers will use the Castilian language. The co-official language will only be allowed if neither of the parties objects to it. It therefore has not been made clear that the criminal, civil and administrative judicial authorities will conduct the proceedings in any of the Autonomous Communities in the co-official language at the request of one party.

651. According to the information provided in the fourth periodical report, the Justice Department of the Galician Government, in collaboration with the SXPL (General Secretariat of Language Policy), is responsible for promoting the use of Galician in the administration of justice. Among the major actions carried out in this respect are the publication of the Galician Legal Dictionary, the setting up of language teams in the High Court of Justice of Galicia and the creation of the Justice Portal in Galicia<sup>12</sup>.

652. During the on-the-spot visit, representatives of the speakers drew the Committee of Experts' attention to problems surrounding the use of Galician with Minerva, a software that was introduced in 2010 for judges and other judicial staff that provides standard forms used in judicial proceedings. However, the programme Minerva does not allow the processing of documents in Galician. There are also problems with other software programmes. During the on-the-spot visit, the Galician authorities confirmed the existence of problems arising from the use of the programme Minerva and stated that they were trying to solve them.

<sup>12</sup> [www.exustiza.es](http://www.exustiza.es)

653. During the on-the-spot visit, the representatives of the speakers informed the Committee of Experts about the persistent difficulties faced by judges and other legal professionals to make use of Galician in legal proceedings, despite the continuing training of officials in the justice system.

654. According to information provided by NGOs, knowledge of Galician is not a requirement to serve as a judge, prosecutor or registrar in Galicia. Only 5% of sentences were given in Galician.

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

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

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

***Paragraph 3***

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

656. In the third evaluation report, the Committee of Experts considered this undertaking partly fulfilled. It urged the authorities to provide the lacking information in the next periodical report.

657. No information was provided in the fourth periodical report.

658. The Committee of Experts was informed by some NGOs, that practically no up-to-date versions of any legal texts were available in Galician, either in hard copy, electronic format or on database. The updated versions used by the courts, paid for by the Galician and the Spanish Governments, were provided in Castilian only.

659. In the light of the information gathered, the Committee of Experts considers that the undertaking remains only partly fulfilled. It urges the authorities to provide the lacking information in the next periodical report.

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

***Paragraph 1***

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

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

660. In its previous evaluation report, the Committee of Experts considered this undertaking partly fulfilled.

661. The fourth periodical report contained no information on this undertaking. Nevertheless, according to a report made available by the authorities to the Committee of Experts, in 2013 three language courses for civil servants of state administration were offered (one in each province) at two different levels: intermediate and advanced.

662. According to information provided by NGOs, there have been serious cases when the central government has refused to accept documents submitted in Galician, e.g., dozens of students were denied postgraduate scholarships because their degree certificates were in Galician. According to the NGOs, no steps have been taken to ensure and advance language training for State officials, as indicated in the previous assessment.

663. The Committee of Experts maintains its previous conclusion that the undertaking remains partly fulfilled.

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

664. In the third evaluation report, the Committee of Experts considered the undertaking partly fulfilled and urged the authorities to continue their efforts in making administrative texts and especially forms available in Galician.

665. According to the information provided by the fourth periodical report, there have been some improvements in several bodies of the General State Administration, most of them related to the presence of Galician in websites of Ministries.

666. According to information made available by the representatives of the speakers to the Committee of Experts during the on-the-spot visit, documents and forms previously available in Galician until recently, are now only available in Castilian. This is particularly striking in the case of the Tax Agency which removed some of the commonly used forms available until recently in Galician from its website. Even in cases where models do exist in the different official languages, the state Administration currently only distributes versions in Castilian, refusing to provide copies in Galician upon request. The Committee of Experts asks the authorities to clarify this situation in the next periodical report.

667. While acknowledging some positive advances, the Committee of Experts observes that there is still an inadequate proportion of state administration texts and forms for the population available in Galician or in bilingual form and therefore concludes that the undertaking remains partly fulfilled.

***Paragraph 2***

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

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

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

668. In the third evaluation report, the Committee of Experts considered these undertakings fulfilled.

669. According to information provided in the fourth periodical report, the launch of the Language Revitalisation Network was a significant development in the promotion of the use of Galician in public administrations in Galicia. Its 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. This online resource, supported by the General Secretariat for Language Policy (SXPL), enables 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).

670. During the on-the-spot visit, the representatives of the speakers drew the attention of the Committee of Experts to the fact that subsidies to local authorities for promoting Galician had been slashed. While the budget allocated for this purpose in 2005 was in the order of 751,266 € and 801,708 € in 2009, in recent years it had been reduced to half or less than half: 520,000 € for 2011-2012, and 400,000 € and 300,000 € in 2013 and 2014 respectively. In practice, this has resulted in the closing of more than a third of the existing language normalisation services attached to the town councils.

671. According to information provided by NGO sources to the Committee of Experts during the on-the-spot visit, the Galician Government no longer coordinates some of the activities promoted by language normalisation services attached to the town councils, following the setting up of the Language Revitalisation Network in 2011.

672. The Committee of Experts considers that the undertakings remain fulfilled, but asks for clarification about the effects linked to the closing of many language normalisation services in town councils.

### **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;***

673. In the third evaluation report, the Committee of Experts considered the undertaking partly fulfilled.

674. No new information was provided in the fourth periodical report.

675. During the on-the-spot visit, the Committee of Experts was informed by the representatives of the speakers that the privatisation of council services and/or its outsourcing lead to a halt of the usage of Galician. The licensed companies were not required to provide any assurances that they respect the citizens' language. In general, public services that depend upon the Spanish government administration do not guarantee the provision of services in Galician.

676. The Committee of Experts considers that the undertaking remains partly fulfilled.

### **Paragraph 4**

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

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

677. In previous monitoring rounds, the Committee of Experts considered this undertaking fulfilled.

678. According to the information provided in the fourth periodical report, 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 of the static information on unemployment benefits on its website.

679. 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.

680. 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. Equally important is the use of co-official languages on the government Office for Gender Violence website. Similarly, the *Guardia Civil* (police) website can now translate most of the menus and submenus 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.

681. 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.

682. The Committee of Experts considers that the undertakings are fulfilled.

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

683. In the third evaluation report, the Committee of Experts considered this undertaking partly fulfilled at State level and fulfilled at the level of the Autonomous Community of Galicia.

684. No specific information was made available by the fourth periodical report.

685. The Committee of Experts considers that the undertaking is partly fulfilled at state level and fulfilled at the level of the Autonomous Community of Galicia.

**Article 11 – Media**

***Paragraph 1***

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

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

686. In its third evaluation report, the Committee of Experts considered the undertaking not fulfilled.

687. According to the fourth periodical report, there has been a proliferation of local media, both public and private, that use Galician. 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 and Radio Oleiros.

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

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

689. In the third evaluation report, the Committee of Experts considered this undertaking not fulfilled.

690. According to the information provided in the fourth periodical report, there has been a proliferation of local media, both public and private, that use Galician. 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 Canal Rías Baixas TV, Correo TV and Santiago TV.

691. During the on-the-spot visit, the representatives of the speakers stated that Galician was never used in practise in Spanish private television channels and in the only Galician private television the number of programmes in Galician was very limited. The Galician Government did not seem to be very active in ensuring that it meets the minimum of 50% established in the license.

692. In the light of the information received, the Committee of Experts concludes that the undertaking is partly fulfilled.

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

693. In the third evaluation report, the Committee of Experts considered the undertaking fulfilled. It asked the authorities to comment on this undertaking in the next periodical report.

694. According to information provided in the fourth periodical report, films and series shown by Galician TV are all dubbed into Galician. Audience ratings confirm that the films 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.

695. As concerns broadcast media that are not dependent on the Galician Government, regional programmes 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.

696. During the on-the-spot visit, the Committee of Experts received additional information from the representatives of the speakers about budgetary constraints within the audiovisual sector. There have been significant cuts in promotion measures. Galician films such as *Vilamor* and *O Apóstolo* have experienced major problems regarding distribution in commercial cinemas.

697. The budget for voiceovers in the Galician Radio and Television Company (CRTVG) dropped from 3.3 million euros in 2012 to 1.5 million euros in 2013, and no films had been dubbed so far in 2014.

698. While taking into account the additional information provided, the Committee of Experts considers that the undertaking remains still fulfilled and asks the authorities to comment on this undertaking in the next periodical report.

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

699. In the third evaluation report, the Committee of Experts considered the undertaking partly fulfilled.

700. According to the information provided in the fourth periodical report, the digital newspaper format, which provide content exclusively or mainly in Galician, has enabled publishers to exchange the paper format for a major online presence. This is the case of *Galicia Hoxe*<sup>13</sup>, *Xornal de Galicia*<sup>14</sup> and others which are increasingly opting for the digital medium as a means of expansion. The latter group includes *Galicia Confidencial*<sup>15</sup>, which has a daily readership of 6,000, *Noticiei ro Galego*<sup>16</sup> and *Praza Pública*<sup>17</sup>, among many others. Currently, a large number of titles are published entirely in Galician.

701. 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*<sup>18</sup>, *Faro de Vigo*<sup>19</sup> and *El Progreso*<sup>20</sup>.

<sup>13</sup> <http://www.galiciahoxe.com/>

<sup>14</sup> <http://xornalgalicia.com>

<sup>15</sup> <http://www.galiciaconfidencial.com>

<sup>16</sup> [www.noticieirogalego.com](http://www.noticieirogalego.com)

<sup>17</sup> <http://praza.com>

<sup>18</sup> <http://www.lavozdeg Galicia.es/?idioma=galego>

<sup>19</sup> <http://galego.farodevigo.es>

<sup>20</sup> <http://elprogreso.galiciae.com/?lang=gl>

702. 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.

703. According to information provided by NGOs, public subsidies granted to the media in Galician have been drastically reduced.

704. During the on-the-spot visit, the Committee of Experts was informed by the NGOs that there was no daily paper published entirely in Galician and only one weekly, *Sermos Galiza*. The cut in subsidies has led to the closure of the newspapers that used Galician: *Galicia Hoxe* (completely in Galician, now only available online), *Xornal de Galicia* (approx. 40% in Galician) and *De Luns a Venres*, all closed in 2011, and *A Nosa Terra* also went out of print.

705. The Committee of Experts is aware of the changes in this field and welcomes the presence of Galician in online media. Nevertheless, it encourages the authorities to explore, in cooperation with the speakers, the possibilities of newspapers in printed form.

## **Paragraph 2**

***The Parties undertake to guarantee freedom of direct reception of radio and television broadcasts from neighbouring countries in a language used in identical or similar form to a regional or minority language, and not to oppose the retransmission of radio and television broadcasts from neighbouring countries in such a language. They further undertake to ensure that no restrictions will be placed on the freedom of expression and free circulation of information in the written press in a language used in identical or similar form to a regional or minority language. The exercise of the above-mentioned freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health and morals, for the protection of the reputation or rights of others, for preventing disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary."***

706. In previous monitoring rounds, the Committee of Experts considered this undertaking fulfilled. In the third evaluation report, it encouraged the authorities to promote, by means of an agreement with the Portuguese authorities, the reception of Portuguese television channels in Galicia.

707. No information was provided in the fourth evaluation report.

708. During the on-the-spot visit, the representatives of the speakers drew the attention of the Committee of Experts to the fact that it was impossible to receive Portuguese radio and television broadcasts in Galicia despite the linguistic and cultural proximity and despite Portugal's willingness to work together with the Spanish Government to make this possible. The Spanish Government did not pursue the issue in view to coming to an agreement.

709. During the on-the-spot visit, the Committee of Experts was informed by the NGOs, that in 2011, a citizen initiative was conducted in order to impel the Galician Government to negotiate an agreement with the Portuguese Government to facilitate the reception of Portuguese radio and TV in Galicia. The Committee of Experts has also received information regarding an agreement signed between the Galician and the Portuguese authorities, dealing mainly with the teaching of Portuguese in Galicia. The Committee of Experts expects that this agreement will also have a positive effect on the reception of broadcasts from Portugal in Galicia.

710. The Committee of Experts is not in a position to conclude on this undertaking and asks the authorities to provide information in the next periodical report. It encourages the authorities to actively promote the reception of Portuguese radio and television channels in Galicia.

## Article 12 – Cultural activities and facilities

### Paragraph 1

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

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

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

711. In the third evaluation report, the Committee of Experts considered these undertakings fulfilled.

712. The Galician Government, 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 General Secretariat for Language Policy (SXPL) and the General Secretariat for Culture. To date, the financial contributions of these two bodies to projects of this nature have amounted to €1,004,923.23 (€298,498.23 in 2010 and €235,475 in each of the years 2011, 2012 and 2013).

713. During the period 2009-2012, the 18 principal companies working in Galician in the performing arts received from the Galician Government a total of €5,312,398.

714. 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.

715. The Committee of Experts considers that these undertakings remain fulfilled.

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

716. In the third evaluation report, the Committee of Experts considered this undertaking partly fulfilled. It urged the authorities to provide information in the next evaluation round on audio, audiovisual and other works in Galician.

717. According to information provided in the fourth periodical report, the Ramón Piñeiro Centre for Research in the Humanities has published over 150 books in Galician since its inception.

718. 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).

719. 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<sup>21</sup>.

720. 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.). A new initiative by the Council is *Lingua en Titulares*<sup>22</sup> (Language in Headlines), 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 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.

721. The Committee of Experts considers that the undertaking is now fulfilled and encourages the authorities to provide information in the next evaluation round on other works in Galician.

## **Paragraph 2**

***In respect of territories other than those in which the regional or minority languages are traditionally used, the Parties undertake, if the number of users of a regional or minority language justifies it, to allow, encourage and/or provide appropriate cultural activities and facilities in accordance with the preceding paragraph.***

722. In the third evaluation report, the Committee of Experts considered this undertaking partly fulfilled. It urged the authorities to provide relevant information in the next periodical report.

723. According to the fourth periodical report, the Galician Government participated in the Collaboration Protocol signed with Catalonia, the Basque Country and the Balearic Islands, as a result of which various cultural activities were conducted in 2012.

724. The Committee of Experts considers that the undertaking is now fulfilled.

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

### **Paragraph 2**

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

***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;***

725. In the third evaluation report, the Committee of Experts considered that the undertaking was partly fulfilled.

726. According to the information provided in the fourth periodical report, Galician is being increasingly incorporated into financial and banking documents. The Galician-language option is activated in most ATMs and in some cases 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.

<sup>21</sup> <http://www.realacademiagallega.org/diccionario>

<sup>22</sup> <http://diario.consellodacultura.org/gl/>

727. 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.

728. According to information provided by the representatives of the speakers, the Galician saving banks (*Caixa Galicia* and *Caixanova*) had taken steps towards incorporating Galician into all of their activities during the previous periods, while maintaining the overall use of Galician in advertising, ATMs, etc. The bank that took them over (*Abanca*) has stopped providing Galician versions of many documents, contracts and common procedures, including online banking.

729. The Committee of Experts maintains its previous conclusion that the undertaking remains partly fulfilled.

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

730. In the third evaluation report, the Committee of Experts considered this undertaking not fulfilled.

731. According to the information provided in the fourth periodical report, Article 25 of the 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 and sports.

732. In 2013, 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.

733. The Committee of Experts considers that the undertaking is now fulfilled.

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

734. In the third evaluation report, the Committee of Experts considered this undertaking only partly fulfilled. It also urged the authorities to ensure that social care facilities offer the possibility of Galician-speakers to be received and treated in their language.

735. No new information was provided in the fourth periodical report.

736. During the on-the-spot visit, the NGOs informed the Committee of Experts about the difficulties faced by patients. While Galician was only used formally in part of the documents in the Galician Health Service (SERGAS), most health workers were unable to attend to their patients in Galician. This right is not guaranteed in the case of written communication, and the NGOs reported cases where several SERGAS hospitals have delayed surgery for months because patients had asked to sign their consent forms in Galician. The situation in the private sector was said to be worse, with no use of Galician whatsoever.

737. The Committee of Experts concludes that the undertaking remains partly fulfilled. It urges the authorities to ensure that social care facilities offer the possibility of Galician-speakers to be received and treated in their language.

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

738. In the third evaluation report, the Committee of Experts considered the undertaking not fulfilled. It urged the authorities to include relevant information in the next periodical report.

739. No information was provided in the fourth periodical report.

740. During the on-the-spot visit, the Committee of Experts was informed by the NGOs about persisting problems faced by consumers. Safety warnings in construction sites, lifts, fire instructions, etc., are usually in Castilian only, and so far there exists no regulation regarding the right to information in Galician.

741. The Committee of Experts therefore concludes that the undertaking remains not fulfilled. It urges the authorities to include relevant information in their next periodical report.

## **Article 14 – Transfrontier exchanges**

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

***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.***

742. In previous monitoring rounds, the Committee of Experts considered this undertaking fulfilled. In the third evaluation report, the Committee of Experts asked the authorities to provide information on the practical implementation of this undertaking in the next periodical report.

743. The fourth periodical report provided some information on this undertaking. 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.

744. According to the information provided in the fourth periodical report, the General Secretariat for Language Policy 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.

745. During the on-the-spot visit, the Committee of Experts was informed by the representatives of the speakers that cooperation between Galician and Portuguese local authorities as well as cooperation headed by the Galician Government were considered negligible.

746. The Committee of Experts concludes that this undertaking is still fulfilled.

### ***3.2.7 Aranese in Catalonia***

747. In this section, the Committee of Experts will focus on the problematic areas and new developments in the protection and promotion of Aranese<sup>23</sup>.

## **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;***

748. In the third evaluation report, the Committee of Experts considered this undertaking fulfilled. It nonetheless asked the Spanish authorities to provide further detailed information and data about pre-school education in Aranese.

<sup>23</sup> In certain contexts, Aranese will also be referred to as Occitan.

749. According to the fourth periodical report, the Decree 101/2010, which regulates teaching during the first stage of pre-school education, stipulates that Catalan should normally be the language of instruction and learning. According to this Decree, all references to Catalan were extended to Aranese in the case of schools in the Aran Valley. Nevertheless, knowledge of Aranese is considered only an additional qualification for employees at the three existing pre-schools and not mandatory. As a result, pre-school education in Aranese is not systematically available.

750. The Committee of Experts is not in a position to conclude about the actual availability of pre-school education in Aranese. It encourages the Spanish authorities to provide the necessary information in the next periodical report.

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

751. In the third evaluation report, the Committee of Experts considered this undertaking not fulfilled.

752. According to the fourth periodical report, the command of Aranese is a prerequisite for secondary school teachers. 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. At Baccalaureate level (16-18 years), the presence and use of Aranese as a working or teaching language is scarce or occasional. However, this offer does not correspond to the high level of commitment entered into by Spain under Article 8.1.c.

753. The Committee of Experts considers this undertaking not fulfilled. It encourages the Spanish authorities to make available secondary education in Aranese.

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

754. In the third evaluation report, the Committee of Experts considered this undertaking not fulfilled.

755. In the fourth periodical report, the Committee of Experts did not receive any relevant information regarding this undertaking.

756. The Committee of Experts maintains its conclusion that this undertaking is not fulfilled. It encourages the Spanish authorities to make available technical and vocational education in Aranese.

**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, subparagraphs 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;**

757. In the third evaluation report, the Committee of Experts considered this undertaking fulfilled.

758. According to the information provided in the fourth periodical report, the Catalan Summer School offers an introductory course in Occitan language and literature every August. Furthermore, since the academic year 2008-2009, the University of Lleida has offered a degree course in Catalan and Occitan studies, thus enabling access to a university qualification in Catalan and Occitan Philology. In 2013, 30 of the students enrolled in that degree programme specialised in Occitan language and literature.

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

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

760. In the third evaluation report, the Committee of Experts drew the attention of the authorities to the highest level of undertaking chosen under f), and the fact that they did not provide any concrete information concerning this undertaking. The Committee of Experts therefore considered that it could not conclude on this undertaking and encouraged the Spanish authorities to report on the practical implementation of this undertaking in their following periodical report.

761. According to the fourth periodical report, the General Council of Aran continues to organise Aranese courses in the Aran Valley, Lleida, Barcelona and Esterri d'Àneu, with different levels of learning. The average attendance to these courses is over 200 students per year. Courses are also available for immigrants.

762. According to the information provided by the Catalan authorities, for the academic year 2013-2014, the General Council of Aran organised four courses at levels A, A1, B and C in Vielha, along with three courses in Barcelona and 2 in Lleida. 142 students were enrolled. Online courses are also offered, and they reached 319 users in 2013. In addition, the Resolution of 10 May 2013 of the Catalan Government included Occitan in the curriculum for adult training centres.

763. The Volunteers for the Language Programme was set up to practice Catalan through conversation. It aimed at setting up pairings made up of a volunteer speaking fluent Catalan and a learner with basic understanding seeking to improve fluency. In 2008, the programme was also adopted in Aran and, since then, 56 pairings have been set up for Aranese learning.

764. The Committee of Experts considers this undertaking now partly fulfilled. It encourages the authorities to arrange for the provision of adult and continuing education courses which are taught mainly or wholly in Aranese, not only the teaching of Aranese language.

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

765. In the third evaluation report, the Committee of Experts was not in a position to draw a conclusion on this undertaking and asked the Spanish authorities to comment on the practical implementation (sufficient number of teachers, further training) in their next periodical report.

766. According to the fourth periodical report, the General Council of Aran runs continuous training programmes in Aranese for teachers who take up placements and who do not meet the language requirements. The Committee of Experts reminds the authorities of their obligation to ensure that the level of command of Aranese complies with the undertakings ratified by Spain under Article 8.

767. The Committee of Experts is not in a position to conclude on this undertaking and invites the authorities to provide information about basic and further teacher training in the next periodical report.

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

768. In the third evaluation report, the Committee of Experts concluded that the undertaking was partly fulfilled. It asked the Spanish authorities to provide concrete information about monitoring reports in their following periodical report.

769. According to the fourth periodical report, despite the fact that the education inspectorate is in charge of the monitoring of Aranese teaching, no reports have been drawn up.

770. The Committee of Experts considers that the undertaking remains partly fulfilled. It encourages the authorities to ensure that the education inspectorate, which monitors the measures taken and progress achieved in establishing or developing the teaching of Aranese, produces periodic reports and makes them public.

### **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.***

771. In the third evaluation report, the Committee of Experts considered the undertaking fulfilled. Nevertheless, it asked the Spanish authorities to report on any possible developments concerning other kinds of teaching of Aranese outside the Aran Valley in the next periodical report.

772. According to the fourth periodical report, the Catalan Government is working to make available an optional module in secondary schools about Occitan language and literature.

773. As mentioned under Article 8 paragraph 1.f., Aranese courses are now offered not only in the Aran Valley and in Barcelona, but also in Lleida and Esterri d'Àneu. There are also online courses available. In addition to the Aranese courses organised by the General Council of Aran, there are also other courses organised with the support of the Catalan authorities. The Centre for Occitan-Catalan Alliance (*Centre d'Agermanament Occitano-Català*) organised 6 Occitan courses in Barcelona with 61 people registered. It also promoted awareness through the Occitan Dictation in Barcelona, with 62 participants.

774. The Committee of Experts welcomes these developments and considers this undertaking fulfilled.

## **Article 9 – Judicial authorities**

### **Paragraph 1**

775. The Committee of Experts has not received any information about the implementation of Article 9 with respect to Aranese. Although it assumes that the situation is similar to that of the other Part III languages, the Committee asks the authorities to provide necessary information in the next periodical report.

### **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.***

776. In the third evaluation report, the Committee of Experts considered this undertaking partly fulfilled. It asked the Spanish authorities to provide information on additional national statutory texts that had been made available in Aranese in the following periodical report.

777. No further information was made available to the Committee of Experts.

778. The Committee of Experts considers that this undertaking remains partly fulfilled. It asks the Spanish authorities to provide such information in the next periodical report.

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

### **Paragraph 1**

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

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

779. In the third evaluation report, the Committee of Experts stated that the information provided by the authorities did not allow it to conclude on how the use of Aranese by the state administration in the Aran Valley was ensured. The Committee of Experts therefore asked the Spanish authorities to provide more detailed information on the practical implementation of this undertaking.

780. In the fourth periodical report, no further information was provided.

781. The Committee of Experts is still not in a position to conclude and asks for relevant information in the next periodical report.

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

782. In the third evaluation report, the Committee of Experts considered this undertaking formally fulfilled and asked the Spanish authorities to provide detailed information on its practical implementation.

783. In the fourth periodical report, no further information was provided about the actual texts and forms that were made available in Aranese.

784. The Committee of Experts considers that this undertaking remains only formally fulfilled. It asks the authorities to provide such information.

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

785. In the third evaluation report, the Committee of Experts considered this undertaking only formally fulfilled.

786. In the fourth periodical report, no further information was provided.

787. The Committee of Experts considers this undertaking to remain only formally fulfilled. It asks the Spanish authorities to provide detailed information on the practical implementation of this undertaking in the following periodical 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;**

788. In the third evaluation report, the Committee of Experts considered this undertaking fulfilled with regard to the local authorities. With regard to regional authorities, it required more specific information on the actual use of Aranese within them and also about the legislative framework in order to be in a position to draw a conclusion. The Committee of Experts asked the Spanish authorities to provide such information in the following periodical report.

789. According to the fourth periodical report, Aranese is normally used for administrative documents in the Aran Valley, in local authorities and in the General Council of Aran. The most relevant information on the website of the Catalan Government is translated into Aranese.

790. The Committee of Experts considers this undertaking fulfilled.

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

791. Due to a lack of information on the practical implementation of this undertaking, in the third evaluation report the Committee of Experts considered the undertaking only formally fulfilled.

792. As for the Catalan administration, since 2012 the most relevant information on its website and the main electronic administrative forms have been translated into Aranese. In 2013, an Aranese version of the Virtual Citizen Care Office (*Burèu Virtuaú de Tramit*) was made available allowing citizens to submit their applications in Aranese.

793. The Committee of Experts welcomes these developments and considers this undertaking fulfilled.

**c. *the publication by regional authorities of their official documents also in the relevant regional or minority languages;***

794. In the third evaluation report, the Committee of Experts considered this undertaking fulfilled.

795. According to the fourth periodical report, as stipulated in Article 7.1 of the Aranese Act 35/2010, the Catalan Parliament has translated into Aranese all legal texts adopted by the chamber since 2010, as well as a variety of non-legal texts (resolutions or motions). It should be noted that Aranese versions are not documentary translations, but official versions. Between October 2010 and September 2013, 24 legal Acts of the Parliament have been translated.

796. The Committee of Experts considers this undertaking fulfilled.

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

797. In the third evaluation report, the Committee of Experts considered this undertaking formally fulfilled.

798. According to the fourth periodical report, the Catalan Parliament places no restrictions to the use of Aranese and any member of the Parliament who wishes to speak Aranese in debates and speeches is encouraged to do so. In the present term (2012-2016), Aranese has been used by the parliamentarian representing the Aran Valley on several occasions and the Deputy President of the Catalan Government has used Aranese in plenary sessions for issues concerning the Aran Valley.

799. The Committee of Experts considers this undertaking now fulfilled.

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

800. In the third evaluation report, the Committee of Experts considered this undertaking only formally fulfilled and asked the authorities to provide further information on the practical implementation of this provision in the next periodical report.

801. According to the fourth periodical report, the Aranese form is the only official form for toponyms in the Aran Valley. However, some place-names remain in Catalan and Castilian.

802. The Committee of Experts commends the authorities for having adopted place names in Aranese. It considers this undertaking fulfilled.

**Paragraph 3**

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

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

803. In the third evaluation report, the Committee of Experts was not in a position to conclude on this undertaking and asked the Spanish authorities to provide information on the practical implementation in their next periodical report.

804. In the fourth periodical report, no further information was provided.

805. The Committee of Experts is still not in a position to draw a conclusion on this undertaking. It asks the Spanish authorities to provide such information in the following periodical report.

**Paragraph 4**

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

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

806. In the third evaluation report, the Committee of Experts considered this undertaking partly fulfilled.

807. According to the fourth periodical report, an automatic translation service of the Government of Catalonia, in Catalan-Occitan and Castilian-Occitan (in both directions) is available on the Catalanian Government website. This service allows the translation of texts and can be added to websites as a translation button. A total amount of 238,058 requests of this service have been made since 2008.

808. Furthermore, according to the fourth periodical report, the Catalanian Government employs an official translator who is in charge of Aranese translations from Catalan and Castilian. The Committee of Experts has not been informed about any such service at the level of the state administration.

809. In light of the above conclusions, the Committee of Experts considers this undertaking not fulfilled regarding the state administration and fulfilled regarding local and regional authorities.

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

810. In the third evaluation report, the Committee of Experts stated that it could not draw any conclusion on this undertaking and therefore asked the authorities to provide more detailed information on the number of staff trained and the availability of civil servants with sufficient knowledge of Aranese.

811. According to the fourth periodical report, due to the current economic situation in Spain, the government has experienced a downsizing process over the last few years, which makes it impossible to incorporate new specialised or trained staff for the specific needs of the Aranese language.

812. The aforementioned Aranese language courses are aimed mainly at Catalan public administration employees where indeed most of the attendees work.

813. According to the information provided by the Spanish authorities, the Aran Valley administration has a sufficient number of staff trained to satisfy the linguistic needs of the region.

814. The Committee of Experts considers this undertaking not fulfilled regarding State authorities and fulfilled regarding local and regional authorities.

***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.***

815. In the third evaluation report, the Committee of Experts stated that it was not in a position to conclude on this undertaking and asked the Spanish authorities to provide the relevant information with regard to all five fields concerned (branches of state administration in Catalonia, administration of the Autonomous Community, General Council of Aran and local authorities, and public services) in their next periodical report.

816. According to the fourth periodical report, a command of Aranese is a requisite for working in the public service in the Aran Valley. Regarding regional authorities, for staff members of the Catalan administration who are likely to be placed in the Aran Valley (for instance, the Mossos d'Esquadra police force), a good command of Aranese is regarded as an advantage.

817. In light of the conclusions above, the Committee of Experts considers this undertaking not fulfilled regarding State authorities and fulfilled regarding local and regional authorities.

## **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;**

818. In the third evaluation report, the Committee of Experts acknowledged the presence of Aranese in public radio and television broadcasting. Nevertheless, it also noted that the undertaking chosen by the Spanish Government was the highest under 11.1.a, and it therefore concluded that the undertaking was not fulfilled. It encouraged the Spanish authorities to continue their support towards public broadcasting in Aranese.

819. According to the fourth periodical report, there is neither a radio station nor a television channel in Aranese.

820. In 2012, Catalan television channels broadcast 52 hours a year in Aranese, mainly news. The 3/24 channel broadcasts 15 minutes of general news daily in Aranese. Also, during the regional television news it cuts to Aranese programming, and another 7-8 minutes on Fridays, broadcasting from the Aran Valley. A 5-minute news programme on Barcelona television was broadcast between 2009 and 2012. The Catalan television channel, through its online Aranese version, allows access to its content and other programmes in Aranese, such as storytelling. Catalunya Ràdio has a daily 30-minute news segment on the general news. In addition, it broadcasts a 1-hour news programme called *Aranese Midday* (Aran, Meddia Aranès) locally, bringing news and stories from the Aran Valley in Aranese.

821. The Committee of Experts acknowledges the efforts made by the authorities and recognises the difficulties in establishing a separate radio station and television channel in Aranese. However, it reminds the authorities of the high level of commitment entered into by Spain under article 11.1.a. The Committee encourages the authorities to gradually increase the offer of the programmes in Aranese.

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

822. In the third evaluation report, the Committee of Experts was not in a position to conclude on this undertaking.

823. No further information was provided in the fourth periodical report.

824. The Committee of Experts is therefore not in a position to conclude on this undertaking. It asks the Spanish authorities to provide concrete information on the facilitation of the creation of radio stations in Aranese in their next periodical report.

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

825. In the third evaluation report, the Committee of Experts was not in a position to conclude on this undertaking.

826. According to the information provided in the fourth periodical report, Lleida TV broadcasts 20 minutes per day in Aranese, covering the whole province of Lleida. However, there is no television channel.

827. The Committee of Experts considers this undertaking partly fulfilled.

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

828. In the third evaluation report, the Committee of Experts considered this undertaking fulfilled.

829. According to the fourth periodical report, audio and audiovisual works in Aranese are quite rare, with the exception of a few works on the internet (through youtube) and some public information works created by the General Council of Aran. However, according to previous reports, Article 19 of Law 35/2010 on Aranese establishes that it is under the government's responsibility to broadcast programmes in Aranese for Aran, and some in Catalonia as well. Furthermore, Aranese language and its promotion is a criteria set by the Catalonia Audiovisual Council in order to grant a license. There is an annual award from Llanterna Digital Awards, which is designed to help foster the use of Catalan and Aranese in short films. For its 7<sup>th</sup> edition in 2013, 35 short films were presented, of which 6 were in Aranese and 29 in Catalan.

830. The Committee of Experts considers this undertaking fulfilled.

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

831. In the third evaluation report, the Committee of Experts concluded that this undertaking was not fulfilled and encouraged the Spanish authorities to facilitate the creation of a newspaper in Aranese.

832. According to the fourth periodical report, even though some announcements do appear in Aranese in certain newspapers, there are no newspapers fully in Aranese in print format. Nevertheless, since 2012 there is a free online newspaper called "Jornalet", supported by the Catalanian Government and the General Council of the Aran. It is the only one in the entire Occitan territory and provides news on a daily basis.

833. The Committee of Experts commends the authorities for the support they provide to the online newspaper. It encourages the authorities to explore, in cooperation with the speakers, the possibilities of a newspaper in printed form.

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

834. At the time of the third evaluation report, the Committee of Experts had not been informed about any audiovisual productions in Aranese benefiting from state funding for films and audiovisual media produced in the co-official languages of Spain, in conformity with the relevant legislation. Nevertheless, the Committee of Experts concluded that this undertaking was formally fulfilled.

835. According to the fourth periodical report, between 2009 and 2012, €51.2 million were allocated to the funding of proposals from media in Catalan or Aranese or for communication projects incorporating Catalan or Aranese into programmes or sections. This particular type of funding was divided into nine categories; inter alia, periodical publications, digital media, radio, television stations, DTT and journalism. Further financial support has been provided to the publication and dissemination of traditional and popular Aranese songs, music and dances. It is, however, not clear to the Committee of Experts how many audiovisual productions in Aranese have benefited from this financial assistance.

836. The Committee of Experts is not in a position to conclude on this undertaking. It asks the Spanish authorities to provide specific information on the number of audiovisual productions in Aranese benefitting from this fund in the following periodical report.

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

837. In the third evaluation report, the Committee of Experts noted that no concrete information with regard to this undertaking had been provided and it was therefore not in a position to conclude on this undertaking. It asked the Spanish authorities to provide information on the training of journalists using Aranese in their next periodical report.

838. According to the fourth periodical report, there is no training for journalists and other staff using Aranese at present.

839. The Committee of Experts considers this undertaking not fulfilled. It encourages the Spanish authorities to support the training of journalists and other staff for media using Aranese.

**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;**

840. In the third evaluation report, the Committee of Experts was not in a position to conclude on this undertaking.

841. According to the fourth periodical report, the General Council of Aran has organised literary competitions at all levels. Furthermore, it has also maintained an allocation for books in Aranese in schools and libraries. The public library in Vielha (the capital of the Aran Valley) opened the Cultural Centre for Aran Occitania (*Espaci Culturau Aran Occitània*) in 2013. However, there is no information about relevant activities in fields other than literature.

842. The Committee of Experts considers this undertaking partly fulfilled. It asks the authorities to provide specific information about cultural activities other than literature to foster Aranese.

**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;**

843. In the third evaluation report, the Committee of Experts considered this undertaking partly fulfilled and asked the Spanish authorities to provide examples in their next evaluation report about works in Aranese subtitled into other languages, and about any translation and dubbing activities relevant to this undertaking.

844. According to the fourth periodical report, since 2011, the Occitan Film Festival has subtitled its productions into Catalan in order to broaden the scope of the event throughout Catalonia. The General Council of Aran organised the 12<sup>th</sup> Occitan-Catalan seminar, where the Catalan-Occitan dictionary was presented.

845. The Committee of Experts considers this undertaking fulfilled.

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

846. In the third evaluation report, the Committee of Experts was not in a position to conclude on this undertaking.

847. According to the information provided in the fourth periodical report, various literary works have been translated into Aranese.

848. Based on the information provided in the fourth periodical report, the Committee of Experts concludes that the undertaking is partly fulfilled. It asks the authorities to provide information about other types of works translated into Aranese in the following periodical report.

**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;**

849. In the third evaluation report, the Committee of Experts was not in a position to conclude on this undertaking.

850. No information was provided in the fourth periodical report.

851. The Committee of Experts is therefore not in a position to conclude on this undertaking and asks the authorities to provide such information in the following 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;**

852. In the third evaluation report, the Committee of Experts was not in a position to conclude on this undertaking.

853. No information was provided in the fourth periodical report.

854. The Committee of Experts is therefore not in a position to conclude on this undertaking and asks the authorities to provide such information in the following periodical report.

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

855. In the third evaluation report, the Committee of Experts was not in a position to conclude on this undertaking.

856. Since no information was provided on the implementation of this undertaking in the fourth periodical report, the Committee of Experts is not in a position to conclude on this undertaking and urges the authorities to provide such information in the following periodical report.

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

857. In the third evaluation report, the Committee of Experts was not in a position to conclude on this undertaking.

858. According to the fourth periodical report, all publications produced in Catalan or Occitan are sent to the Library of Catalonia.

859. The Committee of Experts considers this undertaking fulfilled.

**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.**

860. In the third evaluation report, the Committee of Experts was not in a position to conclude on this undertaking.

861. According to additional information received from the Catalan authorities, the Decree 12/2014 of January 2014 established the Institute of Aranese Studies as the Academy and linguistic authority of Aranese. As such, it will also be in charge of providing terminological research. The Catalan Terminology Centre (TERMCAT) also promotes the development and dissemination of new technological vocabulary.

862. The Committee of Experts welcomes this development and looks forward to receiving further information in the next periodical report about the Institute of Aranese Studies.

### **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.***

863. In the third evaluation report, the Committee of Experts noted with disappointment that the Spanish authorities had not provided any information on the application of this undertaking. It asked the Spanish authorities to provide such information in this respect in their next periodical report.

864. According to the fourth periodical report, the city of Lleida hosts numerous cultural initiatives related to Occitan. The Autonomous University of Barcelona holds a series of lectures on Occitan languages, literature and culture every May. The same university hosts the Occitan Archive (Arxiu Occità).

865. The Committee of Experts considers this undertaking fulfilled.

### **Paragraph 3**

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

866. In the third evaluation report, the Committee of Experts considered the undertaking fulfilled.

867. According to the fourth periodical report, at the 7<sup>th</sup> edition of the Occitan Film Festival, the number of venues increased to 19, reaching over a thousand spectators throughout Occitan-speaking regions (Catalonia, France and Italy). In addition, concerts and theatre performances relating to Aranese language and culture have been held abroad.

868. The Committee of Experts considers that this undertaking remains fulfilled.

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

### **Paragraph 1**

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

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

869. In the third evaluation report, the Committee of Experts was not in a position to conclude on this undertaking and asked the Spanish authorities to submit specific information in this respect in their next periodical report.

870. According to the fourth periodical report, Article 26 of the Aranese Act 35/2010 provides measures in order to promote Aranese in the socioeconomic field. In particular, the Catalan Government, the General Council of Aran and the local entities and public authorities are to ensure the implementation of this article. Article 26 aims at guaranteeing and promoting the use of Aranese in any activity of the socio-economic life by consumers, users, as well as in the provision of social services (hospitals, nursing homes for the elderly, hostels, etc.) and in public signage. Furthermore, it encourages the inclusion of linguistic clauses in the provision of subsidies and grants to companies or entities located in Aran, or the potential creation of new agreements.

871. The Committee of Experts considers this undertaking formally fulfilled and asks for additional information about the implementation of the act.

## **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;***

872. As no information with regard to the application of this undertaking was provided by the Spanish authorities in the third evaluation report, the Committee of Experts asked them to comment on the application of this undertaking in the next periodical report.

873. No information was provided in the fourth periodical report.

874. The Committee of Experts is not in a position to conclude. It asks the Spanish authorities to provide information on the practical implementation of this undertaking in the next periodical report.

***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;***

875. As no information with regard to the application of this undertaking was provided by the Spanish authorities, the Committee of Experts asked the authorities in the third evaluation report to comment on the application of this undertaking in the next periodical report.

876. No information was provided in the fourth periodical report.

877. The Committee of Experts is not in a position to conclude. It asks the Spanish authorities to provide information on the practical implementation of this undertaking in the next periodical report.

***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;***

878. As no information with regard to the application of this undertaking was provided by the Spanish authorities in the third evaluation report, the Committee of Experts asked the authorities to comment on the application of this undertaking in the next periodical report. Furthermore, the Committee of Ministers recommended Spain to “**ensure that regional or minority languages are present in the provision of healthcare services**”.

879. According to the fourth periodical report, the signage of the Aran Hospital is in Aranese. Furthermore, the hospital uses forms in Aranese. However, there is no information whether the medical staff speaks Aranese and whether other social care facilities (e.g. retirement homes) use Aranese.

880. The Committee of Experts is not in a position to conclude on the fulfilment of this undertaking and asks the authorities to provide more specific information in the following periodical report.

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

881. As no information with regard to the application of this undertakings was provided by the Spanish authorities in the third evaluation report, the Committee of Experts asked the authorities to comment on the application of this undertaking in the next periodical report.

882. No information was provided in the fourth periodical report.

883. Therefore, the Committee of Experts is not in a position to conclude on this undertaking and encourages the authorities to provide information in the next periodical report.

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

884. In the third evaluation report, the Committee of Experts concluded that the undertaking was formally fulfilled and asked the authorities to submit practical examples of the implementation of this undertaking in their next periodical report.

885. In the fourth periodical report, the authorities refer to Article 26 of the Aranese Act 35/2010, which contains linguistic obligations to ensure that linguistic rights of consumers and users are fulfilled. However, this undertaking deals with consumer information made available in the Aranese language.

886. The Committee of Experts maintains its previous conclusion that this undertaking is formally fulfilled. It asks the authorities to provide more specific information about the practical implementation of the act in the next periodical report.

## **Article 14 – Transfrontier exchanges**

### **The Parties undertake:**

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

887. In the third evaluation report, the Committee of Experts was not in a position to conclude on this undertaking.

888. No relevant information was provided in the fourth periodical report.

889. The Committee of Experts is still not in a position to conclude on this undertaking and asks the Spanish authorities to provide specific information regarding the outcomes of the aforementioned agreements.

**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.**

890. In the third evaluation report, the Committee of Experts was informed of the fact that the French Region Aquitaine adopted a Charter for interregional and transfrontier co-operation for the development of the Occitan language, which was to be opened for signature for the regions of France (Midi-Pyrénées, Languedoc-Roussillon and Rhône-Alpes), Italy and Spain where Occitan is spoken. These regions agreed to a partnership for the period of 2011-2014, including projects to learn the language, public visibility of Occitan, etc. Furthermore, it was informed of the fact that agreements were signed between the Catalan Government and rectors of academies in southern France to promote school exchanges between Catalan and Aranese/Occitan language educational centres. The Committee of Experts welcomed these developments and looked forward to receiving information on the activities carried out under those frameworks. It therefore considered the undertaking partly fulfilled.

891. According to the fourth periodical report, the General Council of Aran maintains co-operation across borders with social and administrative institutions in the French and Italian Occitan regions, carrying out activities aimed at adult training and the promotion of cultural activities related to Occitan.

892. A framework cooperation agreement on Occitan language and culture was signed in the French city of Rodès in 2012. This happened thanks to a series of contacts with associative and administrative entities. Furthermore, institutional contacts exist in this field with the regional administrations of Aquitaine, Midi-Pyrenees and Languedoc-Roussillon.

893. The Catalan Government is currently studying its accession to the Charter of Interregional Cooperation for the Occitan Language. Representative and umbrella Occitan cultural bodies, like the Permanent Congress of the Occitan Language (Lo Congrès Permanent de la Lenga Occitana) and Occitan Convergence (Convergència Occitana) are preparing some collaboration agreements.

894. The Committee of Experts is also aware of the fact that Occitan has been made an official language of the Pyrenees-Mediterranean Euroregion, jointly with Catalan, French and Castilian, thus contributing to the development of territorial co-operation across borders.

895. The Committee of Experts considers the undertaking fulfilled.

## **Chapter 4 Findings and proposals for recommendations**

### **4.1. Findings of the Committee of Experts in the fourth monitoring round**

A. The Committee of Experts expresses its appreciation to the Spanish authorities and authorities of the Autonomous Communities for their co-operation during this fourth monitoring round, especially during the on-the-spot visit and for providing substantial information in their periodical report. The Committee of Experts observes some improvements in the reporting structure compared to the third report. Nevertheless, the information provided could have been compiled in a more coherent and targeted way and could have involved the representatives of the speakers at all levels. It was necessary to request further information from authorities of the Autonomous Communities. The periodical report in Castilian was late by several months and its translation into English later still, with the consequence that, by the time the Committee of Experts received it, some information was already out-dated.

B. The Committee of Experts commends the Spanish authorities for the high-level options they have taken under the Charter and their efforts to protect and promote their regional and minority languages through legislation and practical measures, at the level of the Autonomous Communities. Nevertheless, the Committee of Experts has become aware of certain regressions at the level of the Autonomous Communities. At state level, the Spanish authorities opted for high commitments. In practice, the level of implementation does not necessarily match the obligations. In particular, the support given by the authorities to languages covered only by Article 7 should be strengthened.

C. Contributions from non-governmental associations, especially regarding the practical implementation of various legal acts, have helped the Committee of Experts to get a better and more complete picture of the situation.

#### General Comments

D. The establishment of the Council of Official Languages in the General State Administration was an encouraging step towards facilitating the co-ordination between State ministries and Autonomous Communities, but in reality the frequency of meetings and the output delivered by this body has been very low.

E. At state level responsibility, some of the problems identified in the previous monitoring rounds still persist, especially regarding the use of co-official languages before judicial and state administration bodies. The legislation on the right to have proceedings conducted in the relevant language has not changed and structural problems in the implementation of Article 9 remain. The current merit and rotation system of judges coupled with the laws in force discourage that, in practice, court proceedings can be carried out in co-official languages.

F. The use of regional or minority languages before the state administration is still hampered by the lack of staff using the relevant language, although the situation differs considerably among the ministries and different strands of peripheral state administration. Public services under the competence of the State suffer from similar deficiencies, especially those that provide services nationwide. There is a need for a coherent and systematic policy, and a strategic approach to services in the minority language so that users are not discouraged from using their language with these bodies.

G. Co-operation between Autonomous Communities where the same language or similar languages are spoken is still problematic in some fields, such as education or broadcasting media, to the detriment of the languages concerned. A sense of shared responsibility for the protection of the languages in question is needed. Co-operation also needs to be improved between the local state administration offices located in different Autonomous Communities, especially where the same or a similar language is spoken.

H. In the field of education, a number of Autonomous Communities with co-official languages have introduced, or are in the process of introducing, trilingual education. The offer of this model should not negatively affect the provision of education in regional or minority languages, including their promotion and support structure. The compulsory nature of this model was not very well received in certain Autonomous Communities. Moreover, for many languages, there is a lack of reports evaluating the measures taken and progress made in regional or minority language medium education.

I. The Organic Law 8/2013 provides for the strengthening of the teaching of Castilian nationwide. According to the information made available, there is a fear that this strengthening will occur at the expense of regional or minority languages.

#### Individual Part III languages

##### J. Catalan in Catalonia

In Catalonia, the Catalan language continues to enjoy strong support from the regional and local authorities and consequently most of the undertakings under the Charter are fulfilled. Nevertheless, strong concerns persist with respect to the use of Catalan within legal proceedings, especially as far as written Catalan is concerned. Despite improvements made, some deficiencies still exist in the field of health services and elderly care.

##### K. Basque in Navarre

Positive trends continue with respect to the teaching of the Basque language as the authorities ensured the Model D education also in the "Mixed zone" of Navarre. At the same time, the authorities are considering the introduction of English at all levels of education, but it should not jeopardise the offer of Basque-medium education in accordance with the Charter. The establishment and functioning of *Euskarabidea*, (a public body whose remit covers a wide range of responsibilities dealing with the promotion of the Basque language) was a positive step, although its output was criticised by the NGOs concerned. The provision of Basque in economic activities and health services remains unsatisfactory. Cooperation between the Government of Navarre and the Basque Country is not very effective, except in the field of adult education. Such co-operation is particularly needed in the field of media, regarding the reception of ETB Basque public television.

##### L. Basque in the Basque Autonomous Community

Basque in the Basque Country continues to benefit from positive measures in many fields so that a majority of undertakings under the Charter are fulfilled. Problems persist in justice, police, health and social care due to the low proportion of staff with a command of the Basque language.

##### M. Catalan in the Balearic Islands

In the field of education, the offer of Catalan-medium education does not correspond to the undertakings chosen under the Charter. The introduction of the trilingual model met with strong resistance of the educational community since they feared that it would reduce the instruction in Catalan. Problems remain in the field of media; the broadcasting of public television in Catalan has declined. Not much progress has been made regarding the use of Catalan in legal proceedings.

##### N. Valencian in Valencia

In the field of education, with the adoption of the decree in plurilingualism of non-university education, the offer of Valencian-medium education is decreasing. Problems persist in legal proceedings. In the field of media, difficulties are linked to the absence of public media provided in Valencian; no alternative solution has been set up. Furthermore, the lack of retransmission of public television from Catalonia still persists. In addition, there are shortcomings in private radio and television broadcasting.

##### O. Galician in Galicia

The language is widely present in public life including regional and local administration. In the field of education, the Committee of Experts is concerned about a gradual reduction of Galician-medium education. With the introduction of the trilingual model, the proportion of Galician has been reduced at primary and secondary level. Problems persist in legal proceedings and there is an insufficient offer of programmes in Galician on private television.

P. Aranese

Due to the co-official status of Aranese according to the Statute of Catalonia, Aranese became another language covered by Part III of the Charter in the previous monitoring round. This showed a strong commitment from the authorities towards the protection and promotion of this language. Nevertheless there are shortcomings in the implementation of some of the undertakings.

Languages dealt with under Part II

Q. Official statistics regarding the number of speakers of regional or minority languages that are not co-official in Spain are still lacking. Pragmatic steps should be taken to collect, in co-operation with the speakers, reliable data on the number and geographic distribution of the speakers of the regional or minority languages.

R. Asturian in Asturias

The level of protection of Asturian provided by the Statute of Autonomy of Asturias has not changed since Asturian has not become a co-official language. The Asturian language is present in education and public administration, but in the field of media there is a significant reduction in the budget for the “normalisation” (promotion and protection) of Asturian.

S. Aragonese and Catalan in Aragon

The recent act on the use and the protection and promotion of languages and “linguistic modalities” native to Aragon only refers to the geographical area where they are spoken. This law makes no explicit reference to the name of the traditional minority languages spoken in Aragon. The support provided by the authorities to the use of minority languages in media has decreased considerably.

T. Galician-Asturian in Asturias

The Asturian authorities undertook a number of measures aimed at benefitting the language, including the recognition of its distinct identity. Asturian language classes as a subject in education are available. A clear distinction between Galician-Asturian and Asturian should be made in the next periodical report.

U. Galician in Castile and Leon

Although the language has a certain presence in the education system, it needs to be strengthened. More measures are also needed to promote Galician in the media and in public life in general.

V. Galician in Extremadura

The language has not been recognised as a minority language in this area. No progress has been made in the protection and the promotion of the language in accordance with the Charter.

W. Leonese in Castile and Leon

The regional authorities have, to date, not adopted any regulations for the protection or promotion of Leonese deriving from the Statute, nor have any significant practical measures been taken to protect the language.

X. Darija Arabic in Ceuta

No progress has been made with respect to the legal status and practical protection of Darija Arabic in Ceuta.

Y. Tamazight in Melilla

The recognition of Tamazight as part of the common immaterial cultural heritage of all the people of Melilla may be a first positive step in the promotion and protection of the language according to the Charter. There is a need to develop a language policy for Tamazight.

Z. Portuguese in Extremadura

No progress has been made in the protection or promotion of the language; there are only limited private initiatives in the field of education.

AA. Valencian in Murcia

In the last two years, the number of courses of Valencian in Murcia has been increased, but a definite need remains for the protection and promotion in the district of El Carxe.

BB. Caló

No change with respect to the status of Caló has been made. Some progress in supporting the language has been observed in Catalonia.

#### **4.2. Proposals for recommendations on the basis of the results of the fourth monitoring round**

The Committee of Experts, while acknowledging the efforts the Spanish authorities have undertaken to protect the regional and minority languages spoken in their country, has in its evaluation chosen to concentrate on some of the most important deficiencies in the implementation of the Charter. The recommendations forwarded by the Committee of Experts to the Committee of Ministers should not, however, be interpreted as diminishing the relevance of the other, more detailed observations contained in the report, which remain valid in their own right. The recommendations proposed by the Committee of Experts are drafted accordingly.

The Committee of Experts of the European Charter for Regional or Minority Languages, in accordance with Article 16.4 of the Charter, proposes on the basis of the information contained in this report, that the Committee of Ministers makes the following recommendations to Spain.

The Committee of Ministers,

In accordance with Article 16 of the European Charter for Regional or Minority Languages;

Having regard to the declaration made by Spain on 9 April 2001;

Having taken note of the evaluation made by the Committee of Experts on the Charter with respect to the application of the Charter by Spain;

Bearing in mind that this evaluation is based on information submitted by Spain in its national report, supplementary information provided by the Spanish authorities, information submitted by bodies and associations legally established in Spain and information obtained by the Committee of Experts during its on-the-spot visit;

[Having taken note of the comments made by the Spanish authorities on the contents of the Committee of Experts' report;]

Recommends that the authorities of Spain take account of all the observations and recommendations of the Committee of Experts and, as a matter of priority:

1. amend the legal framework with a view to making it clear that the criminal, civil and administrative judicial authorities in the Autonomous Communities will conduct the proceedings in co-official languages at the request of one party;
2. take the necessary legal and practical measures to ensure that an adequate proportion of the judicial staff posted in the Autonomous Communities concerned by the application of Article 9 of the Charter has a working knowledge of the relevant languages;
3. take all necessary legal and practical measures to ensure the adequate presence of the co-official languages in the state administration at the level of the Autonomous Communities;
4. ensure the presence of co-official languages in public services, especially in health care services;
5. ensure that the offer of trilingual education does not negatively affect the protection and promotion of regional or minority languages;
6. promote the official recognition of those regional or minority languages which have not yet been recognised outside of the Autonomous Communities where they have a co-official status.

## Appendix I: Instrument of ratification



Spain

:

### Declarations contained in the instrument of ratification deposited on 9 April 2001 - Or. Spa.

Spain declares that, for the purposes of the mentioned articles, are considered as regional or minority languages, the languages recognised as official languages in the Statutes of Autonomy of the Autonomous Communities of the Basque Country, Catalonia, Balearic Islands, Galicia, Valencia and Navarra.

For the same purposes, Spain also declares that the languages protected by the Statutes of Autonomy in the territories where they are traditionally spoken are also considered as regional or minority languages.

The following provisions of the Part III of the Charter will apply to the languages mentioned in the first paragraph:

#### Article 8:

- paragraph 1 sub-paragraphs a(i), b(i), c(i), d(i), e(iii), f(i), g, h, i.
- paragraph 2.

#### Article 9:

- paragraph 1, sub-paragraphs a(i), a(ii), a(iii), a(iv), b(i), b(ii), b(iii), c(i), c(ii), c(iii), d.
- paragraph 2, sub-paragraph a.
- paragraph 3.

#### Article 10:

- paragraph 1, sub-paragraphs a(i), b, c.
- paragraph 2, sub-paragraphs a, b, c, d, e, f, g.
- paragraph 3, sub-paragraphs a, b.
- paragraph 4, sub-paragraphs a, b, c.
- paragraph 5.

#### Article 11:

- paragraph 1, sub-paragraphs a(i), b(i), c(i), d, e(i), f(ii), g.
- paragraph 2.
- paragraph 3.

#### Article 12:

- paragraph 1, sub-paragraphs a, b, c, d, e, f, g, h.
- paragraph 2.
- paragraph 3.

#### Article 13:

- paragraph 1, sub-paragraphs a, b, c, d.
- paragraph 2, sub-paragraphs a, b, c, d, e.

#### Article 14:

- sub-paragraph a.
- sub-paragraph b.

All the provisions of Part III of the Charter, which can reasonably apply according to the objectives and principles laid down in Article 7, will apply to the languages mentioned in the second paragraph.

**Period covered: 1/8/2001 -**

The preceding statement concerns Article(s) : 2, 3, 7

## **Appendix II: Comments by the Spanish authorities**

Having examined the Report of the Committee of Experts of the European Charter for Regional or Minority Languages on Spain's Fourth Periodical Report on the application of the Charter, in accordance with Article 16 thereof, Spain wishes to make the following comments on the findings and recommendations contained in the fourth chapter of the Committee's report:

### Remarks concerning the opening comments (paragraphs A and B of Chapter 4.1)

By way of an introduction and in response to the comments in the Committee of Experts' report on the structure of the report, in which it is suggested that information on the speakers could have been included, it should be stressed that the report submitted by Spain attempted to follow the instructions received in this respect, which recommended that the descriptions should be brief and that information already included in previous reports should not be repeated. Account was also taken of the General Comment in the Committee of Experts' Report on Spain's Third Report, which asked for information to be "concise, coherent and targeted".

Spain would also like to thank the Committee of Experts for acknowledging the efforts made by the Spanish authorities through legislative and practical measures to maintain its high level of commitment to the Charter.

### Remarks concerning the General Comments.

As stated in Spain's Fourth Report, the context of the economic crisis affecting Europe and Spain in particular during the entire period covered by the report compelled the Government to direct a large part of its policy towards budgetary consolidation so as to satisfy the requirements of the European Union in this area, and this entailed a great deal of work to adapt and optimise the available resources to honour Spain's undertakings under the Charter.

It is true that the Council of Official Languages (*el Consejo de Lenguas Oficiales*) did not meet during the period. However, the level of application of the agreements adopted at the last Council meeting was maintained and, in many cases, intensified, particularly as regards progressive language training for employees of the General State Administration, the presentation of all forms, templates, posters, signs and signage in bilingual versions and the increased presence of co-official languages on the websites of Ministries and their affiliated or subordinate bodies. As a standing support body for the Council, the Bureau for Official Languages (*la Oficina de Lenguas*) continued its work, focusing in particular on monitoring the activity of government departments and the public bodies affiliated to or dependent thereon with regard to the use of co-official languages but also keeping the Council informed of any draft legislation liable to affect the legal status of co-official languages.

The Bureau for Official Languages is the body responsible for ensuring that all measures comply with Spain's commitments under the European Charter for Regional or Minority Languages.

### Remarks concerning the comments on languages dealt with under Part II

On the subject of the comment in paragraph Q, where it is said that the official statistics on the number of speakers of regional or minority languages that are not co-official in Spain are still not available, it should be pointed out that in Spain's Third and Fourth Reports, information is already provided on the speakers of certain non co-official languages (such as Asturian, Galician-Asturian in Asturias and Tamazight in Melilla). It should also be noted that on 12 November 2014 the Spanish Government submitted additional information to complement the information already provided in its Fourth Report on the situation of the Darija in the city of Ceuta, complete with updated statistical and sociological data. A summary of this additional information has been appended to these comments.

With regard to paragraph Y, where it is stated that the recognition of Tamazight as part of the cultural heritage of Melilla may be a first positive step in the promotion and protection of this language, it should be pointed out, as was already mentioned in Spain's Fourth Report, that the Social Pact for Interculturality approved by the Melilla Assembly on 21 July 2014, asserts the desire in its operative clauses "to implement the principles and aims of the European Charter for Regional or Minority Languages pursuant to Article 5.2.h of the Statute of Autonomy (*Estatuto de Autonomía*)" and **recognises Tamazight as a traditional language that forms part of the common immaterial cultural heritage of all the people of Melilla**. The Social Pact reiterates its commitment to adopting the necessary measures for all the people of Melilla to learn the Tamazight language if they so desire.

#### Remarks concerning the proposals for recommendations

As to the proposals for recommendations, further information can be added to that submitted on 12 November 2014:

- 3rd and 4th proposed recommendations: please find in Appendix I the information sent by the National Institute of Public Administration (INAP) on the training courses in co-official languages provided for State civil servants employed in the Autonomous Communities where co-official languages are spoken.
- 4th and 5th proposed recommendations: please find in Appendix II the information communicated by the Ministry of Education, Culture and Sport, which contains statistics on the use of co-official languages in non-university general education.

|                                                                                                                        |
|------------------------------------------------------------------------------------------------------------------------|
| <p align="center"><b>APPENDIX 1 TO SPAIN'S FOURTH REPORT ON THE<br/>IMPLEMENTATION OF THE CHARTER (2010- 2013)</b></p> |
|------------------------------------------------------------------------------------------------------------------------|

**1. Additional information provided by the Ministry of Finance and Public Administration  
(National Institute of Public Administration – INAP)**

The National Institute of Public Administration (INAP) helps civil servants of the General State Administration (AGE) working in the Autonomous Communities to learn and perfect their knowledge of co-official languages by offering courses in Catalan, Valencian, Galician and Basque.

**Work of the INAP with Autonomous Communities with co-official languages in 2014:**

**NAVARRRE**

**1. Co-operation framework**

In Navarre, support for training in co-official languages is provided by the **Navarre Institute of Public Administration** and the **Navarre Basque Institute (Euskarabidea)**.

Financial management of teacher recruitment is organised by means of a contract with Euskarabidea.

**2. Training provision**

The Navarre Institute of Public Administration provides lessons in Basque throughout the year. It informs the Government Delegation to the Chartered Community of Navarre of this so that the information can be circulated among the State civil servants in Navarre.

The course runs for a whole school year. The usual times to enrol are May and December and a third enrolment session may be organised for the summer courses (in June, July and August).

The courses are divided into advanced, intermediate or beginners' classes. According to their level, students sign up for courses on-line or face-to-face in classrooms, in which case they are provided by Euskarabidea (which also caters for people other than AGE staff).

**3. Target audience**

The courses are intended for civil servants of the Public Administration working in Navarre.

**BASQUE COUNTRY**

**1. Co-operation framework**

Support for the Basque Country for basic and more advanced courses in Basque is provided by the Government Delegation in the Autonomous Community of the Basque Country.

Teacher recruitment is financed by cash advances and through contracts with Basque teachers, on the proposal of the Basque Government.

The resolution by the Director of INAP opening the enrolment process is published on the INAP website. The Government Delegation in the Basque Country has the task of selecting which candidates enrolled on the initial lists will be offered training.

**2. Training provision**

Provision is made for training courses in the Basque language, the content of which is based on the proficiency levels of the Common European Framework of Reference for Languages (CEFR) (A1, A2, B1, B2, and C1).

Courses include the following levels:

**- For face-to-face lessons:**

A1, A2, B1, B2.1, B2.2, C1.1 and C1.2  
Average duration: 250 hours

**- For on-line courses:**

A1, A2, B1, B2.1, B2.2, C1.1 and C1.2  
Average duration: 250 hours

Participation in the courses does not result in the issue of an official certificate or diploma acknowledging that the pupil has reached a particular level.

### **3. Target audience**

Courses are intended for civil servants working in the various facilities and departments of the General State Administration in the Basque Country.

## **VALENCIAN COMMUNITY**

### **1. Co-operation framework**

INAP organises courses for basic and more advanced training in Valencian in co-operation with the Valencian Community's Council for Education, Culture and Sport.

Financial management is based around the direct payment of teachers proposed by the Valencian Community, who are appointed by the Director of INAP, and is carried out through the conclusion of contracts and through cash advances.

### **2. Training provision**

Courses are provided on line and correspond to CEFR levels A2 (basic oral knowledge), B1 (elementary) and C1 (intermediate).

At each of these levels, training sessions are organised according to trainees' needs, with each session able to cater for 50 participants. The maximum possible number of participants is 350 people spread over no more than 7 sessions.

The aim of the courses is to prepare the participants for the official examinations organised by the *Junta Qualificadora de Coneixements de València* (the Qualifications Validation Board of Valencia).

### **3. Target audience**

The courses are intended for civil servants working in the various facilities and departments of the General State Administration, the National Police Force or the Civil Guard in the Valencian Community.

## **GALICIA**

### **1. Co-operation framework**

Support is provided by the Galician Parliament's General Sub-Directorate for Language Policy through the Government Delegation in Galicia.

In 2013, the financial management of courses was based around direct payment by INAP of the teachers appointed by INAP through cash advances or the conclusion of contracts.

## **2. Training provision**

In 2013, four face-to-face courses were organised, one in each province, and each offered lessons at intermediate or advanced level save Ourense, which only provided advanced lessons.

## **3. Target audience**

Courses are intended for civil servants working in the various facilities and departments of the General State Administration in Galicia.

# **BALEARIC ISLANDS**

## **1. Co-operation framework**

Co-operation with the Government of the Balearic Islands is arranged through the Balearic School of Public Administration (EBAP), which organises and employs the private teachers employed to teach the co-official language on its premises. In 2014, a contract for an amount of €5 130.24 was concluded with the EBAP.

The link to the Resolution of the President of the Balearic School of Public Administration of 9 December 2013 approving the annual plan, the invitation and the examinations for the courses in Catalan to be offered by the EBAP in 2014 was posted on the INAP website.

## **2. Training provision**

Training takes place over a calendar year (generally from January to June).

Courses are given face-to-face (Majorca, Minorca and Ibiza), partly face-to-face (Majorca, Minorca and Ibiza) or on line.

The following levels are catered for: A2 face-to-face, B2 face-to-face, C1 face-to-face, partly face-to-face and on-line, C2 face-to-face and partly face-to-face and E on-line.

Courses last 64 hours in total and it is intended for them to be taken during the first half of the year.

## **3. Target audience**

Courses are intended for the entire staff of the administrative departments of the Autonomous Community of the Balearic Islands and the staff of the other administrative departments of the Islands.

# **CATALONIA**

## **1. Co-operation framework**

The National Institute of Public Administration and the Government Delegation in Catalonia organise courses to promote knowledge of Catalan on a yearly basis, under the agreement for the promotion of knowledge of the co-official languages among the staff of the General State Administration in Catalonia (INAP Resolution of 11 April 2014).

In previous years, several academies had contributed to the provision of training courses.

In 2014, only one contract was concluded, with the Consortium for Linguistic Normalisation, and the last budget was reduced because of the low demand for training.

## **2. Training provision**

Course content is built around general objectives corresponding to levels A2, B1, B2 and C1 of the Common European Framework of Reference for Languages (CEFR), meaning that classes are divided into the following levels: basic (A2), elementary (B1), intermediate (B2) and autonomous (C1). At each of these levels, training sessions are organised in line with demand.

In 2014, lessons at basic, elementary, intermediate and autonomous level were provided on line through the platform [www.parla.cat](http://www.parla.cat), which manages the Consortium for Linguistic Normalisation, with an estimated total of 45 hours' teaching per term. Each level is divided into three sub-levels and all those completing the third sub-level can sit an examination leading to an official diploma.

Basic and elementary level lessons in the Barcelona Sub-Delegation are run exclusively as face-to-face lessons in classrooms located on the premises of the Government Delegation in Catalonia. They amount to eighty hours but do not give access to the examination or to the official diploma.

The aim of the face-to-face lessons is to provide basic and advanced training in the Community's co-official language for civil servants of the General State Administration working in the Autonomous Community of Catalonia. They offer the chance to prepare for the examinations held by the Language Policy Directorate.

The Consortium for Linguistic Normalisation issues a certificate to those who successfully complete its on-line courses.

### 3. Target audience

The courses are intended for public service employees (civil servants or contractual staff) who have worked in the same calendar year in the various facilities and departments of the General State Administration in Catalonia.

#### THE INAP BUDGET FOR CO-OFFICIAL LANGUAGES OVER THE PERIOD 2010-2014 (up to 09/10/2014)

|                            | 2010       | 2011       | 2012       | 2013       | 2014      |
|----------------------------|------------|------------|------------|------------|-----------|
| <b>GALICIA</b>             | 29 500.00  | 0.00       | 24 675.00  | 23 100.00  | 0.00      |
| <b>VALENCIAN COMMUNITY</b> | 96 478.20  | 0.00       | 27 450.27  | 21 000.00  | 21 000.00 |
| <b>CATALONIA</b>           | 62 127.00  | 0.00       | 21 255.00  | 24 239.00  | 17 976.00 |
| <b>BASQUE COUNTRY</b>      | 29 116.43  | 38 516.38  | 14 383.47  | 25 751.17  | 22 851.68 |
| <b>NAVARRRE</b>            | 14 525.00  | 14 512. 75 | 9 614.72   | 9 632.68   | 8 660.61  |
| <b>BALEARIC ISLANDS</b>    | 65 016.00  | 60 000.00  | 15 861.78  | 5 450.88   | 5 130.24  |
| <b>TOTAL</b>               | 296 762.63 | 113 029.13 | 113 240.24 | 109 173.73 | 75 618.53 |

Appended: summary of the implementation of co-official language courses over 2010-2013.

#### SUMMARY OF THE IMPLEMENTATION OF CO-OFFICIAL LANGUAGE COURSES OVER 2010-2013

| Courses in co-official languages | Number of face-to-face courses | Number of on-line courses | Total (on-line and face-to-face) | Face-to-face students | On-line students | Total students (on-line and face-to-face) |
|----------------------------------|--------------------------------|---------------------------|----------------------------------|-----------------------|------------------|-------------------------------------------|
| 2010                             | 178                            | -                         | 178                              | 1 941                 | -                | 1 941                                     |
| 2011                             | 151                            | -                         | 151                              | 1 616                 | -                | 1 616                                     |
| 2012                             | 33                             | 46                        | 79                               | 200                   | 654              | 854                                       |
| 2013                             | 40                             | 29                        | 69                               | 110                   | 685              | 795                                       |
| Total                            | 402                            | 75                        | 477                              | 3 867                 | 1 339            | 5 206                                     |

**APPENDIX 2 TO SPAIN'S FOURTH REPORT ON THE APPLICATION OF THE CHARTER  
(2010-2013)****2. Additional information provided by the Ministry of Education, Culture and Sport (linguistic models)**

This document provides an overview of the students in each Autonomous Community (Region) according to the linguistic model of the lessons they receive. This information only reflects general non-university education.

The statistical information shows the individual situation in each of the autonomous communities, covering its own official language and the official state language, Castilian. Each table covers a single Region and reflects its specific characteristics so that the statistics can be more easily interpreted.

Here are some technical clarifications with regard to the statistics in this document:

- For statistical purposes, and taking account of the Spanish languages in which lessons are taught and the Spanish languages studied as subjects, the students were divided into categories according to the following types of linguistic model:
  - Castilian only: lessons are given only in Castilian and no other Spanish language is taught.
  - Lessons are given only in Castilian and another Spanish language is taught.
  - Bilingual model: some of the subjects are taught in Castilian and the others in a Spanish language other than Castilian.
  - Lessons are given in a Spanish language other than Castilian and Castilian is taught as a subject: all lessons are given in the other Spanish language apart from Castilian lessons.
- Separate information is provided for the autonomous communities of the Balearic Islands, Catalonia, the Valencian Community, Galicia, the Chartered Community of Navarre and the Basque Country.

*Information source:*

*- Non-university Education Statistics. 2011-2012 academic year.*

## **DARIYA IN CEUTA. EXECUTIVE SUMMARY**

The regional Department of Education, Culture and Sports of Ceuta, through the Institute of Ceuta Studies and in coordination with the University of Granada, (Department of Arabic and Islamic Studies) issued this report on the languages of Ceuta with special emphasis on Spanish, traditional Arabic, Ceuta Arabic or Darija, and the Berber or Tamazight languages in order to reply to the recommendation of the Committee of Experts (Third Report on Spain 2006-2009), on the situation of Darija in Ceuta. A methodology with qualitative and quantitative techniques based on document review and interviews with speakers of those communities living in Ceuta was implemented (584 people having lived in Ceuta for more than 15 years were interviewed -Ceuta has 66.596 inhabitants, according to the 2012 census-).

The study concludes that the Darija or Ceuta Arabic (uncoded and no standardized language) is an oral/spoken register of the Arabic language (classical Arabic or normative Arabic) with specific features.

The following points should be underlined:

The population in Ceuta includes various ethnic and cultural groups. The largest group to date having been that of Peninsular- Christian origin, the Muslim population represents nowadays 49% of the total population. The Jewish community includes 765 people and the Hindu community is estimated at 650 individuals.

Spanish is the most used language (72%), the second being Darija (26.2%). Tamazight is barely noticeable (0.2%), while Hebrew and Hindi are almost exclusively liturgical languages.

The socio-cultural origin of the population makes the difference. Thus, the Arab-Muslim population represents 62.9% of these having Darija as usual language (the use of Spanish within this group represents 34,6%) while 0,3% of the population of European-Christian uses Darija 0.3% and 99.1% Spanish.

As identification language of Ceuta population, Spanish shows a high proportion/ratio (70.9%) in comparison with Darija (24.3%). A low proportion of the population identifies itself with both languages (0.9%) or Tamazight Berber (0.5%).

As a first language or mother tongue, there are also differences between Spanish (64.2%), Darija-Arabic (32.4%) and Tamazight- Berber (0.9%).

The most spoken language within the family are the Spanish (59,2%) and the Darija-Arabic (40.5%). There is a clear bilingualism among the population using Darija within the family. Only 4.8% of it exclusively uses Darija versus 35.2% who uses both languages.

99.8% of the population of Ceuta understands Spanish, 98.3% of it speaks it, 94.3% reads it and 91.6% writes it, while 45% of the population understands Darija-Arabic, and 42.8% speaks it. Darija is learnt at home (92.2%).

Tamazight Berber is understood and spoken by 1.2% of the population.

In the social sphere, Spanish is spoken among friends (72.1%), neighbours (69.3%), colleagues (86.2%) and fellow students (82.7%) while Darija is spoken among friends (19.1%), neighbours (22.1%), colleagues (6.1%) and fellow students (6.9%).

Similar proportions are observed in the media (Use of Spanish on TV (94.4%), radio (56.5%), press (63.5%) and Internet (64.9%). Use of Darija on TV (22%), radio (6.6%), press (1.3%) and Internet (3.4%)).

Therefore, Darija-Arabic is considered the language of nearly half the population of Ceuta, but this does not imply a knowledge of standard written Arabic, because only a minority of the people living in Ceuta can read or write it.

There is a clear situation of bilingualism among the Muslim Darija speakers, as almost all of them speak Spanish (96%), understand it (97.2%), read it (88.8%) and write it (86%). By contrast, Spanish-speakers of Christian-European origin are monolingual.

Together with Spanish and Darija, we find Hebrew and Hindi or Sindhi (hindi variant). These are two traditional liturgical languages. None of them is a language of communication, except Sindhi which is only used within the family. Both communities use Spanish as language of communication, considering it both as their main and usual language and as an identification language.

The use of Tamazight-Berber is a result of recent immigration from Melilla, but it does not have a linguistic tradition in the Ceuta.

Therefore, it can be concluded that Dariya is the second most used language in Ceuta (26,2% vs 72% of Spanish). It is an oral variant from classic Arabic. Dariya speakers belong mainly to the Muslim community in Ceuta. Among them, 62,9% use Dariya as their regular language, by contrast with Christian-origin Dariya speakers (0,3%). Besides, Dariya speaker is mostly bilingual, since 96% of the Arabic-Muslim citizens can speak Spanish.