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EUROPEAN CHARTER FOR REGIONAL OR MINORITY LANGUAGES

**APPLICATION OF THE CHARTER IN SPAIN**

**2nd monitoring cycle**

- A.    **Report of the Committee of Experts on the Charter**
- B.    **Recommendation of the Committee of Ministers of the Council of Europe on the application of the Charter by Spain**

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

To facilitate this task, the Committee of Ministers has adopted, in accordance with Article 15.1, an outline for the periodical reports that a Party is required to submit to the Secretary General. The report shall be made public by the government concerned. This outline requires the State to give an account of the concrete application of the Charter, the general policy for the languages protected under its 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's 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 Committee's 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 gathers information from the respective authorities and from independent sources within the State, with a view to obtaining a just and fair overview of the real language situation. After a preliminary examination of a periodical report, the Committee submits, if necessary, a number of questions to the Party concerned on matters it considers unclear or insufficiently developed in the report itself. This written procedure is usually followed up by an "on-the-spot" visit of a delegation of the Committee to the respective State. 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.

Having concluded this process, the Committee of Experts adopts its own report. This report is submitted to the Committee of Ministers together with suggestions for recommendations that the latter could decide to address to the Party concerned.

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## **A. Report of the Committee of Experts on the application of the Charter in Spain**

adopted by the Committee of Experts on 4 April 2008  
and presented to the Committee of Ministers of the Council of Europe  
in accordance with Article 16 of the Charter

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

#### **1.1. Introduction**

1. 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 with regard to Spain on 1 August 2001.

2. The instrument of ratification of Spain is set out in Appendix I of this report. Spain declared at the time of ratification that Part III applies to 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. As regards Part II, Spain declared that it applies to the languages protected by the Statutes of Autonomy in the territories where they are traditionally spoken.

3. Article 15, paragraph 1 of the Charter requires States Parties to submit three-yearly reports in a form prescribed by the Committee of Ministers<sup>1</sup>. The Spanish authorities presented their second periodical report to the Secretary General of the Council of Europe on 30 April 2007 (the English translation was made available during the summer).

4. In its previous evaluation report on Spain (ECRML (2005) 4), the Committee of Experts of the Charter (hereafter referred to as “the Committee of Experts”) outlined particular areas where the legal framework, policy and practice could be improved. The Committee of Ministers took note of the report presented by the Committee of Experts and adopted recommendations (RecChL(2005) 3), which were addressed to the Spanish authorities.

#### **1.2. The work of the Committee of Experts**

5. This second evaluation report is based on the information obtained by the Committee of Experts from the second periodical report of Spain and through interviews held with representatives of some of the regional or minority languages in Spain and with the Spanish authorities during the “on-the-spot” visit, which took place from 10 to 14 September 2007. The Committee of Experts also received an extensive number of comments from bodies and associations legally established in Spain, submitted pursuant to Article 16 paragraph 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.

6. In the present second evaluation report the Committee of Experts will focus on the provisions and issues under both Part II and Part III which were singled out in the first evaluation report as raising particular problems. It will evaluate in particular how the Spanish authorities have reacted to the issues discussed by the Committee of Experts and, where relevant, to the recommendations made by the Committee of Ministers. The report will firstly recall the key elements of each issue. It will then refer to the paragraphs in the first report which set out the Committee of Experts’ reasoning<sup>2</sup>, before evaluating how the Spanish authorities have reacted. The Committee of Experts will also look at the new issues raised during the second monitoring round.

7. The present report contains detailed observations that the Spanish authorities are urged 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 a list of general proposals for the preparation of

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<sup>1</sup> MIN-LANG (2002) 1 Outline for 3-yearly periodical reports as adopted by the Committee of Ministers of the Council of Europe.

<sup>2</sup> The boxes which featured in the first evaluation report appear as underlined sentences in the present second report.

a second set of recommendations to be addressed to Spain by the Committee of Ministers, as provided in Article 16, paragraph 4 of the charter.

8. This report is based on the political and legal situation prevailing at the time of the Committee of Experts' second "on-the-spot" visit to Spain.

9. The present report was adopted by the Committee of Experts on 4 April 2008.

### **1.3. Presentation of the regional or minority language situation in Spain: up-date**

#### *General remarks*

10. The Committee of Experts refers to the relevant paragraphs of the first evaluation report for the basic presentation of the situation of regional or minority languages in Spain (paragraphs 8-58). The regional or minority languages covered under the Charter in Spain are 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.

11. In addition, 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 covering the following languages: Galician in Castile and León, Aragonese and Catalan in Aragon, Asturian, Asturian-Galician, Aranese. These languages are covered by part II of the Charter.

12. In the first evaluation report, the Committee of Experts observed that some languages that are not referred to in the instrument of ratification, seem nevertheless to have a traditional presence in Spain and are therefore covered by Article 7 of the Charter. The Committee of Experts therefore encouraged the Spanish authorities in the first monitoring round to clarify, in co-operation with the speakers, the situation of the following languages and to comment in a detailed manner, in the next periodical report, on the application of Article 7 of the Charter to them: Galician in Castile and León ; Portuguese in the town of Olivenza; Berber in the Autonomous City of Melilla; Arabic in the Autonomous City of Ceuta (see paragraphs 44, 54-56 and 75-77, as well as Finding S). The Committee of Experts was informed in the second monitoring round that in addition to other languages, there was also a traditional presence of Galician in Extremadura and Valencian in Murcia.

13. The Committee of Experts recalls that according to the Charter, a State can not exclude languages that could benefit from the application of Part II of the Charter. As indicated in the Explanatory report to the Charter, Part II establishes a common core of principles that apply to all regional or minority languages and that "States parties are not free to grant or to refuse a regional or minority language the status which it is guaranteed under Part II of the Charter" (see paragraphs 22 and 40 of the explanatory report).

14. As regards Romani and Caló, the Committee of Experts requested further information regarding their traditional and continued presence in Spain for them to be considered as protected by the European Charter for Regional or Minority Languages, as a non-territorial language.

15. However, the Spanish authorities have not provided any updated information or figures that could have helped the Committee of Experts in its appreciation of the situation of the languages that do not have a co-official status.

16. During the on-the-spot visit, the Committee of Experts met with representatives of the Jewish community who presented activities carried out in the education and cultural fields. It is not quite clear to the Committee of Experts whether a traditional presence of Yiddish can be established. It invites the authorities to clarify this question in cooperation with the speakers.

#### *New developments at the State level*

17. At the State level, the Committee of Experts was informed during the on-the-spot visit of the adoption of Royal Decree 905/2007 dated 6 July (Official Gazette of 19 July 2007) which opens up the possibility of setting up the Council of Official Languages in the General State Administration and the Bureau for Official Languages. The Committee of Experts commends the Spanish authorities for this very positive step forwards and encourages the Spanish authorities to set up the Council of Official Languages without undue delay.

18. In the field of education, changes have recently been made to the education model, with the entry into force of Organic Law 2/2006 of 3 May 2006. According to this law, training in and recognition of the linguistic and cultural plurality of Spain are now among the aims of education. In Autonomous Communities with a co-official language, 55% of the curriculum is designed by the relevant Autonomous Community. In addition, a foreign language (mostly English) has become compulsory in secondary education from 12 to 16 years of age.

19. In the field of Justice, the Spanish authorities report to have taken various measures over the past three years designed to strengthen the linguistic safeguards of the parties to a trial, *inter alia* by adopting Organic Law 19/2003 of 23 December 2003 reforming Organic Law 6/1985 of 1 July 1985 on the judiciary, which introduces some new features, covering court administration. For some of the posts in court administration linguistic skills in minority languages can be treated as an advantage and for some others as a requirement (see paragraphs 70-73 below).

20. In the field of public administration, Law 29/2005 of 29 December 2005 on institutional advertising and communication gives priority to the use of linguistic diversity in advertising and communication campaigns, as well as the setting up of a joint committee of experts to analyse the use of co-official languages in the General State Administration (see paragraphs 74-77 below).

#### *New developments at the level of autonomous communities*

21. During the on-the-spot visit of the Committee of Experts the Government of the Autonomous Communities of the Basque Country, Catalonia and Galicia signed a protocol of agreement in linguistic policy matters. Under this frame the three governments concerned will exchange information on their respective practice and also monitor the implementation of the European Charter for Regional or Minority Languages. The Committee of Experts praises the authorities for this institutional commitment to better protect and promote Basque, Catalan and Galician respectively.

#### **Basque in the Basque country**

22. Based on the 1998 General Plan for Promotion and of the Use of Basque the authorities developed the new language policy in the document entitled "Future of language policy – Project 2005-2009" with a list of measures dedicated to the promotion of Basque. In 2006 the Deputy Minister for Language Policy of the Basque authorities established Elebide - an Office to protect citizens' linguistic rights.

23. With regard to its socio-linguistic situation, the authorities emphasize that there was an increase in the number of the neo-Basque speakers. However, they are mostly bilingual and express themselves more easily in Castilian as usually they do not have a Basque language background. The number of Basque users in the bigger cities such as Bilbao, Vitoria-Gasteiz and Donostia-San Sebastian remain very low.

#### **Basque in Navarra**

24. During the on-the-spot visit, the Committee of Experts was informed that the authorities of Navarra were about to set up an Institute of the Basque Language. The Committee of Experts understands that the Director was appointed in early 2008 and that the Institute is operational. The Committee of Experts was also informed that the authorities of Navarra and of the Basque Country have initiated cooperation on the language (see para 152 below).

25. In addition, the Committee of Experts was informed that the Navarra authorities have adopted new legislation and that Ikastolas located in the non-Basque speaking zone are officially recognised (see also under paragraphs 384-393 below)

#### **Catalan in Catalonia**

26. In 2006 Organic Law 6/2006 was adopted reforming the Statute of Autonomy of Catalonia. It 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 (see p. 52 of the second periodical report). However, at the time of the on-the-spot visit the law was challenged by one of the political parties. The Committee of Experts understands that the appeal to the Constitutional Court is still pending but that the

Statute is in force. It will therefore assess the implementation of Part III undertakings taking this into consideration.

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

27. As regards the Balearic Islands, the Spanish authorities informed the Committee of Experts in their second periodical report that a new Statute of Autonomy has in fact been adopted (see p. 11). However, since this occurred after the on-the-spot visit, the Committee of Experts was not in a position to evaluate it and will return to this point in the next evaluation round.

### **Valencian**

28. The Committee of Experts notes that a new Organic Law 1/2006 of 10 April 2006 has been adopted approving the new Statute of Autonomy of the Community of Valencia (see p. 52 of the second periodical report). According to the new Statute of Autonomy, the proper language of the Community is Valencian and is on the same footing as Castilian. The Autonomous Community has a duty to guarantee the normal and official use of both languages. This new legislation will be addressed in Chapter 2.2.5, below.

### **Galician**

29. According to the Spanish authorities, the use of Galician decreased in general terms from 1992 to 2003, but it is still the most widely used language in Galicia (see p. 27 of the second periodical report). Nevertheless, it was brought to the attention of the Committee of Experts that the number of persons that “never” use Galician doubled between 1991 and 2001 (162,000 to 332,000)<sup>3</sup>.

30. In 2004, the General Plan for the Normalisation of the Galician Language was adopted unanimously by the Galician Parliament, responding to this negative trend. This plan affects many fields of public life (education, judiciary, administration, etc) that are also covered by the Charter.

### **General Comments regarding all Part II languages:**

31. The Spanish authorities have not provided any accurate updated data regarding Part II languages that are being recognised by Spain, and some languages are not mentioned at all in the second periodical report. As a consequence, it has been very difficult for the Committee of Experts to assess the situation of all languages.

32. As a general statement, the Committee of Experts recalls how important it is for the State Party to have reliable data concerning the number of users of regional or minority languages and their geographic distribution. It helps the State authorities to better evaluate the needs and the prospects for protecting the languages, and facilitates the work of international monitoring bodies. For some languages there are no reliable data as to the number of speakers and their degree of language competence and it would be useful for future language planning to include this issue in future censuses.

33. The Committee of Experts encourages the Spanish authorities to carry out surveys in cooperation with the speakers of regional or minority languages. This could be based on *ad hoc* studies, special surveys, polls or any other scientifically sound methods to improve the scope and accuracy of the data (in this respect see the second evaluation report of the Committee of Experts on Sweden - ECRML (2006) 4, paragraph 13).

### **Asturian**

34. The Spanish authorities informed the Committee of Experts in their second periodical report that no new data are available compared to those supplied in the previous Report, i.e. since 1991 (p. 41). According to the estimates provided by the Academy of the Asturian Language in 2002, the language is spoken by 350 000 speakers.

35. The Committee of Experts urges the Spanish authorities to provide updated official data.

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<sup>3</sup> Information available at: <http://www.ige.eu/ga/demograficas/censos/poboacion/index2001.htm>

### **Asturian Galician**

36. According to the estimates provided by the Academy of the Asturian Language in 2002 the language is spoken by 40 000 (which correspond to 4% of the total population of Asturias, and 70% of the population in the Western area of Asturias).

37. No progress has been reported regarding the situation of Asturian Galician which also suffers from a lack of clear recognition of its specific identity.

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

38. According to the Spanish government, no new data are provided regarding Aragonese and Catalan in Aragon. In the absence of official statistics, the Spanish authorities provide only rough estimates of the numbers of speakers dating from 1989 (see p. 42).

39. The Committee of Experts urges the Spanish authorities to provide new data.

### **Aranese**

40. According to Article 5 of the new Statute of Autonomy of Catalonia adopted in July 2006, the Occitan (Aranese) language has been granted a co-official Status: "The Occitan language, termed Aranese in Arán, is the vernacular language of this territory and shall be official in Catalonia, as laid down in the present Statute and the Linguistic Normalisation Law" (see p. 14 of the second periodical report).

41. In addition, the Committee of Experts was informed that the Catalan Government has approved a resolution creating the Office of Occitan in Catalonia to promote the Occitan language in cooperation with the Aranese General Council. The Committee of Experts was informed that this Office, which depends on the Catalan Government's Department of Linguistic Policy, will be fully operational in 2010.

42. The Committee of Experts welcomes this very positive development and looks forward to receiving information in the next round concerning the work carried out and the results achieved at this stage.

### **Galician in Castile and León**

43. According to the information provided by the Spanish authorities in their second periodical report, the Galician language is not co-official but it appears in Article 4 of the Statute of Autonomy as a protected language (see p. 13). However, no information has been given by the Spanish authorities regarding the situation of this language under Part II.

44. Non-governmental sources informed the Committee of Experts that there are 23 500 speakers in the Province of León and 1 500 in the Province of Zamora.

### **Galician in Extremadura**

45. It was brought to the attention of the Committee of Experts that in Extremadura, 5 000 citizens speak Galician, called "A Fala" by the speakers. The language was declared an Asset of Cultural Interest by the Autonomous Community in 2001.

46. According to Article 11(2) of the Statute of Autonomy of Extremadura, the Autonomous Community has competence for "the protection of the linguistic and cultural characteristics" of the region, in any case with due regard to the local varieties. This provision seems to be open enough to include some languages that should be protected according to the Charter, in particular the variety of Galician spoken in three municipalities in the north-west of the province of Cáceres (San Martín de Trevejo, Elías and Valverde del Fresno).

### **Valencian in Murcia**

47. According to the information provided by the Spanish authorities in their periodical report, Valencian is historically spoken in three municipalities of the Murcia Autonomous Community - Yecla, Jumilla and Favarella (see p. 82).



### **Portuguese in Extremadura**

48. The Committee of Experts has received no information regarding the use of Portuguese in Extremadura, in particular in Olivenza.

49. According to the information gathered during the on-the-spot visit, the Portuguese language (Oliventino) has had a traditional presence in Olivenza and Táliga since the XIIIth century. However, the information received is inconclusive as to the actual use of this language, but suggests that Portuguese is used in education as a foreign language.

50. The Committee of Experts is not able to evaluate the situation of Portuguese in Extremadura. It urges the authorities to clarify this issue in the next monitoring round, in particular in cooperation with the Association "Alem Guadiana" which was recently set up to promote Portuguese.

### **Tamazight (Berber) in the Autonomous City of Melilla**

51. The Spanish authorities have not provided any information regarding the use of Tamazight in the Autonomous City of Melilla.

52. As reflected in the Second opinion on Spain adopted by the Advisory Committee on the Framework Convention for the Protection of National Minorities on 22 February 2007, representatives of the Berber population have been calling for official recognition and further protection of their culture for several years. This claim includes the Tamazight language<sup>4</sup>.

53. The Committee of Experts would welcome information from the Spanish authorities on the situation of the Tamazight language, including whether there has been a traditional and continuous presence of the language in the Autonomous City of Melilla.

### **Arabic in the Autonomous City of Ceuta**

54. The Spanish authorities have not provided any information regarding the traditional use of Arabic in the City of Ceuta.

55. During the on-the-spot visit, the Committee of Experts was informed that the Faculty of Philology of the University Complutense of Madrid is ready to carry out research on the situation of Arabic in Ceuta.

56. The Committee of Experts regrets the lack of information regarding the situation of Arabic in Ceuta and encourages the authorities to carry out proper investigation on the traditional presence of the language in Ceuta and provide information in the next periodical report.

### **Romani and Caló**

57. In the first evaluation report, the Committee of Experts requested clarification from the Spanish authorities and in particular on:

- the approximate proportion and related numbers of the Roma population traditionally linked to the Romani language;
- the approximate share and related numbers of the Roma population traditionally linked to Caló;
- whether Caló is a language in its own right (see paragraph 204).

58. The Committee of Experts regrets that the Spanish authorities repeated the information provided in the first periodical report considering that less than 100 people speak Romani in Spain (see p. 42). They did not provide any new information regarding Caló, although in the first monitoring round, they referred to 4000 speakers of Caló.

59. During the second on-the-spot visit, it was confirmed that very few Roma living in Spain, speak and understand Romani, but that a large majority of Roma speak Caló in the private sphere. According to the information received by the Committee of Experts, Caló, which is reportedly spoken less and less by new

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<sup>4</sup> ACFC/OP/II(2007)001, see paragraph 25 (document available at [www.coe.int](http://www.coe.int) on the website of the Framework Convention for the Protection of National Minorities)

generations of Roma, has been described as a hybrid language composed of Romani words using the grammar of the local majority language.

60. The Committee of Experts reiterates how important it is to have reliable data on the number of speakers and their distribution. This is especially the case for Romani and Caló which are currently in a very vulnerable situation in Spain. Romani is close to extinction according to information received. There is some indication that attempts are being made to revive Romani among the Roma people as part of their cultural identity.

61. The Committee of Experts therefore urges the authorities, in cooperation with the speakers, to investigate the situation of Romani and Caló.

#### **1.4. Particular issues arising in the evaluation of the application of the Charter in Spain**

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

62. In Spain, the responsibility for the practical implementation of the Charter lies to a large extent within the administration of the Autonomous Communities. Nevertheless, the Committee of Experts recalls that the Spanish government has the overall and final responsibility for the implementation of the Charter (in this respect see the second evaluation report of the Committee of Experts on the United Kingdom - ECRML (2007)2 paragraph 31, and the second evaluation report on the Netherlands – ECRML (2004) 8, paragraph 12).

63. The Committee of Experts commends the authorities for having involved the relevant Autonomous Communities in the preparation of the report. However, it regrets that the second periodical report has been compiled with a certain lack of coherence. The Committee of Experts hopes that the central authorities will find ways to improve the co-ordination with the autonomous communities concerned in preparing the next periodical report. The Committee of Experts recalls that the periodical report shall be drafted according to the outline adopted by the Committee of Ministers in 2002<sup>5</sup>, and that for example Part III should be presented by language and not by provision. In addition, the Committee of Experts reminds the authorities that the periodical report shall be transmitted to the Council of Europe also in one of the official languages of the Organisation.

64. Furthermore, the Committee of Experts reiterates that information in relation to Part II languages which it had requested in its first evaluation report is missing. What seems to be symptomatic and recurrent for Part II languages is the lack of a language strategy, bodies and financial means (see also the report on the United Kingdom quoted above, paragraphs 35-36).

65. The attribution of competences to the Autonomous communities has many advantages in the field of regional or minority language protection and promotion. Their closeness to the languages means that measures can be tailor-made to reflect the actual situation of each language. However, in some cases, Autonomous Communities can hamper the implementation of the obligations under the Charter. In this regard, the Committee of Experts recalls that irrespective of the domestic arrangement of the competences involved, Spain remains responsible under international law for the implementation of treaties it has ratified (see the second evaluation report on the United Kingdom quoted above, paragraph 34).

66. Measures at the state level are sometimes necessary in order to properly implement the undertakings entered into by Spain. The Committee of Experts considers that the Spanish Government should have taken measures to overcome the persisting lack of coordination between the Autonomous Communities which share the same or similar languages. In addition to measures taken by the Autonomous Communities, it is necessary to introduce measures at the State level for matters falling within their competence with a view to fostering or facilitating common activities.

67. In other cases, the need for resolute action concerns both the Autonomous Community and the central level, in particular in areas that fall under the competences of the Spanish authorities in the judicial sector, administrative services and public services. The division of responsibility is especially harmful in the field of judiciary and peripheral state administration<sup>6</sup>.

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<sup>5</sup> See footnote 1

<sup>6</sup> See Recommendation RecChL(2005)3

68. As far as the promotion of regional or minority languages in the cultural policy abroad is concerned, the Committee of Experts understands that the Cervantes Institute could play a key role in reflecting on the multilingual character of Spain abroad. However, the Committee of Experts has noted that the Basque authorities maintain that Basque language and culture are not included in the activities under the Cervantes Institute.

69. Concerning the compliance with Article 13 of the Charter on social and economic life, the State authorities refer to the existing division of responsibility between them and the autonomous communities. The State authorities recall that compliance with the provisions of this article of the Charter is not exclusively a matter for the public authorities: the role played by social partners and social initiative can be just as important here as that of the authorities. However, the Committee of Experts reiterates that, as for other provisions, the promotion of regional or minority languages is not the exclusive responsibility of the respective Autonomous Communities and that the central authorities are responsible for implementing this undertakings.

*Issues relating to the use of regional or minority languages in the judiciary (Article 9)*

70. As underlined by the Spanish authorities in their second periodical report, the justice field 'is one of the points involving major obstacles for compliance in Spain' as there is a structural problem (2<sup>nd</sup> periodical report, p. 68). Despite the adoption of a new Organic Law 19/2003, of 23 December, on the Judiciary, which has introduced a series of improvements, the level of compliance at the State level remains unsatisfactory. The Committee of Experts has been informed that the content of the Recommendation has been conveyed by the State administration to the General Council of the Judiciary, but this body has so far shown no interest in moving towards the implementation of this recommendation.

71. The Committee of Experts is pleased to note that the right of the accused to use a regional or minority language during proceedings in accordance with Article 9 paragraphs 1 a. ii, b. ii and c. ii is formally recognised by the existing legal framework.

72. According to the information received, the new Organic Law on the judiciary allows for certain positions of court clerks to be requested to prove a knowledge of the co-official language. In some cases, it will be considered an advantage and in some a requirement (see paragraph 19 above). However, this law does not impose such requirements on judges and magistrates. It seems also that the system of rotation of judges remains in place. In the view of the Committee of Experts, this hampers the full application of the undertakings chosen by Spain.

73. As regards the right to proceedings in a co-official language other than Castilian, the Committee of Experts was informed that the situation has not changed. According to article 231 1 of the Organic law the judge has to deny this right whenever one of the parties in the proceedings does not understand that co-official language. This is considered by Law as a breach of the right of defence. In the view of the Committee of Experts this provision is contrary to the undertakings chosen by Spain in this respect, even though the person can use his/her language through the interpreters (see paragraphs 895 ff of the first evaluation report).

*Issues relating to the use of regional or minority languages with the administration (Article 10)*

74. In the first monitoring round, the Committee of Ministers made a recommendation according to which the authorities were asked to 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 concerned by the application of Article 10 of the Charter has a working knowledge of the relevant languages.

75. In the second periodical report, the Ministry of Public Administration refers to a certain number of activities to promote, at the State level, the implementation of Article 10. However, the Committee of Experts notes that the legal framework that applies to the regime of public administration remains the same and there is no plan to reform the current system. A joint committee of experts was set up to analyse the use of co-official languages in the General State administration, and one of its conclusions was that the staff attached to the General state administration who work in the Autonomous Communities with their own language are limited in number and numerically unimportant. The joint committee of experts therefore concluded that it was unnecessary to make any changes in the legislative framework (see pp. 213 and 214 of the second periodical report).

76. The Committee of Experts considers that this approach taken by the authorities does not ensure the full implementation of the undertakings chosen by Spain under Article 10 paragraph 1. Even the authorities

acknowledge that there are cases of non compliance and that greater efforts to train civil servants are needed (see p. 214 of the second periodical report).

77. However, there are some positive developments. The authorities informed the Committee of Experts that since the adoption of Law 17/2005 on Motor Vehicle Traffic and Road Safety, driving licences issued in ACs with a co-official language "shall be written in that language as well as Castilian". The web-pages of most central ministries and public institutions are published wholly or partly in co-official languages, although the situation varies as to how many texts are actually available.

*Issues related to the instrument of ratification:*

78. The Occitan language (Aranese) has been granted a co-official Status since the adoption of the Statute of Autonomy of Catalonia on 19 July 2006. The granting of co-official status opens the way for this language to be covered also by Part III of the Charter by virtue of the way in which the Spanish instrument of ratification operates (see the first evaluation report on Spain - ECRML (2005)4, paragraph 92).

79. The Committee of Experts would therefore request the Spanish authorities to report on the situation of the Aranese language under Part III of the Charter in the next monitoring round.

*Issues related to the protection of Basque in Navarra*

80. According to the national legislation in force, Navarra is still divided into three linguistic areas and there have been no legislative changes since the first monitoring round. Despite several attempts to adopt new language legislation with the aim of changing the internal boundaries between the "zones", no change has taken place so far.

81. Nevertheless, some positive changes can be observed in the field of education in Basque in Navarra (see paragraphs 384-393 below). The Committee of Experts was also recently informed of a co-operation agreement with the Basque Country authorities that has been interpreted as a "historical" change (see paragraph 152 below).

*Issues related to Catalan and Valencian*

82. The Committee of Experts is aware of the on-going discussion concerning the naming of Catalan and Valencian. In Valencia the language is called Valencian and in Catalonia it is called Catalan. However the Valencian Academy of Language states that this is the same language from a philological point of view, as it is the language spoken in the Autonomous Communities of Catalonia, the Balearic Islands, and in Andorra (Decree 2/2005 of 29 March issued by the President of the Valencian Academy of Language on the Resolution concerning principles and criteria for protecting the name and identity of Valencian).

83. Without entering into this discussion, the Committee of Experts finds it important that the name of the language and its identity shall not hamper the full implementation of the Charter, especially in education, in the media and the justice sector (as indicated in the 2<sup>nd</sup> periodical report pp. 79-80). It invites the relevant authorities to solve this issue for the benefit of the language.

84. The Committee of Experts recalls that its role is not to challenge Spanish legislation, as long as the language in question receives the necessary protection. That would be overstepping its mandate of monitoring the application of the Charter. The Committee of Experts has therefore decided in the second evaluation report to treat Valencian and Catalan separately.

## Chapter 2 The Committee of Experts' evaluation in respect of Parts II and III of the Charter

### 2.1 The evaluation in respect of Part II of the Charter

85. The Committee of Experts will focus on the provisions of Part II which were singled out in the first report as raising particular problems. It will therefore not comment in the present report on provisions where no major issues were raised in the first evaluation report.

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

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

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

- a the recognition of the regional or minority languages as an expression of cultural wealth;"***

#### **Basque in Navarra**

86. In its previous report, the Committee of Experts observed that it was not certain to what extent Basque in the "Mixed area" was recognised as an expression of cultural wealth. During this monitoring round the Committee of Experts was informed about some positive changes regarding education in Basque. The Committee of Experts has also been informed of the setting up of the Institute of the Basque Language in Pamplona (see paragraph 24 above). The Committee of Experts welcomes these positive developments and sees this as a basis for a positive language policy in Navarra.

#### **Asturian**

87. In its previous report, the Committee of Experts noted that there was at that time a gap between the strong social demand for a proper recognition of the place of Asturian in the Asturias and the fact that co-officiality had not yet been granted to it. The granting of co-official status would open the way for this language to be covered also by Part III of the Charter by virtue of the way in which the Spanish instrument of ratification operates (see paragraph 92 of the first evaluation report on Spain).

88. The Committee of Experts underlined in its previous report that the existing legal framework ensured the protection of Asturian to a certain extent, which corresponded to Part III undertakings (see paragraph 122). However, according to the speakers, the lack of the co-official status hampered the full protection and promotion of the language.

89. According to the authorities the lack of standardisation and of an adequate written literature explained why Asturian was not co-official, and in the second periodical report, they confirm that the process of codification of Asturian has not yet been completed (see p. 17).

90. However, during the on-the-spot visit, the Committee of Experts was made aware that the Academy of the Asturian Language, which has been working for 22 years in that field, has finalised the standardised version of the language (dictionary, grammar, nomenclature for place names). The Committee of Experts commends the Academy for the Asturian Language for the qualitative and quantitative work and progress made on Asturian, which is now recognised. It seems also that there is a social consensus on the use of the language. In 2002 a socio-linguistic study indicated that 60% of the population would like the language to have a co-official status, a greater presence in the media and to be available at all levels of education.

91. In addition, Asturian standardisation offices have been opened in the different municipalities to interact with the citizens, in particular regarding the official documents that citizens need on a daily basis.

92. The Committee of Experts encourages the authorities to consider in collaboration with the speakers the possibilities of improving the current level of protection provided by the Statute of Autonomy.

## **Asturian Galician**

93. In the first evaluation report, the Committee of Experts considered that the relevant authorities should make greater efforts to promote the specific identity of Galician in the Asturias, and not confine themselves to the formal recognition of the language (see ECRML (2005) 4, paragraph 94).

94. Although the competent authorities show a commitment in principle to promote this language, several non-governmental sources underlined during the on-the-spot visit that in practice very little value is attached to this language and that in several instances its specificity compared to Asturian is denied. The Committee of Experts was informed that there is uncertainty as to who is responsible for ensuring the linguistic rights in municipalities where Asturian Galician is spoken.

95. The Committee of Experts urges the authorities to recognise the specific identity of Asturian Galician by promoting the language and the culture which it represents.

## **Galician in Castile and León and in Extremadura**

96. According to article 4 paragraph 2 of the Statute of Autonomy of Castile and León, Galician is a protected language, although it does not have a co-official status.

97. The Committee of Experts was informed after the on-the-spot visit, that a new statute has been adopted by the Autonomous Community of Castile and León, which includes the Leonese language as a protected language. The Committee of Experts has not been in a position to investigate further into this matter. It would welcome more information on this in the next periodical report. In any event, this recognition should not have negative repercussions on the position of Galician in Castile and León.

98. The Statute of Autonomy of Extremadura does not mention specifically the Galician language but speaks of « the protection of the linguistic and cultural characteristics » of the region. The Committee of Experts understands this to imply that Galician is recognised as an expression of cultural wealth.

## **Romani and Caló**

99. The Committee of Experts was informed that both at the State level and in certain Autonomous Communities reference was made to the Roma culture. The lower house of the Spanish Parliament, for instance, adopted in September 2005 a “Non binding instrument on the protection of the rights of the Roma” which calls on the government notably to raise awareness on the Roma culture, language and history. Similar references have been included in the new statutes of autonomy of Catalonia, adopted on 18 June 2006, and of Andalusia, adopted on 18 February 2006. Legislatures in Aragon and Castile-La Mancha are reportedly also considering the inclusion of such references in the context of their own autonomy statute reforms<sup>7</sup>.

100. The Committee of Experts welcomes those developments and encourages the Spanish authorities to comment in the next monitoring round on measures taken to implement the instruments mentioned above with a particular reference to Caló.

***“b the respect of the geographical area of each regional or minority language in order to ensure that existing or new administrative divisions do not constitute an obstacle to the promotion of the regional or minority language in question;”***

## **Basque**

101. In its previous report, the Committee of Experts considered that the fact that the Basque language is split between two different administrative entities, i.e. two autonomous communities implied the need for a close co-ordination between these different administrative entities. The Committee of Experts has been informed that the authorities of Navarra have concluded an agreement with the authorities of the Basque Country (see paragraph 152 below).

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<sup>7</sup> see the 2nd Opinion of the Advisory Committee of the Framework Convention on the protection of National Minorities on Spain of 02/04/2008, ACFC/OP/II(2007)001, paragraphs 68 and 69.

## **Catalan**

102. Catalan is spoken in Catalonia, the Balearic Islands and Aragon. The Committee of Experts received information regarding co-operation between these communities for the benefit of the language. They will be discussed under the appropriate articles. However, non governmental sources underline that the administrative divisions act as an obstacle to the promotion of Catalan.

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

### *General statement*

103. According to the Committee of Experts, resolute action to promote regional or minority languages in order to safeguard them covers, among other things, the following aspects: the creation of a legal framework for the promotion of regional or minority languages, the establishment of bodies which are responsible for the promotion of these languages, and the provision of adequate financial resources (in this respect, see the second evaluation report of the Committee of Experts on Germany - ECRML (2006) 1, paragraph 24, the second evaluation report on Sweden - ECRML (2006) 4, paragraph 28 and the third evaluation report on Norway - ECRML (2007) 3, paragraph 34).

104. The Committee of Experts recalls that the responsibility to take resolute action also lies with the State administration. During the on-the-spot visit representatives of speakers of the languages underlined the importance of developing a linguistic policy at State level to facilitate the use of regional or minority languages in public and private life, as the use of these languages seems to require commitment and determination. In this respect, the Committee of Experts was informed that the central authorities will set up a new Office of Language in the Public Administration (see paragraph 17 above). It is hoped that this institution will provide all the necessary means to ensure that resolute action is taken to promote regional or minority languages at the State level.

## **Catalan in Catalonia**

105. The second periodical report provides plentiful information about the measures of support and economic incentives for the promotion of Catalan aimed at individuals as well as businesses and institutions, from tax rebates and grants to language courses and volunteers participating in conversation in Catalan (see pp. 84-86). In 2005 Linguistic Guarantee Offices were created in several cities with the aim of offering assistance to the speakers of Catalan. The Committee of Experts commends the authorities for this innovative approach.

## **Basque in the Basque Country**

106. In the first monitoring report the Committee of Experts encouraged the Spanish authorities to seek ways to ensure that the obligations entered into under the Charter are fully implemented, where relevant, also at local level (see paragraphs 105-108). As mentioned above, in October 2006 the Basque authorities created Elebide, whose objective is to protect the rights of those people who wish to use Basque and to inform heads of institutions, companies and services when these rights are not guaranteed.

## **Basque in Navarra**

107. The Committee of Experts was informed that in April 2007 after twelve years of attempts, the Public University of Navarra (UPNA) agreed on a strategic plan for Basque for the period 2007-2009. This could lead to other positive measures introducing Basque into the university education in Navarra. The Committee of Experts welcomes the new development in the field of education as well as the setting up of the Institute of Language (see paragraphs 24-25 above). These are positive steps and are considered as resolute action.

108. However, the Committee of Experts understands that there is room for improvement regarding the use of Basque in public life and looks forward to receiving information in the next periodical report about how these developments have supported the Basque language in practice.

## **Catalan in the Balearic Islands, Valencian and Galician**

109. The Committee of Experts refers to its evaluation under Part III of the Charter.

## **Asturian**

110. In the first report, the Committee of Experts considered that urgent and resolute action was to be taken by the authorities in several fields such as education and the media (see paragraph 111).

111. The Spanish authorities have not provided any information regarding the adoption of resolute action in these fields. The Committee of Experts was informed during the on-the-spot visit that serious shortcomings identified in the first round still persist. The standardisation of Asturian constitutes a better basis for resolute action in favour of Asturian.

112. The Committee of Experts urges the authorities to provide information in the next round on resolute action taken by the authorities, especially in the fields of education and the media.

## **Asturian Galician**

113. In the previous monitoring round, it was unclear to the Committee of Experts whether the authorities were taking resolute action, in particular in the field of education (see paragraph 112). The Committee of Experts has received no information on any resolute action that the Spanish authorities may have taken in that respect.

114. The Committee of Experts therefore urges the authorities to take resolute action to support Asturian Galician and to inform in the next periodical report on the measures taken.

## **Aragonese and Catalan in Aragon**

115. In the first monitoring round, the Committee of Ministers encouraged the competent authorities to strengthen the protection of Aragonese and Catalan in Aragon, including establishing an appropriate legal framework<sup>8</sup>. The Committee of Experts also recommended the authorities to take the necessary measures to implement the appropriate legal framework (see paragraphs 113-115) .

116. However, according to the information provided by the Spanish authorities, the Government of Aragon which was formed in 2003 has not submitted the draft law regulating the languages of Aragon to the Parliament of Aragon, since there was no political consensus and agreement for this law to be adopted unanimously.

117. In addition, non-governmental sources informed the Committee of Experts during the on-the-spot visit that the situation for both Aragonese and the Catalan language in Aragon is very difficult due to the lack of a legal framework and practical measures to protect and promote the languages.

118. The competent authorities are urged to accelerate the adoption of a specific legal framework for protecting and promoting linguistic pluralism in Aragon. This would constitute an important element of the resolute action.

***The Committee of Experts urges the competent authorities to accelerate the adoption of a specific legal framework for protecting and promoting Aragonese and Catalan in Aragon, and to take relevant measures to protect and promote Aragonese and Catalan in Aragon.***

## **Aranese**

119. The Government of Catalonia has set up a new office to promote Occitan to ensure that the potential of this language, which has been granted the status of co-official language by the Statute of Autonomy of Catalonia, is fully exploited. The Committee of Experts was informed that this body will be operational within three years, by 2010.

120. The Committee of Experts praises the competent authorities for having implemented this undertaking for Aranese in an exemplary manner, and it is looking forward to receiving information in the next periodical report on the practical results achieved.

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<sup>8</sup> Rec ChL (2005) 3 Recommendation 6



### **Galician in Castile and León and in Extremadura**

121. The Committee of Experts has been informed that in the field of education an Agreement between the Autonomous Communities of Castile and León and Galicia has been concluded, whereby teaching of Galician is organised. The Committee of Experts commends the authorities of both Communities for promoting the language through this Agreement and encourages the authorities of Castile and León to take resolute action in other fields of public life.

122. No information was provided on resolute action taken with regard to Galician in Extremadura. The Committee of Experts encourages the authorities to provide information in the next periodical report.

### **Romani and Caló**

123. As mentioned above, the Spanish authorities have not provided any information on the application of this provision as regards Romani and Caló. During the on-the-spot visit however, the Spanish authorities confirmed that a new Institute of Roma Culture would be set up in 2007. Its competences will include, *inter alia*, conducting research in the field of Roma language, culture and history and raising awareness of these issues among non-Roma.

124. The Committee of Experts encourages the authorities to establish the Institute without undue delay and report on measures taken to protect and promote Romani and Caló.

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

### **Basque in Navarra**

125. The authorities informed the Committee of Experts about the specific agreement for training in administration in both the Basque speaking area and the "mixed" area. Within the co-operation efforts, Navarra and the Basque Country adopted the Certificate of Proficiency in Basque (EGA). In 2005 this collaboration was extended to development of the contacts and instruments necessary for the Government of Navarra to obtain observer status in the Association of Language Testers in Europe (ALTE), of which the Basque Government is already a member.

126. The Committee of Experts also refers to its evaluation under Part III of the Charter as regards the use of Basque in the educational system and in the media.

### **Basque in the Basque Country, Catalan in Catalonia and in the Balearic Islands, Valencian and Galician**

127. The Committee of Experts refers to its evaluation under Part III of the Charter.

### **Asturian**

128. The Committee of Experts refers to its first evaluation report for a general presentation of the legal framework that provides for a degree of presence of Asturian in the public sphere which corresponds to the scope of certain Part III provisions (see paragraphs 122-123 and 128). It praised the authorities while encouraging them to pursue and further develop their efforts for the benefit of this language.

129. According to non-governmental sources, an increased number of people who can read and write the Asturian language has been observed thanks to the teaching of the Asturian language in the educational system<sup>9</sup>.

130. In the second periodical report, the Spanish authorities have neither commented on how the legislation has been implemented nor provided any concrete examples although this was requested by the Committee of Experts.

131. The Committee of Experts therefore urges the Spanish authorities to provide information on the promotion of the use of the language in public life.

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<sup>9</sup> *Asturian language : Report and recommendations*, Liège, Belgium, 2004, p. 15

### **Asturian Galician**

132. In the first monitoring report, the Committee of Experts encouraged the competent authorities to take measures aimed at increasing the presence and visibility in public life of Asturian Galician, given the weak presence of the language in the public sphere (see paragraph 129).

133. The Committee of Experts has not received any information on any measures taken to increase the visibility of this language in public life. On the contrary, it received complaints during the on-the-spot visit about the lack of visibility of the language due to the lack of its recognition.

134. The Committee of Experts therefore urges the authorities to inform it about measures taken in the next periodical report.

<p><b><i>The Committee of Experts urges the authorities to take measures for the facilitation and encouragement of the use of Asturian Galician in public life.</i></b></p>
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### **Aragonese and Catalan in Aragon**

135. As regards Aragonese, no specific information was provided in this respect, although the Committee of Experts encouraged the authorities to comment on this point in the first evaluation report (see paragraph 130). The Committee of Experts therefore urges the authorities to take measures to promote the use of Aragonese in public life and to provide information about the progress made in the next periodical report.

136. Concerning Catalan, no specific information was provided in this respect, although the Committee of Experts encouraged the authorities to comment on this point (see paragraph 131).

137. During the on-the-spot visit, it was brought to the attention of the Committee of Experts that there is a very limited visibility of Catalan in public life, especially in the media.

138. The Committee of Experts therefore urges the authorities to take measures to promote the use of Catalan in public life in Aragon and to provide information about the progress made in the next periodical report.

### **Galician in Castile and León and in Extremadura**

139. No information was provided by the authorities on measures taken to promote the use of Galician in Castile and León and in Extremadura in the public sphere. The Committee of Experts encourages the authorities to provide this information in the next periodical report.

### **Valencian in Murcia**

140. According to the information provided by the Spanish authorities, language courses are organised in the municipality of Yecla. In addition, the Committee of Experts was informed that there are plans to prepare a special issue of "Toponymy of Valencian Villages" including the Valencian names of the three municipalities of Murcia that form the Carche *comarca* (see p. 82 of the second periodical report).

141. The Committee of Experts welcomes this collaboration between the Autonomous Community of Valencia and the Autonomous Community of Murcia which aims at giving Valencian a higher profile in municipalities with Valencian-speaking minorities.

142. The Committee of Experts commends the Autonomous Communities for the conclusion of this agreement and looks forward to receiving further information on the use of Valencian in other spheres of public life in Murcia in the next periodical report.

## Romani and Caló

143. The Committee of Experts was informed by non-governmental sources that initiatives have been taken to revive the Romani language in Spain, by publishing a Romani-Caló conversation book, as a tool to raise awareness about the language and to increase motivation to learn Romani.

144. The Committee of Experts urges the Spanish authorities to provide specific information regarding the use of Romani [and Caló] in public life, especially in the field of media.

***"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;"***

### *General comment*

145. The Committee of Experts recalls that in other countries speakers representing regional or minority languages seem to have benefited from established fora for dialogue and co-operation, and that via such common fora constructive links have been created.

146. Part III languages in Spain and some Part II languages that are considered by the statutes of the Autonomous communities to have a traditional presence benefit from an impressive network of NGOs which carry out important work for the promotion and protection of the languages.

147. This is especially the case for Catalan, Valencian, Basque and Galician. Representatives of those NGOs which defend the linguistic rights of the speakers have informed the Committee of Experts that a hearing in the Senate gathered representatives of NGOs in 2004.

148. However, not all languages which benefit from Part II provisions have developed links with those strong groups or among themselves. The Committee of Experts therefore encourages the relevant bodies and authorities to establish a forum for dialogue and co-operation with representatives of all the regional or minority languages (in this respect, see the third evaluation report of the Committee of Experts on Norway - ECRML (2007) 3, paragraph 72).

149. With regard to the cooperation between Autonomous Communities where regional or minority languages are spoken, the Committee of Experts received information on a number of agreements between various Autonomous Communities, especially in the field of education, such as between Valencia and Murcia, Catalonia and Aragon, Catalonia and the Balearic Islands, Galicia and Castile and León. In addition, the Committee of Experts was informed that a Protocol of cooperation between the Basque Country, Catalonia and Galicia was recently signed. The Committee of Experts commends the Autonomous Communities for the initiatives taken in this field.

150. However, the Committee of Experts was also made aware of the lack of appropriate cooperation between communities sharing identical or similar languages such as Valencia with Catalonia and the Balearic Islands. The Committee of Experts reiterates that the promotion of regional or minority languages should not suffer from political instrumentalisation and it encourages the authorities to promote mutual cooperation and understanding for the benefit of the languages.

## Basque

151. In the first monitoring round, the Committee of Experts attached great importance to the renewal of close co-operation between the Basque Country and Navarra especially in the field of media and education: co-operation with regard to the re-transmission in Navarra of the programmes of the Basque-speaking television channel located in the Basque Country (EITB) and sharing teaching materials in the Basque language in the educational systems of the two communities. It encouraged all the competent authorities to seek ways to foster closer co-operation between the two autonomous communities in the fields covered by the Charter (see paragraph 133-134).

152. The Committee of Experts was recently made aware of a historical change in the relation between the Basque authorities and the Navarra authorities. Until recently there has been a low level of co-operation between the two authorities in favour of the Basque language, as indicated in the second periodical report of Spain. However, during the on-the-spot visit the representatives of the two authorities pledged to establish full

co-operation in the fields where the language plays a significant role. The Committee of Experts looks forward to receiving information on the content of this agreement and how it operates in practice in the next periodical report.

### **Catalan**

153. A specific problem regarding the reception of Catalan broadcast TV in Valencia was raised as a serious case during this second monitoring cycle. It was reported to the Committee of Experts that private transmitters used for transmitting Catalan programmes in Valencia have been closed and that the Valencian authorities fined the NGO that owns the transmitter 300 000 euro. The Committee of Experts invites the relevant authorities to comment on this case in the next periodical report.

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

### **Basque**

154. As far as the Basque Country and the Basque speaking area in Navarra are concerned, the Committee of Experts refers to the detailed evaluation under Part III. The Committee of Experts also refers to the detailed evaluation under Part III article 8 paragraph 2 regarding the "mixed" area and the non-basque speaking zone (see paragraphs 384-393 below).

155. The teaching and study of Basque in the "Mixed area" in Navarra is made available in three different models (D, A and G) at all levels of compulsory education. The statistics show that the number of children opting for teaching in Basque (Model D) amounts to about 30% at the pre-school and primary school level. New pupils complete a pre-enrolment form on which they can state their preference for up to three different schools in order of priority. According to the authorities, the requested language model is always respected. When the school place is outside the local authority where the pupil lives, the Department for Education organises and finances school transport and meals in the case of split-schedule pupils. In addition to this, there are special aid arrangements for transport and meals for those pupils who have to travel because the language option chosen is not available in their locality or within a radius of 5 km (see p. 154 of the second periodical report). However, during the on-the-spot visit, the Committee of Experts received complaints from parents regarding the accessibility of education in Basque in the "mixed" zone.

### **Catalan in Catalonia and in the Balearic Islands, Valencian and Galician**

156. The Committee of Experts refers to its evaluation under Part III of the Charter.

### **Asturian**

157. The Committee of Experts refers to its first report for a general presentation of the teaching of/in Asturian at all levels of education. The Committee of Experts notes, in the second round, that problems raised in the first report and in particular the obstacles that hamper the teaching of Asturian are still present (i.e. optional course in a disadvantageous situation, the lack of a proper university degree in Asturian - see paragraphs 147-150).

158. The lack of a proper university degree in Asturian, despite the standardisation and research carried out by the University of Oviedo, leads to a discriminatory situation where students wishing to become teachers in the Asturian language must follow an extra year's training.

### **Asturian Galician**

159. The Committee of Experts requested clarification in the first evaluation report regarding educational projects described by the Spanish authorities in the first round and in particular which language is taught (either Asturian Galician or Bable/Asturian, see paragraphs 151-153).

160. No information was provided by the Spanish authorities. According to non governmental sources, neither textbooks nor teaching materials are available.

161. The Committee of Experts therefore urges the relevant authorities to comment on this provision and clarify whether language courses are provided in Asturian Galician. The Committee of Experts would also like to know what measures have been taken for the development of textbooks.

## **Aragonese**

162. In the first evaluation report, the Committee of Experts encouraged the competent authorities to take the necessary measures to include the teaching of Aragonese in Aragon in the normal curriculum in the areas where the language is traditionally used (see paragraph 156). As regards the Aragonese language, the Committee of Experts observed the fact that the teaching was entirely optional, outside school hours and not included in the general curriculum. In such circumstances, it considered that the teaching was provided in such a way that the language was at a clear disadvantage.

163. In the second periodical report, the Spanish authorities informed the Committee of Experts that a new school would provide classes in Aragonese at secondary level in 2006/2007 (see p.126). In general, language courses at all levels are organised up to 1 hour per week and following a decision of the board of governors, half of the schools have organised the teaching within regular school hours.

164. The Committee of Experts welcomes the decision of the board of governors and it encourages the authorities to further increase the teaching hours of/in the language and ensure that all schools organise the teaching within the regular school hours.

## **Catalan in Aragon**

165. In the first evaluation report, the Committee of Experts encouraged the competent authorities to take the necessary measures to include the teaching of Catalan in Aragon in the normal curriculum in the areas where the language is traditionally used (see paragraph 156).

166. In the second periodical report, the authorities provide extensive information (see pp. 121-125 under article 8) describing in particular the development of education in Catalan, on an optional basis, in pre-school, primary and secondary establishments within Catalan-speaking territorial boundaries. At pre-school level pupils receive two hours' teaching in Catalan, while primary pupils receive 2 hours of Catalan language teaching and 4 hours of Knowledge of the Natural Social and Cultural environment in Catalan. The Committee of Experts was informed that despite proposals made in 2004 and 2005, the bilingual education project has so far not been extended to secondary level.

167. The Committee of Experts commends the authorities for having taken measures to develop bilingual education and it hopes that further schools, especially at the secondary level, will opt for this possibility. It looks forward to receiving information in the next periodical report on the outcomes of the pilot project and on the implementation of the Agreement with the Autonomous Community of Catalonia.

## **Galician in Castile and León and in Extremadura**

168. Based on the agreement concluded between the Autonomous Communities of Galicia and Castile and León in 2001, Galician has been taught in some schools in El Bierzo since 2002 at all levels of compulsory education. In some schools there is also teaching in Galician (in 2005-2006, 12 public pre-schools and primary schools offered teaching in Galician and 723 pupils took subjects in Galician, and at secondary level there were 57 pupils). According to the information provided in the second periodical report, the courses are optional (see pp. 170-171).

169. During the on-the-spot visit, the Committee of Experts met with representatives of Xarmenta, an NGO composed of volunteers that have provided teaching of Galician in El Bierzo since March 2005. This association is supported by the local government of El Bierzo and private companies but does not receive funds from the Government of Castile and León. The Committee of Experts was also informed that, despite the agreement between the Autonomous Communities, some secondary schools in Ponferrada do not comply with the agreement.

170. The Committee of Experts commends the Galician authorities for the measures taken to ensure the teaching of the language outside Galicia. However, it considers that there is room for improvement in particular in education at secondary level in Castile and León.

171. No information was received concerning the teaching of Galician in Extremadura. The Committee of Experts urges the authorities to provide information in the next periodical report.

## **Asturian Galician**

172. As regards Asturias, where Galician is spoken in the border area, the Committee of Experts has been informed that the Government of Galicia has attempted to promote institutional agreements opening the way to the regular study of Galician, although these efforts have not received much response so far.

## **Romani and Caló**

173. Representatives of the speakers underlined the need to learn Romani, and claimed that the authorities need to take resolute action in the field of education to provide Roma children with the possibility to learn Romani and to be taught in the language. In that respect, the Committee of Experts would like to mention the initiative taken by the governments of certain Autonomous Communities that have provided financial support to non-governmental organisations offering courses on Romani.

174. However, the Committee of Experts' attention was drawn to the great lack of teachers able to teach Romani. According to the information received by the Committee of Experts, there are currently two teachers able to teach Romani in Spain.

175. The Committee of Experts urges the Spanish authorities to report on those initiatives and measures taken regarding the teaching of Romani in the next periodical report, and in particular to identify in cooperation with the speakers the needs and demands of the Roma community and to allocate financial support to the relevant associations that provide language courses.

*"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;"*

## **Basque in the Basque Country**

176. In its previous report the Committee of Experts asked for more information on the general possibilities existing in the Basque Country for the adult non-Basque speaking population to learn the language. Based on the information received, there are many possibilities for adult non-speakers to learn Basque throughout the Basque Country. In the Principal Lines of Action issued by the Vice-Ministry for Language Policy importance is given to adult "*euskaldunización*"<sup>10</sup> and literacy (the lines of action appear in pp. 96-102 of the second periodical report).

## **Basque in Navarra**

177. The overwhelming majority of the pupils attending education in the "Mixed zone" and the non "Basque-speaking zone" come from non Basque-speaking families. According to the authorities, the demand from adults for learning Basque is low but facilities are available in public and private institutions.

## **Galician**

178. In the previous evaluation report, the Committee of Experts requested the Spanish authorities to clarify how the courses organised by the three universities of Galicia, the Institute of the Galician Language and of the "Ramón Piñeiro" Centre for humanistic research specifically targeted non-speakers (see paragraphs 165-166).

179. The reference to those institutions in the Spanish second periodical report mainly focuses on the promotion of studies and research on the Galician language in the universities (p. 82). As regards the teaching of Galician, most references deal with external relations with other communities or countries. In Galicia, the Committee of Experts understands that teaching in language schools is provided by the Galician authorities under an agreement concluded with the Cervantes Institute. In addition, new projects are underway on both compulsory education and adult education. The General Secretariat for Language Policy offers courses in Galician for adults who wish to learn the language.

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<sup>10</sup> 'process to learn Basque and to become a Basque-speaker' ('euskalduntze' in Basque)

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

### **Basque in the Basque Country, Basque in Navarra, Catalan in Catalonia, Valencian and Galician**

180. The Committee of Experts refers to its evaluation under Part III of the Charter.

#### **Asturian**

181. The Committee of Experts considered in the first monitoring round that research and studies on the language are available (see paragraph 169). The Committee of Experts was informed that the Academy of the Asturian Language has done impressive work in the field of research and development of Asturian.

182. However, it was brought to its attention during the on-the-spot visit that a student who wrote a PhD thesis in Asturian in the faculty of History could not register this thesis because the title was in Asturian.

183. The Committee of Experts asks the authorities to comment in their next report on the possibility to use Asturian in study and research at universities or equivalent institutions in Asturia.

#### **Aragonese**

184. In the first round the Committee of Experts requested further information on the most significant studies and research conducted within the University of Saragossa (see paragraph 171)

185. No information has been provided by the authorities in the second periodical report, and therefore the Committee of Experts urges the authorities to provide this information in the next periodical report.

#### **Aranese**

186. The Committee of Experts requested further information on the most significant results obtained in the field of research as far as the Aranese language is concerned, in particular with the setting up of the Institute of Aranese Studies (see paragraph 175).

187. The Spanish authorities have not provided any information, but it was brought to the attention of the Committee of Experts that the Institute of Aranese Studies was indeed set up and cooperates with a French association of the Occitan language.

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

188. The number of applications for grants in the field of research has increased from 34 in 2003 to 43 in 2005. In parallel, the amounts provided by the authorities increased from €7500 to €11900 (see p. 147 of the second periodical report). However, for 2007 the Committee of Experts understands that this sum will decrease as the Directorate General for Language Policy has planned to set aside €9000 for these types of aid. The Committee of Experts also refers to its evaluation under Part III.

*"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."*

#### *General Statement*

189. The Committee of Experts is concerned by the fact that the provisional implementing regulations of the Outline Agreement between the Government of the Kingdom of Spain and the Government of the French Republic (Official Gazette No. 164 of 11 July 2005) on educational, language and cultural programmes in schools in both States, signed in Madrid on 16 May 2005, only refers to the Castilian and French languages. However, both States share the Catalan, Occitan (called Aranese in Aran) and Basque languages which are minority languages protected under the European Charter for Regional or Minority Languages and which also enjoy special protection under the current Spanish Constitution (see p. 364 of the second periodical report).

190. The Committee of Experts has noted that Spain has concluded bilateral agreements with each of the EU institutions guaranteeing the right for citizens to address these institutions in the co-official languages of the Autonomous Communities and to receive a reply in those languages. The agreements also include the

right to speak these languages during debates and the right to the translation services provided by the permanent representation of Spain in Brussels. In the view of the Committee of Experts, this reflects the Spanish authorities' positive attitude towards promoting the use of the co-official languages in their international relations.

### **Basque in the Basque Country, Basque in Navarra, Catalan in Catalonia and in the Balearic Islands, Valencian, Galician**

191. The Committee of Experts refers to its evaluation under Part III of the Charter.

#### **Aranese**

192. No information was provided in the first periodical report concerning the promotion of appropriate types of transnational exchanges in the fields covered by the Charter (for example school exchanges, exchange of audiovisual productions and cultural works, etc.), between Aranese-speakers and speakers of Occitan living in the French regions where this language is traditionally present.

193. Neither was any information provided in the second periodical report in that respect. However, the Committee of Experts understands that the Office of Occitan in Catalonia will work in that direction. The Committee of Experts looks forward to receiving information in the next periodical report on concrete examples of exchanges developed by the Office of Occitan.

#### **"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."***

194. During the on-the-spot visit, different non-governmental sources underlined that the attitude of the General State Administration has become more positive as regards the plurilingual nature of the country since 2004. The Spanish authorities refer in their second periodical report to several important steps forward, such as the conclusion of bilateral agreements with the European Institutions to ensure the right to use the various co-official languages in Spain before European bodies, or the amendment of the Senate's Rules of Procedure in 2005 to allow the gradual introduction of co-official languages in parliamentary debates (see pp. 37-38).

195. However, it is still necessary to convey to the general population the cultural value of this plurilingualism as the exclusively Castilian-speaking population living in autonomous regions with no co-official language tend to see it more as a problem to be overcome than as an indication of cultural wealth to be fostered (see p. 42 of the second periodical report).

196. In the field of education, the Committee of Experts welcomes new developments resulting from the adoption of the Organic Law 2/2006 of 3 May 2006 on Education (see second periodical report p. 93). The Committee of Experts would welcome information in the next periodical report on the way this is implemented in particular in regions where regional or minority languages do not have co-official status.

197. In the field of media, the Spanish authorities have not provided any information on measures to encourage national written or broadcast media to include respect, understanding and tolerance for the different regional or minority languages of Spain. Indeed, the Committee of Experts has received complaints from various sources and has observed during the on-the-spot visit that the situation as regards State-owned media (both from non governmental sources and autonomous communities) does not reflect the plurilingualist nature of Spain, even in the areas where co-official languages are spoken. It was even reported to the Committee of Experts that language conflicts are present in the media or through the declaration of public authorities that helps create a climate of confrontation and tensions between language communities. The Committee of Experts urges the authorities to take further action in this particular field.

198. At the Autonomous Community level, the Committee of Experts believes that there is also a high degree of awareness of linguistic diversity within the Autonomous Communities where the regional or minority language has a co-official status. However, it notes that the awareness within the Autonomous Communities concerned does not seem to be spread coherently and uniformly (in this respect, see also the first evaluation report paragraph 185).



199. Although Catalan, Basque and Galician are relatively well known cases, the Committee of Experts is not convinced that the same can be said for the several other regional or minority languages spoken in Spain, including those spoken in Ceuta and Melilla, even within the Autonomous Communities concerned. The lack of information provided by the Spanish authorities reflects this lack of knowledge towards Part II languages, especially those that are not considered to be covered by the Charter. The Committee of Experts encourages the authorities to promote all regional or minority languages which do not have co-official status, especially in the field of education and the media.

200. Finally, the Committee of Experts underlines that tolerance, understanding and linguistic harmonious co-existence must be effectively mutual, in the sense that they must be demonstrated both by the regional or minority language speakers and by the majority language speakers.

***The Committee of Experts encourages the Spanish authorities to take measures to improve the awareness and understanding of regional or minority languages in Spain, especially with regard to languages which do not have a co-official status.***

***The Committee of Experts also urges the Spanish authorities to take measures regarding in particular national written or broadcast media to reflect on the plurilingual nature of the State and to include respect, understanding and tolerance for those languages of Spain.***

#### ***"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."***

#### ***At the State level***

201. In the first monitoring round, the Committee of Experts established that the main competences in linguistic matters lay with the Autonomous Communities. However, it is also clear that some important matters are left with the central authorities, especially concerning legislation on justice or economic activities. In the second round, the Spanish authorities have neither commented nor provided information on how the needs and wishes of the speakers are conveyed to the central authorities in Madrid.

202. The Committee of Experts was informed during the on-the-spot visit that the Council of Official Languages in the General State Administration and the Bureau for Official Languages will be set up by the Spanish authorities as the result of Royal Decree 905/2007, dated 6 July (Official Gazette of 19 July 2007). The Committee of Experts understands that the mandate of this body is in line with the current undertaking and will be the interface between representatives of the Autonomous Communities, representatives of the speakers and the state administration. It looks forward to receiving more information in the next round on how this Language Council operates, in particular as a link between the speakers and the authorities.

203. The Committee of Experts recalls how important it is to take 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 calls on the authorities to report on those languages as well in the forthcoming periodical report.

#### ***At the Autonomous Community level***

204. The Committee of Experts recalls that in the Autonomous Communities where languages have a co-official status, the institutions comply in a rather exemplary manner with the present obligation (see in the first evaluation report paragraphs 192, 194, 196 and 200 for Basque, Catalan in Catalonia and in the Balearic Islands and Galician respectively).

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

205. The Committee of Experts refers to its previous report concerning the description of the consultative body in the Balearic Islands (see paragraphs 195-196). The Committee of Experts was informed that the

Social Council for the Catalan Language was created by Decree 64/2002 of 3 May 2002, and is currently being renewed to allow representatives of certain sectors representative of the Balearic society to be associated. The Committee of Experts commends the Government for this positive development.

### **Valencian**

206. In the first monitoring round, the Committee of Experts requested clarification as to the role of the Valencian Council of Culture with regard to matters pertaining specifically to the Valencian language and whether its political composition guarantees an adequate representation of the Valencian-speakers (see paragraphs 197-198).

207. No information was provided on this body, therefore the Committee of Experts reiterates its request for further information in the next periodical report.

### **Galician**

208. The Committee of Experts refers to its previous report concerning the description of the consultative body in Galicia (see paragraphs 199-200). According to the information provided in the second periodical report, the General Secretariat for Language Policy anticipated the setting up of the Social Council for the Galician Language in 2007 (see p.95). The Committee of Experts is looking forward to receiving more information in the next round on the work done by this body.

### **Aranese, Asturian Galician, Aragonese and Catalan in Aragon**

209. No information was provided with regard to these languages in the first periodical report nor in the second round. The Committee of Experts therefore urges the Spanish authorities to provide such information in their next periodical report.

#### ***"Paragraph 5***

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

210. The Committee of Experts regrets that the Spanish authorities have not provided any information regarding Romani and Caló in their second periodical report, although clarification was required as well as additional information on projects at regional or national level (see paragraph 57 above).

211. The Committee of Experts therefore urges the Spanish authorities to provide information on Romani and Caló in the next periodical report.

## **2.2 The evaluation in respect of Part III of the Charter**

### *2.2.1 Evaluation of the application of Part III to the Catalan language in Catalonia*

212. The Committee of Experts will focus on the provisions of Part III which were singled out in the first report as raising particular problems. It will therefore not comment in the present report on provisions where no major issues were raised in the first evaluation report and for which the Committee of Experts did not receive any new information requiring it to reassess their implementation. These provisions are as follows:

Article 8 paragraph 1 d i, g, h, i (see paragraphs 210, 215-219 of the first evaluation report)

Article 9 paragraph 1 d (see paragraph 236 of the first evaluation report)

Article 10 paragraph 2 b, c, e, g (see paragraphs 255- 257, 259, 262-263 of the first evaluation report)

Article 10 paragraph 5 (see paragraph 274 of the first evaluation report)

Article 11 paragraph 1 a i e i, (see paragraphs 275 and 282 of the first evaluation report)

Article 11 paragraph 2 (see paragraph 285 of the first evaluation report)

Article 12 paragraph 1 a, b, c, g (see paragraphs 287-293 and 297 of the first evaluation report)

Article 12 paragraph 2 (see paragraphs 301-303 of the first evaluation report)

Article 12 paragraph 3 (see paragraphs 304-306 of the first evaluation report)

Article 13 paragraph 1 a, d (see paragraphs 307-308, 312-316 of the first evaluation report)

Article 13 paragraph 2 a, e (see paragraphs 317 and 325 of the first evaluation report)

### **Article 8 – Education**

#### ***Pre-school***

##### ***"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; or***

#### ***Primary school***

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

#### ***Secondary school***

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

213. The Committee of Experts refers to its first evaluation report for a general description of the educational system in Catalonia. Although not all the aspects of the educational system in use in Catalonia were entirely clear, especially regarding pre-school education, the Committee of Experts observed that this system pointed to an impressive reversal of the trend as Catalan had become the default language in the educational system in its traditional territory and the first language of instruction for the larger part of the latest generation of young people who have been educated in Catalonia (see paragraphs 205-209).

214. The second periodical report mentions the bilingual system or "linguistic conjunction" system, and the Committee of Experts understands that this is the system prevailing at all levels of education, including pre-school.

215. As far as primary education is concerned, clear progress has been made. Although progress has also been noted at secondary level, results have not been as favourable partly because of the subject compartmentalisation, which does not always ensure the use of Catalan as the vehicular language for teaching a subject.

216. In addition the Committee of Experts has been made aware of the creation of the position of Territorial Co-ordinator for Language, Interculturality and Social Cohesion to implement the Plan for Language and Social Cohesion (see p. 108 of the second periodical report).

217. Finally, non-governmental sources informed the Committee of Experts of a case before the Constitutional Court regarding the State Decree on core education that lays down a third weekly hour of education in Castilian in Catalonia's schools. The Committee of Experts invites the relevant authorities to provide information in the next report on the outcome of this case and the decision of the Constitutional Court in that respect.

218. In any event, as for other Part III languages, the Committee of Experts recalls that Spain opted for the highest level of commitment with regard to pre-school, primary and secondary education, i.e. to make available education in the relevant regional or minority languages at all levels. The Committee of Experts understands these undertakings to mean that education in Catalan shall be made available in the territories where Catalan is used. The Charter does not demand compulsory education in Catalan for all pupils, only that it shall be made available so that all pupils will receive education in Catalan if parents so wish.

219. As it did not receive any complaint, the Committee of Experts understands that Catalan as the language of instruction is uniformly available throughout the territory of the Autonomous Community and at all levels of education.

220. The Committee of Experts therefore considers that these undertakings are fulfilled.

#### Higher education

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

221. In the first monitoring round, the Committee of Experts considered that the undertaking was fulfilled but requested information on the availability of education in Catalan at this level (see paragraphs 211-212).

222. According to the information submitted, Catalan is taught at 60% at university level in Catalonia. The Committee of Experts is pleased to note that the use of Catalan by students in entrance tests for universities in Catalonia is increasing. The second periodical report also makes reference to Article 6 of the Law 1/2003 of 19 February 2003 on Universities of Catalonia, according to which Catalan shall be the language of Catalan universities (see p. 137). The Committee of Experts would be interested to know the effect of this law on the recruitment of university lecturers who will be asked to provide proof of an adequate knowledge of Catalan.

223. The Catalanian authorities are supporting education in Catalan at university level in many ways: support to the university linguistic services; subsidies for self-teaching centres; subsidies for linguistic normalisation projects and activities; subsidies for the publication of university handbooks and other Catalan-language teaching materials; support to university research on the Catalan language.

224. The Committee of Experts considers that the present undertaking is fulfilled in a rather exemplary manner.

#### Adult and continuing education

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

225. The Committee of Experts was unable to reach a conclusion in the previous round as it was unclear whether teaching in Catalan was available in the context of adult and continuing education courses (see paragraphs 213-214).

226. The legal framework has been completed with Decree 213/2002 of 1 August 2002 on the Curricular Organisation of Basic Adult Education. In accordance with Article 5, Catalan shall be the vehicular and learning language for instrumental training and the secondary stage of adult education.

227. The Employment Service of the Department for Labour and Industry of the *Government of Catalonia* carries out at least 50% of its vocational training programmes in Catalan (Order 9 October 2000). In addition, all training schemes for registered jobseekers include a certain number of hours of training in Catalan. The Consortium for Linguistic Normalisation (CPNL) provides language courses in Catalan (in 2003-2004 and 2004-2005 alone, 65,689 courses were provided in Catalan). The Government of Catalonia also finances and collaborates on the organisation of Catalan courses provided by socio-economic organisations and private non-profit-making bodies and subsidises some 80 self-teaching centres.

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

### **Education in other territories**

#### ***"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. "***

229. The information at the disposal of the Committee of Experts in the first monitoring round was not sufficient to reach a conclusion as to the fulfilment of this undertaking (see paragraphs 220-221).

230. The Spanish authorities refer to the new Organic Law on Education according to which the state will encourage the teaching of co-official languages. However, the authorities of Catalonia underline the reluctance of central state authorities to disseminate knowledge of the languages other than Castilian as no arrangements have been made. The Official Language School in Madrid is currently the only one in the whole of Spain that offers facilities for studying Catalan outside the Catalan-speaking area (see p. 170).

231. As a result, the Autonomous Communities or private civic, social or cultural institutions carry out the responsibility for teaching Catalan outside the territories where it is spoken. The authorities of Catalonia support many actions in this respect, notably through the setting up of the Ramon Lull Institute (see the impressive records of teaching provided abroad, pp. 168-169). Thanks to a collaboration agreement between the Ramon Lull Institute and the Cervantes Institute, 16 Catalan language courses were given at 14 Cervantes Institute centres abroad.

232. The Committee of Experts therefore considers that the undertaking is fulfilled but it invites the State authorities to comment on the concrete steps taken to disseminate the teaching of co-official languages throughout Spain in accordance with this undertaking.

### **Article 9 – Judicial authorities**

#### **General comments :**

233. As regards the implementation of the Charter in relation to the judicial field in Spain, the Committee of Experts refers to its general introductory comments on particular issues raised during this second monitoring round (see paragraphs 70-73 above).

#### ***"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;”*

234. The Committee of Experts refers to its previous description of the judicial system in Catalonia (see paragraphs 222-235). As for the other Part III languages, the Committee of Experts found in the first monitoring round that the Spanish authorities did not comply with the present undertaking<sup>11</sup>.

235. The second periodical report mentions new legal developments in Catalonia, in particular Articles 33 and 102 of the new Statute of Autonomy of Catalonia, approved by Organic Law 6/2006 of 19 July 2006, requiring staff working in the judicial administration based in Catalonia, i.e. magistrates, public prosecutors, notaries, property and business registrars, register office officials and staff working in the judicial administration, to prove a knowledge of the Catalan language (see p. 183). It is not clear to the Committee of Experts how these provisions can be applied given that it contradicts the Organic Law 19/2003. It invites the authorities to clarify this in the next periodical report.

236. Much effort has been deployed by the authorities of Catalonia, which have spent € 2,244,923.00 in 2005 for developing the use of Catalan in the judiciary, especially in terms of training in Catalan for judicial officials (1.764 participants in 2005-2006), including the possibility since 2005 to follow personalised training (followed by 400 judges, courts clerks and prosecutors, see pp. 184-185).

237. The Catalanian authorities also support the pilot project on the use of Catalan in court service (see 1<sup>st</sup> evaluation report paragraph 229). In 2005, 99 offices were using Catalan to that extent. However, only some 20% of staff working in the justice system habitually use Catalan in legal documents, another 16% use Catalan sporadically in documentation, but the remaining majority never use it (see pp. 186-187).

238. Furthermore, the authorities of Catalonia provide judicial staff with various legal materials in Catalan, such as a handbook of judicial language, vocabulary of criminal procedural law, dictionary of civil law, as well

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<sup>11</sup> See recommendation 1 made by the Committee of Ministers - RecChL (2005)3.

as IT resources such as a Castilian-Catalan automatic translator and various references and advisory sources accessible via the Internet.

239. Finally, 50 language specialists are assigned to the judicial administration, who provide training and consultancy services and seek to improve the use of Catalan in the courts (see p.185).

240. Despite those impressive measures, the authorities recognise that still only a minority of judicial staff use Catalan. As a result, anticipation of the difficulties involved in the choice of Catalan in courts dissuades citizens and legal practitioners from using Catalan (see second periodical report p. 186-187).

241. Non-governmental sources underlined that the existing difficulties in practice still persist making the exercise of this right difficult. Moreover, the use of the Catalan language in court procedures leads to indeterminate delays in the process.

242. The Committee of Experts therefore considers that despite all the efforts made at the level of the autonomous community, shortcomings identified in the first monitoring round prevail since substantial reforms are needed at the state level.

243. The Committee of Experts considers the undertakings partly fulfilled.

***The Committee of Experts 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 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 2***

***The Parties undertake:***

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

244. In the first monitoring cycle, the Committee of Experts considered that this undertaking was fulfilled (see paragraphs 237-238).

245. According to Article 33 – 5 of the new Statute of Autonomy of Catalonia “the citizens of Catalonia shall have the right to correspond in Catalan with constitutional bodies and with State-level judicial bodies, in accordance with the procedure laid down in the corresponding legislation. These institutions must deal with and process documents submitted in Catalan, which in all cases shall have full legal effect”.

246. The Committee of Experts would be interested to know how this provision will be applied in practice considering the rules in force at the state level.

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

**"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."***

248. In its first evaluation report, the Committee of Experts considered that the undertaking was only partly fulfilled and it encouraged the Spanish authorities to take the necessary measures to ensure that the most important national statutory texts and those relating particularly to users of Catalan are regularly and in due time made available in Catalan too. The publication of an official translation at the same time as the publication of the official Castilian version would be the most appropriate measure (see paragraphs 239-241).

249. According to the information provided in the second periodical report, the Official Journal of Catalonia (DOGC) is published simultaneously in Catalan and Castilian (see p.208).

250. As regards the Official State Gazette (BOE), supplements are published in Catalan but there is a lag between publication of the BOE in Castilian and its publication in Catalan (see also paragraph 239 of the 1<sup>st</sup> evaluation report).

251. Concerning the pre-1998 texts, two agreements were signed on 12 March 2002, regarding the publication in Catalan of the instruments contained in the "Statutory Texts" series of the BOE, and regarding the Official Journal and other publications of the Government of Catalonia. However, according to the authorities, significant progress in the official translation of pre-1998 laws still needs to be made.

252. The Department of Justice of the Government of Catalonia launched in 2005 the *Lexcat* project that offers Catalan translations of all State legislation for which, at present, only an official version in Castilian is available. The texts, however, do not have the official status of BOE publications.

253. The Committee of Experts reminds the Spanish authorities that a systematic translation of the relevant legal texts into Catalan is a crucial part of the context for the fulfilment of the undertakings that Spain entered into under Article 9 of the Charter which are the highest ones (that proceedings be conducted in Catalan if one of the parties so request). In the view of the Committee of Experts, the absence of a Catalan version of the most relevant pre-1998 legislation and the mentioned delay in the publication of the Catalan version of the Official Gazette represent serious obstacles to an effective use of the Catalan language in the field of justice in Catalonia.

254. The Committee of Experts considers that this undertaking is still only partly fulfilled.

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

**State authorities**

255. As regards the implementation of the Charter in relation to the administration in Spain, the Committee of Experts refers to its general introductory comments on particular issues raised during this second monitoring round (see paragraphs 74-77 above).

**"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"***

256. In its previous evaluation report, the Committee of Experts considered that this undertaking was only partly fulfilled. According to the information provided at that time, there were not enough Catalan-speaking staff in this area, although Catalan could in some cases be used before the State administration at the party's request. The Committee of Experts therefore encouraged the Spanish authorities to substantially increase the proportion of Catalan-speaking staff in the competent State administration offices and to develop adequate training schemes (see paragraphs 242-244).

257. 7481 civil servants are currently working for the General State Administration. A knowledge of Catalan is considered an advantage for 638 posts out of which 40.1% (256 posts) dealing with the public



require a knowledge of Catalan. At the same time the Central government Delegation in Catalonia stresses that approximately half the staff of the General State Administration in Catalonia have a good or very good knowledge of the co-official language (see p. 217 of the second periodical report).

258. However, the Committee of Experts was made aware of 177 complaints received by the Catalanian Government's Secretariat for Linguistic Policy in 2005 about the failure of State authorities in Catalonia to use Catalan (see p.232).

259. The new Statute of Autonomy of Catalonia, which was approved in 2006, introduces important changes with respect to the State peripheral administration and the central government as it provides for the following:

- The right not to be discriminated against on linguistic grounds and the validity of documents drawn up in either of the two official languages.
- The right of citizens to use the language of their choice.
- The duty of central government staff based in Catalonia to know both official languages. This provision comprises the newly introduced requirement to provide proof of knowledge of Catalan before taking up a post.

260. The Committee of Experts looks forward to receiving information in the next periodical report on how the State authorities have applied these provisions.

261. Although some progress has been made, the Committee of Experts considers that there is still room for improvement and considers that the undertaking is still partly fulfilled.

***The Committee of Experts urges the Spanish authorities to substantially increase the proportion 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;"***

262. The Committee of Experts considered in the first monitoring cycle, that this undertaking was partly fulfilled and encouraged the Spanish authorities to take the necessary measures to ensure that bilingual versions of widely used administrative texts and forms are made available in all the competent State administration offices (see paragraph 245).

263. In the second periodical report and according to the information supplied there are 1,832 standardised forms available to citizens, of which 580 are bilingual in the six Autonomous Communities with a co-official language. The Autonomous Community with the largest number of standardised forms available to citizens is Catalonia with 893 out of which 312 are bilingual. The types of documents available to citizens are usually the following: model guarantee forms, tax forms, applications, complaints etc. Similarly, service charters, complaints and comments books, information sheets, etc, are frequently available to members of the public in bilingual format (see p.214).

264. According to the Government of Catalonia, despite the fact that national legislation itself provides for the use of bilingual texts and forms, many texts and forms are exclusively in Castilian, for example, some tax forms (except the form for personal income and wealth tax) and some documents of the National Statistical and Social Security Institutes. Many central government documents and forms available on the Internet exist in Castilian only, including some relating to citizens' everyday concerns. In some cases, citizens asking for a bilingual form may be faced with delays (see p.231).

265. The Committee of Experts recognizes the improvements achieved but it considers that the undertaking remains partly fulfilled.

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

266. In the first monitoring round the Committee of Experts considered this undertaking partly fulfilled and encouraged the Spanish authorities to remove the existing legal obstacles to the use of Catalan in the context of the civil registers and to take the necessary

measures to foster the use of Catalan in the context of notary acts (paragraph 251).

267. According to the information provided by the Spanish authorities in the second periodical report, the State Administration interprets State Law 30/1992 regulating administrative proceedings so that the public has to ensure translation into Castilian of documents for cases that are to be decided at central government level. When cases have to be decided outside the territory of the Autonomous Community, the citizens of the regions with official minority languages lose all their linguistic rights (see p. 231 of the second periodical report).

268. Based on information received by the Committee of Experts, it is unclear whether or not the civil registers draft documents in Catalan. The Committee of Experts therefore asks the authorities to clarify this issue in the next periodical report.

269. The Committee of Experts maintains its previous conclusion of partial fulfilment.

## **Local and regional authorities**

### **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;"***

270. The Committee of Experts considered in its previous evaluation report that the present undertaking was fulfilled as far as the Autonomous Community was concerned but it was unable to conclude concerning the provincial and municipal administrations (see paragraph 252-254).

271. According to the Government of Catalonia and pursuant to Law 1/1998 on Language Policy, the public administration and other government agencies, institutions and enterprises that are answerable to them, and those to whom their services are contracted out, are required to use Catalan in their internal operations and in relations between them. They are also required to use Catalan in the normal way in communications and notifications addressed to persons residing within the Catalan linguistic area.

272. In addition, Article 9.3 of Law 1/1998 requires local authorities and universities to regulate the use of Catalan within their sphere of competence. 522 municipalities have drawn up these rules with the support of the Government of Catalonia and the Consortium for Linguistic Normalisation. The Committee was informed that 463 small municipalities (only 10.5% have more than 5,000 inhabitants) still need to approve those rules. But in those cases, Catalan seems to be the language used in practice.

273. In the light of the above, the Committee of Experts considers that this undertaking is fulfilled.

***"d the publication by local authorities of their official documents also in the relevant regional or minority languages;"***

274. No specific information was provided in the first periodical report (see paragraph 258) and the Committee of Experts was unable to reach a conclusion on this point.

275. In the light of the information described under the previous undertaking (see paragraph 272 above) the Committee of Experts considers that this undertaking is fulfilled.

***"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;"***

276. No information was provided in the first monitoring cycle on how Royal Decree 2568/1986 of 28 November was implemented in Catalonia (see paragraphs 260-261).

277. In the light of the information provided in the second periodical report (see paragraph 271 above), and in the absence of complaints, the Committee considers that the undertaking is fulfilled.

## Public services

### **"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"***

278. The Committee of Experts considered in its first evaluation report that this undertaking was only partly fulfilled and requested further information on the proportion of staff in the public services in Catalonia who have an adequate command of Catalan and on the language used in written communications between the public services and the speakers, for example telephone and electricity bills (see paragraphs 264-266).

279. As regards services provided by the central government, the Committee of Experts is made aware of complaints regarding the State postal service (*Correos*) and the RENFE (State rail network). *Correos* which used to use bilingual signs in regions with an official language other than Castilian has in the last few years returned to signs in Castilian only (see p.235 of the second periodical report). The Committee of Experts invites the authorities to report on the measures taken in their forthcoming report.

280. Regarding public services run by private enterprises such as *Telefónica de España S.A.*, complaints were lodged by the Government of Catalonia as they generally ignore minority languages in recruitment, service provision, customer services, web pages and correspondence. Complaints were lodged by users to the Catalanian Government's Linguistic Guarantee Offices (see p. 235 of the second periodical report).

281. As far as the public services depending on the Autonomous Community are concerned, it seems that in practice Catalan is the normal language of communication with the public. However, the Committee of Experts invites the authorities to provide more specific information in that respect.

282. The Committee therefore still considers that the undertaking is partly fulfilled as problems remain regarding the State public services.

### **"Paragraph 4**

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

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

283. No specific information was provided in this respect in the first periodical report and the Committee of Experts was unable to conclude on the fulfilment of this undertaking (see paragraph 267).

284. The Committee of Experts was informed that the State has not set up a translation unit to provide such translations between Castilian and the other official languages as may be required by the State Administration. There is an Interpretation Bureau of the State that provides translation into Catalan as the official language of Andorra but this department does not translate documents in Catalan coming from within the State (see p. 236 of the second periodical report).

285. The Committee of Experts invites the authorities to clarify whether this would be one of the tasks of the new Office that will be set up in the Administration of Public Services.

286. The Central Government delegation in Catalonia underlines that automatic translation systems are installed as a standard IT application to enhance the effective use of the co-official language. There are some very effective automatic translation systems on the market, and they are also being used by the Catalanian Government itself (see p.217).

287. The Committee of Experts considers that the undertaking is partly fulfilled.

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

288. In the first monitoring round, the Committee of Experts considered that the present undertaking was fulfilled as far as the Autonomous Community and local authorities were concerned but that it was only partly fulfilled as far as the State administration offices were concerned. It encouraged the Spanish authorities to review the career and training structure in the State public administration with a view to ensuring that an adequate share of the staff posted in the State administration offices located in Catalonia has the necessary command of the Catalan language to use it as a working language (paragraph 272). This was also the subject of a Recommendation adopted by the Committee of Ministers.

289. According to the Central Government Delegation in Catalonia, Catalan is a widely spoken language held in high social esteem and its knowledge and use in the Peripheral State Administration is more widely accepted than in other Autonomous Communities. As a consequence training needs are different and pursue different objectives (see p. 219). The Committee of Experts notes indeed that the number of language courses and training activities are lower than for the other Autonomous communities (320 participants and 1220 hours teaching).

290. The highest levels of knowledge of Catalan are found in bodies with consistent training policies in this area, such as the State Tax Agency, the National Institute of Social Security, the Social Security Treasury and the Economic and Administrative Court, which have their own training programmes. The training needs are more obvious for members of the State security forces, in view of the very significant number of staff involved, and also bearing in mind the gradual deployment of the Catalanian Government's own police force, the *Mossos d'Esquadra* (see p. 217 of the second periodical report)

291. However, the Committee of Experts received complaints that the Order of 20 July 1990 of the Ministry for Public Administration according to which knowledge of languages other than Castilian is required for the filling of certain posts in the Peripheral State Administration has been respected only fairly irregularly and only for some posts (see p. 236 of the second periodical report).

292. As far as the Administration of the Autonomous Community of Catalonia is concerned decree 161/2002 of 11 June 2002 specifies the standard of knowledge of Catalan and Aranese required for each type of post and systematises the way in which that knowledge is proved. As regards local authorities, Legislative Decree 2/2003 of 28 April 2003, reforming the Catalan Municipal and Local Government Law by incorporating the obligation for local authorities to require proof of a knowledge of spoken and written Catalan in the staff recruitment process (see p. 236).

293. The Committee of Experts therefore considers that the present undertaking remains fulfilled as far as the Autonomous Community and local authorities are concerned but that it is only partly fulfilled as far as the State administration offices are concerned.

***The Committee of Experts urges the Spanish authorities to review the career and training structure in the State public administration with a view to ensuring that an adequate share of the staff posted in the State administration offices located in Catalonia have the necessary command of the Catalan language to use it as a working language.***

***"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."***

293 bis. No specific information was submitted in this respect. The Committee of Experts is therefore not in a position to conclude on this undertaking and urges the Spanish authorities to comment on all four fields concerned (branches of the State administration in Catalonia, administration of the Autonomous Community, local authorities and public services) in the next periodical report.

## **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; or"***

294. The Committee of Experts stated in its previous evaluation report that the existing situation led it to consider that the present undertaking was fulfilled, although it was not clear how the authorities concretely supported private radios (see paragraph 276-277).

295. According to the information provided in the second periodical report, private broadcasters (FM radio) operating with the authorisation of the Government of Catalonia must ensure that 50% of their air time is in Catalan. In addition, following Article 26 of the 1998 Catalan law on Language Policy, the inclusion of the use of Catalan in proportions higher than the minimum legal requirement is a mandatory requirement in the Government's tender process for granting broadcasting licences.

296. The Committee of Experts notes that since 1981 radio broadcasting in Catalan has increased substantially, from 12% of total air time to 50% in 2002. According to the available information, Catalan continues to be the language generally used on local radio stations. These percentages are very similar to those in 2003, although in 2004 the number of local stations broadcasting only in Catalan increased by 8% (see p. 272).

297. It is still not clear to the Committee of Experts how the authorities support in practice private radio, other than through licensing, but it considers that the undertaking is fulfilled.

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

298. In the first monitoring cycle the Committee of Experts was unable to conclude on the fulfilment of this undertaking. The legal framework existed but it remained unclear how the authorities encouraged and/or facilitated the creation of at least one private television channel broadcasting essentially in Catalan (see paragraphs 278-279). As far as local televisions are concerned, they are regulated by Catalan Law 1/1998 of 7 January 1998 on language policy (Article 25 and 26, at least 50% of the programmes shall be broadcast in Catalan).

299. In the second periodical report the authorities again refer to the legislative framework according to which licensing is connected with the duty to broadcast at least 50% of programmes in Catalan. No information is provided whether there exist any other measures of encouragement and/or facilitation.

300. As regards the forthcoming digitalisation of TV and according to the "National Technical Plan for Local Digital Television", there will be 24 zones in Catalonia. Each zone will be assigned a multiple channel capable of housing four television channels. The Catalan authorities will continue to demand that part of the channels broadcast at least 50% of the programmes they themselves produce in Catalan.

301. It is still not clear to the Committee of Experts how the authorities support in practice private TV stations, other than through licensing, but it considers that the undertaking is fulfilled.

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

302. In the first monitoring round, the Committee of Experts considered the undertaking fulfilled although it welcomed further concrete examples on the implementation of articles 25 and 26 of the Law of Catalonia 1/1998 (see paragraphs 280- 281).

303. The Committee of Experts was made aware that on 29 December 2005 the Catalan Parliament passed a new law No 22/2005 on audiovisual communication in Catalonia. This law, which lays down the general regulatory framework for the sector, contains measures designed to protect the Catalan and Aranese languages in the audiovisual communication sector. It regulates local public service broadcasting and licensed private broadcasting as well as broadcasting in Catalan in the areas where the language is spoken.

304. The Committee of Experts was informed of the free dubbed versions in Catalan of most of the films screened in "prime time" on television provided by the Catalan Dubbing Service since 2005 (see p. 270 of the second periodical report). This has a very positive effect on the presence of Catalan and its use.

305. The Committee of Experts still considers that the undertaking is fulfilled.

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

306. No information has been provided in the first and second periodical reports on how the existing schemes are concretely used.

307. The Committee of Experts urges the Spanish authorities to clarify this point in the next periodical report.

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

308. The authorities have not provided any specific information in the first and second periodical reports on the training of journalists and other staff working in media using regional or minority languages.

309. The Committee of Experts considers that the undertaking is not fulfilled and urges the Spanish authorities to comment on this undertaking, referring in particular to measures to support the specific linguistic and technical training required by journalists and other staff for media using regional or minority languages.

***"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."***

310. Due to the lack of information, the Committee of Experts was unable to conclude on the fulfilment of this undertaking (see paragraph 286).

311. The Audiovisual Council of Catalonia established by Law No. 8/1996 of 5 July 1996 regulating audiovisual programmes transmitted by cable, is the supervisory and advisory body of the Government of Catalonia for audiovisual, radio and television broadcasting. On 17 November 2004, it approved Agreement 118/2004 containing the general instruction on the presence of the Catalan language and culture and of Aranese in the audiovisual media. This instruction provides guidelines for this body to monitor how public and private television broadcasters comply with their obligations in respect of language (see p. 272 of the second periodical report).

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

**Article 12 – Cultural activities and facilities**

313. Most subparagraphs of Article 12 were fulfilled in the first monitoring round. The Catalan authorities have commented extensively under this provision describing the strong support provided as regards literary production and publishing (to adjust in particular the negative trend affecting the publishing sector), the support to films for cinema and TV through the Catalan Institute of Cultural Industries (dubbing, subtitling, etc.), the arts sector (theatre, circus) and music (see pp. 308-318).

314. The Committee of Experts commends the authorities of Catalonia and considers the examples provided as best practices.

***"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:***

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

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

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

315. No specific information was provided under these undertakings in the first and second periodical reports.

316. The Committee of Experts has not been informed of any problems in respect of these undertakings and refers to the extent of the initiatives taken in these fields by the Catalan authorities.

317. It therefore concludes that those undertakings are 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."***

318. The Committee of Experts is informed in the second periodical report that the statute of TERMCAT (Terminology centre) which has been in operation since 1985 has recently been approved by Decree n°108/2006 of 25 April 2006. The Government's department supports terminological projects on health, labour, industry and justice. In 2005 there was an increase both in quantitative and qualitative terms, covering forty widely varying terminological projects, including terminological dictionaries, technical glossaries, multilingual dictionaries, popularising materials and on-line products. The Open Terminology collection can be downloaded from the TERMCAT website.

319. The Committee of Experts considers the undertaking fulfilled in a rather exemplary manner.

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

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

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

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

320. In the first monitoring round, the Committee of Experts had not been informed of the existence of legal provisions expressly prohibiting the insertion of the clauses referred to in the present undertaking (see paragraphs 309-310).

321. The information provided by the authorities refers to the Law on Language Policy of Catalonia 1/1998 of 7 January and the Law on the Status of the Consumer that both lay down the main rules for the use of Catalan in the socio-economic sphere. No reference was made to a specific provision that would prohibit the insertion of clauses restricting the use of regional or minority languages, but the purpose of these laws is the promotion of the use of Catalan in this sphere.

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

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

323. No specific information was submitted in this respect in the first round, and the Committee of Experts was therefore not in a position to conclude on this undertaking (see paragraph 311).

324. In the second periodical report, the Law on Language Policy lays down indirect rules on sanctions for non-compliance with some of these obligations set forth in Law No. 1/1990 of 8 January 1990 on market discipline and the defence of consumers and users (see p. 348).

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

**"Paragraph 2**

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

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

326. In its previous evaluation report, the Committee of Experts was not able to draw a conclusion and it needed clarification as to the economic and social sectors directly under the control of the central authorities and of the authorities of Catalonia respectively (see paragraph 318).

327. Both the Law No. 1/1998 of 7 January 1998 on Language Policy and the Law No. 3/1993 of 5 March 1993 on the Status of the Consumer cover the activities of the public enterprises of the Government of Catalonia and their franchise, as well as public service enterprises, including services provided directly by the State such as the RENFE.

328. As stated in the second periodical report, the Governement of Catalonia has concluded many agreements on the monitoring of the situation of Catalan in hypermarkets, department stores and hotel and shop chains, special attention being paid to the major enterprises (p. 350). In addition, advisory and training services to local enterprises, employers' associations and territorial authorities are provided by the Consortium for Language Normalisation.

329. Furthermore, the Catalan authorities adopted decree No. 348/2004 of 20 July 2004 according to which staff supervising access to specific places of entertainment and recreation must be able to deal with the public in either of the official languages of Catalonia. On 30 November 2004 the Government of Catalonia adopted measures to promote the use of Catalan by means of public contracts, subsidies, loans, etc.

330. In February 2003 an agreement was launched to ensure the presence of Catalan in public contracting bodies of the Administration. It includes strong measures to promote the use of Catalan among the clauses used in administrative contracts, notably where Catalan is a direct or indirect part of the product or service, in line with the principle of proportionality and the guidelines adopted by the Administrative Contracting Advisory Board.

331. The Committee of Experts therefore considers that the undertaking is 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;"**

332. No specific information was submitted in this respect in the first periodical report and the Committee of Experts was therefore unable to reach a conclusion (see paragraph 319).

333. The Government of Catalonia has taken important measures to ensure the use of the Catalan language in the health centres, services and institutions of Catalonia by launching a Language Policy Strategic Plan in health centres. This plan will assess the current situation and propose ways to improve it. In addition, a language services web for the health sector has been set up to help all the sector's professionals with the proper use of Catalan. General Catalan courses are regularly organised for staff working in health centres, together with more specific courses tailored to the needs of the different health occupations and specialised courses on health science terminology (more measures are described on p. 234-235 of the second periodical report).

334. According to the information at its disposal, 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;"**

335. In its previous evaluation report, the Committee of Experts was not in a position to conclude on this undertaking. On the one hand the Spanish Government's position was that safety was fully guaranteed since



all regional or minority language speakers have a command of Castilian as well; on the other hand, in accordance with Article 26.a of Law of Catalonia 3/93 of 5 March on Consumer Protection Regulations consumers have the right to receive in Catalan the relevant information for the consumption and use of goods, products and services, including in particular the compulsory information concerning the protection of their health and safety (see paragraphs 320 and 323 of the second periodical report).

336. The information received is very limited, as it concerns labelling of products, including instructions for their use. As from February 2003, compulsory data and optional extra information on labels for Catalan products with denomination of origin and crafts products distributed around Catalonia must be in Catalan. However, the Committee of Experts received complaints that the use of Catalan in practice remains unsatisfactory and neither the legal framework nor the favourable opinion of consumers and entrepreneurs have led to any positive results in this field.

337. The Committee of Experts considers therefore that the undertaking is partly fulfilled and it urges the relevant authorities to comment on other safety instructions in the forthcoming 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;"***

338. In its previous report, the Committee of Experts requested more information on bilateral treaties with France and Italy aimed at fostering the contacts between Catalan-speakers across the Spanish-French border and those living in the Sardinian city of Alguer (Alghero) in the fields of culture, education, information, vocational training and permanent education (see paragraphs 326-327) as well as relations with Andorra.

339. In their second periodical report, the Spanish authorities consider that major obstacles which are beyond their control hamper the development of transfrontier exchanges and the development of co-operation in the language field. On the one hand, France has not granted any official status to Catalan. Furthermore, in France the decision-making on language policy and practical means of implementation is centralized whereas in Spain the responsibility for language policy lies virtually exclusively and specifically with the Autonomous Communities (see p. 359).

340. The Committee of Experts has been informed that an Outline Agreement between the Government of the Kingdom of Spain and the Government of the French Republic on educational, language and cultural programmes was signed in Madrid on 16 May 2005 (Official Gazette No. 164 of 11 July 2005). However, the Government of Catalonia reports that the provisional implementing regulations of this Agreement only refer to the Castilian and French languages but not to any of the shared regional or minority languages (see p. 354 of the periodical report).

341. The situation in Andorra is different since Catalan enjoys full official status (see p. 359). The Committee of Experts was informed that in accordance with the Exchange of Memoranda of 23 December 2004 an Agreement was concluded between the Kingdom of Spain and the Principality of Andorra in the educational field (Official Gazette No. 69). According to the Act, the *lingua franca* of the centres covered by this agreement will be Castilian, and Catalan must be taught in all centres located in the so-called "Andorran education" area. However, the presence of this language is confined to one specific area due to the teachers' lack of knowledge of Catalan.

342. The Committee of Experts would welcome information on whether the conclusion of a bilateral treaty of this sort is also being sought with Italy with regard to the Catalan language spoken in the Sardinian city of Alguer.

343. In light of the above consideration, the Committee of Experts considers that the undertaking is partly fulfilled.

**"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."**

344. In the first round, the Committee of Experts was unable to conclude on this undertaking (see paragraph 328).

345. In the second periodical report, the authorities provide extensive information. Based on the second additional provision of the Law on Language Policy, the Government of Catalonia can conclude agreements, conventions and treaties with the Autonomous Communities of Aragon, the Balearic Islands and Valencia, and with Andorra, France and Italy, in order to foster cultural exchanges among the different Catalan-speaking areas. The new Statute of Autonomy also refers to this competence and the Committee of Experts would welcome more information in the next round on the application of this statute.

346. Cooperation is being developed with Andorra, notably through a campus for universities with the Ramón Llull Institute that is also supported by the Government of the Balearic Islands, through the publication of a collection of texts entitled Catalan Easy (Català fàcil) and through the maintenance of three self-learning centres in Andorra.

347. As regards the French Pyrenées Orientales Department, on 5 September 2003 the House of the Government of Catalonia (*Casa de la Generalitat de Catalunya*) was inaugurated in Perpignan, officially representing the Catalan Government in this Department. Co-operation embraced all fields of socio-economic life and this house also acts as a centre for initiating transfrontier schemes and answer requests from institutions, enterprises and associations, and citizens on either side of the border. Furthermore, on 30 November 2004, the Government of Catalonia and the Perpignan Municipal Department of Catalan Culture concluded an agreement for the promotion of Catalan culture and language.

348. Finally, the Government of Catalonia also regularly subsidises bodies promoting the Catalan language in Alguer (Alghero) (Sardinia, Italy).

349. The Committee of Experts considers that this undertaking is fulfilled in a rather exemplary manner.

## 2.2.2 The Basque language in the "Basque-speaking zone" of Navarra

### General comments :

350. In the previous monitoring round the Committee of Ministers made a recommendation to consider the possibility of applying an appropriate form of Part III protection to the Basque language within the "Mixed zone" as defined by the legislation of Navarra. The Committee of Experts was informed that the authorities have made several attempts to change the Foral Legislation on language zone but with no results as yet. In the meantime, the authorities have tried out flexible solutions for the benefit of the Basque language in the "Mixed area" as well, in particular in the field of education. The Committee of Experts commends the authorities and encourages them to continue their efforts.

351. Furthermore, a new Institute of the Basque Language was established during the visit of the Committee of Experts to Spain. The Committee of Experts is not able to assess the impact of this new institution in the linguistic landscape of Navarra, and it encourages the relevant authorities to provide information on the work carried out and the progress achieved in the protection and promotion of the Basque language.

352. In this second monitoring cycle, the Committee of Experts will focus on the provisions of Part III which were singled out in the first report as raising particular problems. It will therefore not comment in the present report on provisions where no major issues were raised in the first evaluation report and for which the Committee of Experts did not receive any new information requiring it to reassess their implementation. These provisions are as follows:

- Article 9, paragraph 1 d (see paragraph 376 of the first evaluation report)
- Article 9, paragraph 2 a (see paragraphs 377-378 of the first evaluation report)
- Article 10, 2 c, d, f (see paragraphs 400 and 405 of the first evaluation report)
- Article 11, 2 (see paragraphs 439-440 of the first evaluation report).
- Article 12, paragraph 1 a (see paragraph 442 of the first evaluation report)
- Article 13, paragraph 1 a (see paragraphs 460-461 of the first evaluation report)

353. In this monitoring round, the Committee of Experts notes that the Navarra authorities report on both the Basque-speaking zone and the "Mixed zone" under several undertakings. Accordingly the Committee of Experts decided to include this information under the relevant provisions.

### **Article 8 – Education**

#### General Statement

354. Like Catalan in the Balearic Islands, the Committee of Experts has been informed by non-governmental sources that a new model has been introduced by the Department of Education, and English is used as the language of instruction in 30 or 40% of classes. The Spanish authorities are invited to clarify whether this might have negative consequences for the Basque language.

#### **Pre-school**

##### ***"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; or***

##### ***Primary school***

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

##### ***Secondary school***

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

355. The Committee of Experts refers to its first evaluation report for a general presentation of the education system in Navarra (see paragraphs 333-335). Although the Committee of Experts considered that undertakings a. i and b. i were fulfilled, it requested further information on whether the demand for a given model was satisfied in all cases. As for undertaking c. i, the Committee of Experts was not in a position to conclude on this undertaking and requested information on whether the demand for Model D education in the "Basque-speaking zone" was satisfied in all cases.

356. The Spanish authorities report that in 2005-2006 Model D is prevailing at all levels of education: 91% of children at pre-school level, 86% of pupils at primary level and 81% at compulsory secondary education (see pp. 116-117).

357. The Committee of Experts considers that these undertakings are fulfilled.

**Technical and vocational education**

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

358. In its previous evaluation report, the Committee of Experts was not in a position to conclude on this undertaking. It understood that in the field of technical and vocational education, model D, which is the one corresponding to the undertaking entered into in this area by Spain, is not available in the "Basque-speaking zone" (see paragraph 337).

359. According to the authorities of Navarra, there are no language models for vocational training as the main objective is not to learn and perfect a language but to achieve the highest possible vocational qualification that meets the demands of the branch of activity concerned. In the second periodical report, the authorities refer to three vocational training centres in the "Basque-speaking area", in which to some extent, teachers can communicate with their pupils both in Basque and in Castilian (see p. 132). The Committee of Experts understands that there is no separate teaching in Basque but rather that both Castilian and Basque can be used orally.

360. The Committee of Experts reminds the Spanish authorities that they have opted for an education in technical and vocational education in the Basque language, which is equivalent to the D Model. The content of instruction does not exclude the obligation to provide tuition in the Basque language.

361. During the on-the-spot visit, the Committee of Experts was informed that there is a demand to have this type of education in Basque but that in practice, the education is provided in Castilian.

362. As a consequence the Committee of Experts considers that the undertaking is not fulfilled and encourages the authorities to take measures to ensure that education in Basque is provided at that level.

**Higher education**

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

363. In the first periodical report, the authorities made reference to the Public University of Navarra (UN). The Committee of Experts considered that this undertaking was fulfilled but requested further information on the measures taken by the competent public authorities, other than the University of Navarra itself (see paragraphs 339-342).

364. The Committee of Experts recalls that the present undertaking concerns precisely those cases where the State does not have a direct control over university institutions. The undertaking is therefore concerned with measures of encouragement by the public authorities aimed at the university institutions.

365. In the second periodical report, the authorities of Navarra report on various initiatives taken by three universities established in the Autonomous Community Navarra: the Public University of Navarra (UPNA), the University of Navarra (UN) and the National Open University (UNED) (p. 145-146). However, they do not report on specific measures undertaken by competent public authorities as requested by the Committee of Experts in the previous round. No specific information on the concrete education offered in Basque at the university level was provided.

366. It was brought to the attention of the Committee of Experts that the Basque Summer University (UEU) has been organising university level summer courses and seminars entirely in Basque since the 1970s. It has not been financially supported by the authorities since 2001. The Committee of Experts invites the authorities to clarify whether there are avenues for funding this initiative or similar projects in the future.

367. The Committee of Experts has not received any information as to whether there are scholarship schemes available to students who would like to pursue their studies in Basque even outside the Autonomous Community (e.g. in the Basque country).

368. The Committee of Experts nevertheless appreciates the initiatives reported by the authorities, and maintains its previous conclusion that the undertaking is fulfilled. It invites the authorities to provide specific information in the forthcoming report.

### **Adult and continuing education**

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

369. In the first evaluation report the Committee of Experts considered that the undertaking was fulfilled (see paragraph 344). In the second periodical report, the authorities describe training courses given in Basque in Pamplona in two centres on administrative management, administration and finances (see p. 155).

370. However, it was brought to the attention of the Committee of Experts that although adult education is guaranteed in public and private establishments, the subventions provided by the authorities of Navarra to the Language schools for adults (*Euskaltegis*) have substantially decreased recently (45% to 18% of the cost per student from 2002 to 2005). The Committee of Experts invites the authorities to clarify why the support to these institutions has decreased in the next periodical report and to find ways to increase this support.

371. The Committee of Experts considers nevertheless that the undertaking is still fulfilled.

### **Teaching of history and culture**

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

372. The Committee of Experts was unable to conclude on this undertaking in the previous monitoring round since it lacked information on how the role of Basque in Navarra history and culture is taught to both Basque-speaking and Castilian-speaking pupils attending schools in Navarra (see paragraph 347).

373. The Committee of Experts recalls that the present undertaking concerns not only education for pupils using regional or minority languages but also education for non-speakers about the specific history and traditions of the regional or minority languages spoken in the relevant territory. This normally entails including elements of the history and culture which is reflected by the regional or minority language in the national curriculum, or at least in the curriculum for all pupils within the territories concerned.

374. The Committee of Experts understands that Model D comprises the teaching of the Basque component of the Navarra history and culture. However, no information has been provided on how the role of Basque in Navarra history is being included in the curriculum.

375. Given the lack of proper information provided by the authorities and in view of the information brought to the attention of the Committee of Experts, it considers that the undertaking is partly fulfilled and it urges the authorities to take measures to ensure that the present undertaking is fulfilled.

## Basic and further training of teachers

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

376. In the first monitoring cycle, the Committee of Experts received conflicting information and was therefore unable to conclude on this undertaking (see paragraphs 348-351).

377. In the second periodical report, the authorities refer to a Basque training plan for teaching staff in non university education in 2005-2006. Several options are possible : intensive Basque retraining courses with leave of absence, extensive Basque-learning courses, as well as individual assistance in learning Basque in private centres where no educational institution exists in the locality or area of the person concerned, advanced language course for teachers with partial leave of absence and advanced language courses without leave of absence (see pp. 162-163).

378. The Committee of Experts lacks information on whether the needs of teacher training are met with the current scheme.

379. In addition, it was brought to the attention of the Committee of Experts that the financial support granted by the Navarra authorities for further teacher training has decreased by 30% in the last ten years.

380. Considering that teacher training is available, the Committee of Experts considers that the undertaking is fulfilled. However, it invites the authorities to comment on the decreasing financial support in the next periodical report.

## Supervisory body

***"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."***

381. The Committee of Experts considered that the undertaking was fulfilled on the basis of the information received at the time of the first monitoring cycle: the Navarra School Board on Higher Education ("*Consejo escolar de Navarra*") drawn up and published a report on the Navarra educational system, including the situation with regard to the Basque language (see paragraph 362).

382. However, non-governmental sources informed the Committee of Experts that the function of this body relates to advise on general matters concerning education but that it does not have the specific task of monitoring the measures taken and progress achieved in teaching of the Basque language and drawing up report on their findings in that respect.

383. The Committee of Experts maintains its conclusion and invites the authorities to clarify this point in the next monitoring round.

## Education in other territories

### ***"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."***

384. In the first monitoring round, the Committee of Experts was not in a position to conclude that the Basque language is traditionally present in the "non Basque-speaking zone" and dealt with the issues of education in Basque in this area under the present undertaking (see paragraphs 353-360).

385. The information provided in the second monitoring round suggests that the Basque language is in fact not traditionally present in the non-Basque speaking area (p.32). However, there are a number of the so-called new Basque speakers who have learned the language at school (*Ikastolas*). There is a steady demand for Model D education in Basque regardless of the linguistic background of pupils.

386. The Navarra authorities recently adopted the Protocol of Actions and a “Foral” Law on special funding for the non-legal *Ikastolas* in the “non Basque-speaking zone”. As a result, *Ikastolas* have become authorised State-funded establishments as from the 2006-2007 academic year (see p. 176). The Committee of Experts commends the authorities for this very positive step towards ensuring that education in Basque is made available throughout Navarra.

387. In addition, the Committee of Experts was made aware that several municipalities located in the “non Basque-speaking zone” within the metropolitan area of Pamplona have made requests to have Model D education or *Ikastolas* available. The Committee of Experts was informed that in two of those municipalities (Noain, Aranguren) this demand was satisfied. The Committee of Experts invites the authorities to clarify the situation regarding other requests.

388. As regards pre-school and primary school levels, statistics provided by the Government of Navarra indicate that between the school-year 1990/1991 and the school-year 2002/2003, the proportion of model G education has decreased, whereas models A and D (*Ikastolas*) have increased.

389. As far as the “Mixed zone” is concerned, schools offer a sufficient number of language models to satisfy the general demand (see information provided under paragraph f pp. 151-153 of the second periodical report). The proportion in which the various models have been used at pre-school and primary school levels is as follows over the past school year 2005-2006 :

- model G applies to 53% of pupils;
- model A applies to 20% of pupils;
- model D applies to 27% of pupils.

390. For pupils whose first choice was not met, the Department for Education makes an offer of places available in schools near the home. The number of cases in which this procedure did not satisfy parents' wishes is very slight.

391. As far as secondary education is concerned, when the school place obtained in a public establishment is a long way from the pupil's home, the Department for Education organises and subsidises school transport and meals in the case of split-shift pupils, or special transport assistance and school meals schemes (see p. 119). However, during the on-the-spot visit, the Committee of Experts was informed that in some cases, parents had to pay for transportation when sending their children to Pamplona.

392. The Spanish authorities informed the Committee of Experts that an Official School of Languages in Madrid offers courses of Basque.

393. In the light of the above, the Committee of Experts considers this undertaking is fulfilled. It encourages the authorities to report on the issues raised above in the next periodical report.

#### **Article 9 – Judicial authorities**

394. As regards the implementation of the Charter in relation to the judicial field in Spain, the Committee of Experts refers to its general introductory comments on particular issues raised during this second monitoring round (see paragraphs 70-73 above).

##### ***“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;”*

395. The Committee of Experts refers to its first evaluation report for a general description of the judicial system in Navarra (see paragraphs 361-375). As for the other Part III languages, the Committee of Experts found in the first monitoring round that the Spanish authorities did not comply with the present undertaking<sup>12</sup>.

396. The Committee of Experts regrets that it has received very little information regarding the different issues raised in the first monitoring round. In the second periodical report, the Navarran authorities only refer to general principles and do not provide any concrete examples of measures taken to implement the recommendation of the Committee of Experts and of the Committee of Ministers.

397. According to the information provided in the second periodical report, it should be noted that the judicial administration staff in Navarra are answerable to the Ministry of Justice in Madrid and that a knowledge of Basque is therefore not compulsory but considered an advantage in transfer and internal promotion competitions. Bilingual posts have been advertised for in the Information Department of the Courthouse in Pamplona.

398. The Committee of Experts therefore observes that the problems raised in the first round still persist. There is no mention of any measures aimed at facilitating the learning of Basque in Navarra for the judicial staff. Complaints were received that there were no proceedings conducted in Basque, despite the requests made.

399. In the absence of any substantial measure to remedy the shortcomings identified in the first round, the Committee of Experts considers that these undertakings are partly fulfilled.

<sup>12</sup> See recommendation 1 made by the Committee of Ministers - RecChL (2005)3.



***The Committee of Experts 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 the 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."***

400. In the previous evaluation report, the Committee of Experts considered that this undertaking was not fulfilled and it encouraged the Spanish authorities to take the necessary measures to ensure that the most important national statutory texts and those relating particularly to users of Basque are regularly and in due time made available in Basque too. The publication of an official translation at the same time as the publication of the official Castilian version would be the most appropriate measure (see paragraph 381).

401. The Government of Navarra refers to government orders published in Basque in the Basque version of the Official Gazette of Navarra (see p. 202). It does not provide any information as regards the lack of a Basque version of pre-1998 legislation and the alleged delay in the publication of the Basque version of the Official Gazette (see paragraph 380 of the first evaluation report). The Committee of Experts recalls that those two aspects represent serious obstacles to an effective use of the Basque language in the field of justice in Navarra.

402. Similar to the Basque country, the Committee of Experts was informed that there was no collaboration agreement between the Navarra authorities and the Spanish government concerning the translation, publication and distribution of the State Official Gazette. The Committee of Experts is of the view that the two autonomous communities should work together in cooperation with the State authorities in order to overcome the lack of translated versions of important national statutory texts.

403. The Committee of Experts understands that the problems identified in the previous monitoring cycle still prevail in the second round. It therefore considers that the undertaking is partly fulfilled and urges the authorities to continue their efforts to improve the current situation.

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

**State authorities**

404. As regards the implementation of the Charter in relation to the administration in Spain, the Committee of Experts refers to its general introductory comments on particular issues raised during this second monitoring round (see paragraphs 74-77 above).

**"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"***

405. In its previous evaluation report, the Committee of Experts considered that this undertaking was not fulfilled and it encouraged the Spanish authorities to substantially increase the Basque-speaking staff in the competent State administration offices and to develop adequate training schemes (see paragraphs 382-384).

406. According to the information provided in the second periodical report, 835 civil servants attached to the General State Administration work in the Autonomous Communities of Navarra (see pp. 216-217). The Committee of Experts understands that Basque is a mandatory requirement for 18 posts and that it is an advantage for 64 posts. According to the Central Government delegation in Navarra, Basque should be considered as an advantage but not as a requirement for access to posts involving contacts with the public, as a result of the linguistic zoning. The Committee of Experts invites the authorities to clarify this issue in the forthcoming periodical report.

407. The authorities acknowledge in the second periodical report that very few civil servants in the Central Government Delegation in Navarra are able to use Basque in dealing with the public (see p. 250). The Committee of Experts therefore encourages the authorities to increase the number of staff who master Basque.

408. As regards training, the Committee of Experts notes that there is a significant decrease in staff trained in the language (from 76 in 1996/1997 to 10 in 2005/2006). The Committee of Experts is concerned by this trend.

409. Finally, the Committee of Experts received complaints regarding some State administration authorities' services which are located in Iruña-Pamplona in the "Mixed area" but which serve citizens from all Navarra. Cases concern notably the Police Headquarters that provide services in Castilian only.

410. The Committee of Experts considers that this undertaking is not fulfilled.

***The Committee of Experts urges the Spanish authorities to substantially increase the number of Basque-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;"***

411. The Committee of Experts refers to its first report, where it considered that this undertaking was not fulfilled and encouraged the Spanish authorities to take the necessary measures to ensure that bilingual versions of widely used administrative texts and forms are made available in all competent State administration offices (see paragraph 385).

412. According to the new information supplied in the second monitoring round, there are no standardised bilingual forms available to citizens in Basque (p. 215). The authorities report mainly on sign posting which do not correspond to the present undertaking.

413. As texts and forms are available in the peripheral administration in the Basque country, the Committee of Experts is of the opinion that the authorities could find ways to ensure the availability of forms in Basque. However, non governmental sources indicate that the attitude of the peripheral administration supports monolingualism in Castilian in dealings with citizens and all the documents sent/given to citizens are in Castilian, including for citizens living in the "Basque-speaking zone".

414. The Committee of Experts considers that the undertaking is still not fulfilled.

***The Committee of Experts urges the Spanish authorities to take the necessary measures to ensure that bilingual versions of widely used administrative texts and forms are made available in all the competent State administration offices.***

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

415. The Committee of Experts was not made aware of any concrete examples in the first periodical report nor in the second regarding certificates drafted in Basque by State administration offices located in Navarra, or any other documents issued in both languages by those offices.

416. The Committee of Experts received complaints on cases where bilingual documents (such as driving licences or identity cards) were not issued even though the persons concerned lived in the Basque speaking zone. The Committee of Experts invites the authorities to clarify whether bilingual documents are issued in those cases.

417. In the light of the information received, the Committee of Experts considers that this undertaking is not fulfilled and it urges the Spanish authorities to comment on this undertaking in the forthcoming periodical report.

### **Local and regional authorities**

#### Preliminary remark

418. Given the territorial limitation for the application of Part III as far as Navarra is concerned, a preliminary question arises concerning local and regional authorities. Local authorities within the "Basque-speaking zone" are covered by the undertakings entered into by Spain under Article 10 paragraph 2 of the Charter. However, insofar as the authorities of the Autonomous Community and particularly those located in Pamplona/Iruña constitute the "regional" authorities concerned by the application of Article 10 paragraph 2, they are also covered by this provision. It must be considered, in this respect, that in the Spanish system the Autonomous Communities perform extensive functions (see pp. 5 and 11-13 of the initial 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;"***

419. The Committee of Experts refers to the general description of the situation as regards this undertaking in its first monitoring report (see paragraphs 390-393). It considered that this undertaking was fulfilled as far as the local authorities in the "Basque-speaking zone" were concerned.

420. The Committee of Experts refers to the issues related to Article 15 paragraph 1 of the Foral Decree 29/2003 of 10 February discussed in its first monitoring report (see paragraphs 389-391). Non-governmental organisations have informed the Committee of Experts that the Supreme Court of Justice of Navarra cancelled the problematic article through sentence 629/2004, but that the Navarra authorities made an appeal. In the meantime, the authorities continue to apply this provision. The Committee of Experts is also informed that there was a recommendation made by the Ombudsman of Navarra to issue bilingual documents.

421. Therefore the Committee of Experts understands that in practice the authorities do not feel the obligation to issue bilingual documents when the administration is located in the "Mixed zone". The Committee of Experts invites the authorities to comment on this practice in the next periodical report.

422. The Committee of Experts therefore considers that the undertaking is not fulfilled as far as the regional authorities are concerned.

***The Committee of Experts urges the relevant authorities to take the necessary measures to ensure that Basque is used in the Navarra administration dealing with residents of the "Basque-speaking zone".***

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

423. In the first monitoring round, the Committee of Experts considered that this undertaking was fulfilled as far as the local authorities located in the "Basque-speaking zone" were concerned but that it was only formally fulfilled as regards the Navarra administration (see paragraphs 394-398). It encouraged the competent authorities to take the necessary steps to enable the applications in Basque to the Navarra administration to be treated in due time.

424. The Committee of Experts requested the authorities to specify in particular:

- how many members of staff within the Navarra administration located in Pamplona/Iruña have an adequate command of the Basque language;
- whether a Basque-speaking member of staff within the said administration is regularly available to receive oral petitions in Basque;
- what is the average delay for dealing with written petitions or documents received in Basque compared to that concerning written petitions or documents submitted in Castilian.

425. However, the Spanish authorities have provided very little information in the second periodical report, focusing mainly on the text of the law but not on the practice (see pp. 252-253 and 256). The authorities report that in the core administration there are 4300 posts, out of which 206 have a language requirement. The Committee of Experts is not informed where those posts are allocated.

426. The Committee of Experts was informed that although citizens living both in the "Basque-speaking zone" and the "Mixed zone" are entitled to address the administration in Basque this right is not guaranteed in practice and this has resulted in a certain number of complaints from citizens, especially regarding the police service.

427. The Committee of Experts therefore considers that this undertaking is still formally fulfilled as far as Navarra administration is concerned and it urges the authorities to improve the current situation.

***The Committee of Experts urges the competent authorities to take the necessary steps to enable the applications submitted in Basque to the Navarre administration to be treated in due time.***

***"c the publication by regional authorities of their official documents also in the relevant regional or minority languages;"***

428. In the first monitoring round, the Committee of Experts considered the undertaking partly fulfilled as in accordance with the Foral Decree 2003, the authorities of Navarra use Castilian even when they approach bodies located in the "Basque-speaking zone" (see paragraph 399).

429. The authorities refer to the Official Gazette of Navarra in the second periodical report, where documents and acts are published simultaneously in Castilian and Basque. This Gazette also contains information on local authorities and bodies in the "Basque-speaking zone" and the "Mixed zone" as well as announcements or notices for citizens that are also published in Basque (see p. 253).

430. The Committee of Experts considers that the undertaking is 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;"***

431. In its previous report, the Committee of Experts did not conclude on the fulfilment of this undertaking but encouraged the authorities to report on measures taken to encourage the use of Basque in the Parliament of Navarra (see paragraph 402).

432. The Spanish authorities confirmed that Basque can be used (see p. 254). The Committee of Experts considers this undertaking 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."***

433. On the basis of the information received at the time of the first monitoring round, the Committee of Experts considered that the undertaking was fulfilled (see paragraph 407).

434. In the second periodical report, the authorities refer to two projects carried out since the 1990s whereby a large number of Basque place names – all those submitted – have been officialised. Most recently, on 16 August 2006, the Navarra authorities approved the Basque names of five municipalities: Esparza de Salazar (Espartza Zaraitzu), Ochagavía (Otsagabia), Oronz (Orontze), Urzainqui (Urzainki) and Valle de Yerri (Deierrri), as well as the names of the places of this last municipality (see p. 255). The Committee of Experts understands that these municipalities are located in the "Mixed area". The Committee of Experts commends the authorities for those projects.

435. However, the Committee of Experts received complaints that since 2001 some bilingual denomination of municipalities located in the "Mixed zone" and the "non Basque- speaking zone" were removed. The Committee of Experts invites the authorities to comment on these complaints.

436. The Committee of Experts was informed that in February 2006, the Ombudsman in Navarra requested the authorities, and particularly the Department of Public Works to provide signposting in Basque on road signs in municipalities of the "Mixed zone" with official bilingual names, as it does not comply with the Foral Law on the Basque Language. A similar stance was taken by the High Court of Justice of Navarra in 2007 to ensure bilingual signposting for the locality of Zizur Mayor (sentence 189/2007 of 10 April 2007). The relevant authorities are invited to report on these cases in the forthcoming periodical report.

437. The Committee of Experts nevertheless maintains its previous conclusion and considers that the undertaking is fulfilled. It invites the authorities to provide the information requested in the forthcoming report.

## **Public services**

### ***"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"***

438. Due to the lack of sufficient information provided in the first periodical report, the Committee of Experts was unable to reach a conclusion as to the fulfilment of this undertaking and asked for detailed information on particular issues (paragraph 409).

439. The Navarra authorities did not adequately answer those questions. The Committee of Experts is informed that a survey on the use of Basque in the office of the General State administration was carried out in 2006 (see p. 256). The Committee of Experts looks forward to receiving information on the outcome of this survey in the next periodical report.

440. The Committee of Experts understands that there is no use of Basque in practice as there is no language clause for public services, in particular regarding private companies providing a public service.

441. The Committee of Experts therefore considers that the undertaking is not fulfilled and it urges the authorities to provide answers to the questions above 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;"***

442. The Committee of Experts was not in a position to conclude on this point in its first monitoring report and encouraged the Spanish authorities to clarify how they applied this undertaking in practice (see paragraphs 411-412).

443. The authorities have not answered these questions (see p. 256). However, the Committee of Experts was informed that the Navarra authorities have a translation service and that the Peripheral state administration in Navarra has requested the creation of two specialist translator posts to meet the needs in translating applications and written submissions (p. 219).

444. The Committee of Experts was also made aware of complaints addressed by citizens of Navarra as they could not receive a service in Basque.

445. Based on the overall information received, the Committee of Experts considers that the undertaking is partly fulfilled and urges the authorities to provide more specific information in line with the questions raised by the Committee of Experts in its first monitoring report.

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

446. The Committee of Experts refers to the description of the general situation concerning the State administration, Navarra Administration and public services made in the first evaluation report (paragraphs 414-416). It encouraged the Spanish authorities 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 Navarra has the necessary command of the Basque language to be able to use it as a working language. It also encouraged the Spanish authorities to take the necessary measures to increase the proportion of Basque-speaking staff in the Navarra administration. This was also the subject of a recommendation adopted by the Committee of Ministers.

447. As far as the Peripheral State administration is concerned, the Committee of Experts refers to Article 10 paragraph 1 a i. above (see paragraph 406). As far as training is concerned, courses are available for civil servants and non-civil servants in the frame of the annual agreement between the National Institute of Public Administration (INAP) and the Navarra Institute of Public Administration for Basque (see p. 219).

448. Non-governmental sources draw the attention of the Committee of Experts to the fact that there is no control of the effective level of the knowledge of Basque in the recruitment procedure in the peripheral State administration.

449. In addition, the Committee of Experts has not been informed of any significant changes in the career and training structure in the State public administration in accordance with the Recommendation of the Committee of Ministers (see paragraph 555 of the first evaluation report).

450. As regards the administration of Navarra, the Department of Basque and Community Languages confirms that more than 3,000 public service employees attended Basque classes and 794 employees completed training courses in Basque in 2004-2005 (see p. 256). The Committee of Experts commends the authorities for their efforts in the training of civil servants.

451. As far as public services are concerned, no specific information was given in the first and second periodical reports. The Committee of Experts urges the Spanish authorities to provide the relevant information in the next periodical report. Considering the high number of complaints registered as a result of the impossibility to receive services in Basque, the Committee of Experts considers that no sufficient appropriate measures have been taken.

452. The Committee of Experts therefore considers that the measures taken are not sufficient and that this undertaking is not fulfilled as far as the State administration and the public services are concerned. It considers that the undertaking is partly fulfilled as regards the Navarra administration.

***The Committee of Experts urges the Spanish authorities 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 Navarre have the necessary command of the Basque language to be able to use it as a working language.***

***The Committee of Experts also encourages the Spanish authorities to take further measures to increase the proportion of Basque-speaking staff in the Navarre administration.***

***"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."***

453. The Committee of Experts was not able to conclude on this undertaking in the first round due to the lack of information from the Spanish authorities. No specific elements were provided in the second round, as the information given corresponded to another undertaking (see pp. 257-258).

454. The Committee of Experts therefore urges the authorities to come back to this undertaking in the next periodical report.

***"Paragraph 5***

***The Parties undertake to allow the use or adoption of family names in the regional or minority languages, at the request of those concerned."***

455. In the first monitoring round, the Committee of Experts was not in a position to conclude on this undertaking (see paragraphs 419-420).

456. In the second round, the Spanish authorities confirmed that the registration of Basque family names is an accepted and common practice (see p. 258). The Committee of Experts therefore considers that the undertaking is fulfilled.

**Article 11 – Media**

***"Paragraph 1***

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

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

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

457. The Committee of Experts refers to its first evaluation report for a general description of the situation of Basque media in Navarra (see paragraphs 421-425). It was unable to draw a conclusion in the first monitoring round and requested the Spanish authorities to clarify the following issues :

- what is the actual status of the agreement concluded in 1996 between Navarra and the Basque Country concerning the re-transmission of EITB programmes in Navarra;
- what facilities, if any, do the Navarra authorities provide to ensure that EITB television programmes are properly received at least in the "Basque-speaking zone";
- in what cases have EITB programmes been considered or would be considered as interfering in Navarra's internal affairs.

458. In the second periodical report, the authorities recognised that up to now, the Government of Navarra has invested little in creating radio stations or television channels in Basque in view of the complexity and the high cost of the infrastructure required, and has instead opted for a scheme under which the media can apply for subsidies distributed annually to help support the media (press, radio and television - see p. 289). The authorities did not provide any new information with respect to cooperation with the Basque authorities relating to the retransmission of EITB programmes.

459. The Committee of Experts was informed that the National Television (TVE) regional channel in the Foral Community of Navarra is totally residual. As far as the National Radio of Spain is concerned (Radio Nacional), it only offers news headline summaries in Basque.

460. According to the information provided by non-governmental sources, the government of Navarra does not support the diffusion of media located in the Basque Autonomous Community, namely the radio station Euskadi Irratia and the TV channel Euskal Irrati Telebista (EITB).

461. The Committee of Experts therefore understands that the problems raised in the first round still exist, in particular regarding the reception of the TV Channel Euskal Telebista through private broadcasters (see paragraph 422 1<sup>st</sup> evaluation report). The Committee of Experts considers that cooperation between Communities sharing the same language is the best way forward to facilitate the fulfilment of the undertaking.

462. In the light of the above the Committee of Experts considers that the undertaking is not fulfilled.

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

463. In the first monitoring round, the Committee of Experts considered that the undertaking was not fulfilled and encouraged the competent authorities to encourage and/or facilitate the creation or the maintenance of a private radio station broadcasting in Basque in Navarra (see paragraphs 427-429).

464. The government of Navarra has opted for a scheme under which the media can apply for subsidies distributed annually to help support the media in Navarra (see above paragraph 458). According to the second periodical report, Euskalarerria Irratia is an applicant for subsidies (p. 290).

465. However, different sources indicate that the 1998 licensing process, when Euskalerrria Irratia radio was excluded, has been nullified by the High Court of Justice of Navarra (sentence 1140/2005 of 22 November 2005). A new adjudication took place but Euskalerrria Irratia radio was excluded again by the authorities. Without a licence, the radio cannot apply for grants. A new complaint has been lodged to the Court (Ordinary Proceeding 221/2007).

466. In addition, the Committee of Experts was informed that there was no longer any institutional publicity on this radio, which substantially decreased the incoming sources. The Committee of Experts would like to receive information from the competent authorities regarding this aspect as well.

467. The Committee of Experts reiterates that the granting of a licence and the subsequent granting of subsidies is the most obvious way to facilitate and/or encourage the creation of a radio station or to help maintain an existing one, although it is not explicitly mentioned by Article 11 paragraph. 1.b.i. Since "Euskalerrria Irratia" is the only private radio station broadcasting entirely in Basque (all the others broadcast mainly in Castilian) and since it does not appear that the Navarra authorities have taken any steps to encourage and/or facilitate the creation of another radio station broadcasting essentially in Basque, the Committee of Experts still considers that the present undertaking is not fulfilled and urges the authorities to find means for supporting private radio.

***The Committee of Experts urges the competent authorities to encourage and/or facilitate the creation or the maintenance of a private radio station broadcasting in Basque in Navarre.***



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

468. In the first monitoring round, the Committee of Experts considered that in the absence of measures taken, the undertaking was not fulfilled. It encouraged the competent authorities to take the necessary measures to encourage and/or facilitate the creation of at least one private television channel broadcasting in Basque in Navarra (see paragraphs 430-431).

469. The Spanish authorities gave contradictory information in the second periodical report. On the one hand they report that the "(media) scheme does not help to support the existence and viability of two television channels broadcasting in the Basque regional and minority language in the "Basque-speaking zone" (namely Xalao and Ttipi-Ttapa). On the other hand, they state that a total of 33,905.80 € was granted to those channels, and 6.615 € to a television channel broadcasting in Castilian all over Navarra which presents some programmes in Basque (see p. 291 of the second periodical report). The authorities are invited to clarify how much support is granted. In any case, the amounts given do not seem to be sufficient.

470. Non governmental sources indicate that the support granted to the two local television stations mentioned above might end with the switch from analogue to digital TV as none of the 5 demarcations in Navarra that are envisaged in the Local digital television technical plan are located in the Basque speaking zone (Royal Decree 439/2004). It will therefore not be legally possible for those two channels operating in the north of Navarra to have access to public funds.

471. In addition, the Committee of Experts was informed that in accordance with the digitalisation rules all channels must broadcast in Castilian. The Committee of Experts would therefore like the authorities to comment on the on-going digitalisation process in Navarra and to clarify to what extent the Basque language in broadcast media will be protected.

472. The Committee of Experts therefore still considers that the undertaking is not fulfilled.

***The Committee of Experts urges the competent authorities to take the necessary measures to encourage and/or facilitate the creation of at least one private television channel broadcasting in Basque in Navarre.***

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

473. In the absence of information on the degree of practical implementation of the existing legal framework, the Committee of Experts was unable to conclude on this undertaking (see paragraphs 432-433).

474. In the second periodical report, the authorities acknowledge that the fact that the Government of Navarra does not broadcast services of its own precludes it from engaging directly in this type of activity.

475. The Committee of Experts considers that if the current undertaking covers public media, it also refers to private media. The Committee of Experts did not receive any indication from the authorities that measures were taken also in this sector.

476. As a consequence the Committee of Experts considers that the undertaking is not fulfilled and it urges the competent authorities to take measures with a view to apply this undertaking.

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

477. In the first monitoring round, it was unclear to the Committee of Experts whether the publication "Nabarra Aldizkaria" was a newspaper or not, and whether the support given was sufficient to facilitate its maintenance. As the Committee of Experts felt that the existing support was not part of a regular scheme, and it was unable to form any conclusion (see paragraphs 434-436).

478. The second periodical report does not provide any answer to the question raised in the first round (see p. 292). Reference is made to the information sent by the Directorate General of Communication and to the media department of the Government of Navarra. The Committee of Experts recalls that the present

undertaking is concerned with the creation and/or maintenance of a newspaper essentially in Basque. Therefore a communication department cannot be considered as a press organ. In the introductory part on media, the authorities refer to 6 newspapers, but no reference is made to Nabarra Aldizkaria and the Committee of Experts understands that none of these are newspapers in Basque.

479. According to the information received, the Government of Navarra does not grant any subsidies to Nabarra Aldizkaria or any newspaper in Basque, nor does it institutionally support Basque newspapers. The Committee of Experts recalls that institutional advertising can be a good way to support minority language media that is otherwise not able to compete with the majority press.

480. For all those reasons, the Committee of Experts considers that the undertaking is not fulfilled and it urges the authorities to take measures to implement this undertaking in practice and provide information in the next periodical report, especially regarding the subsidies granted to the "Nabarra Aldizkaria" newspaper.

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

481. The Committee of Experts was unable to conclude on the fulfilment of this undertaking in the previous monitoring round and requested clarification on how the existing schemes were concretely used in Navarra to implement this undertaking (see paragraph 437).

482. According to other information gathered by the Committee of Experts, no financial measures are taken to support audiovisual productions in Basque.

483. The Committee of Experts therefore consider that the undertaking is not fulfilled.

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

484. The Committee of Experts was unable to conclude on the fulfilment of this undertaking in the previous monitoring round as it was unclear whether the Navarra authorities provided any specific support for the training of journalists (see paragraph 438).

485. According to the authorities, this is covered by the annual subsidies granted to the media.

486. The Committee of Experts believes that grants for publication and distribution are not the adequate means for training, as training is valid for all journalists and staff, whether there are subventions or not. In addition, the Committee of Experts has not received any concrete information on the number of staff and journalists trained, etc.

487. It therefore considers that the undertaking is not fulfilled and it encourages the relevant authorities to provide specific information on how the training is ensured in practice.

### ***"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."***

488. The Committee of Experts was not able to conclude whether the interests of Basque-speakers were represented or taken into account within the Audiovisual Board of Navarra (see paragraph 441).

489. The Spanish authorities do not comment on that undertaking in the second periodical report.

490. According to the non-governmental sources, the Parliament and the Government of Navarra appoint 7 members but none of them represent the interests of the Basque speakers.

491. The Committee of Experts therefore concludes that the undertaking is 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;"***

492. Due to the lack of information on how the Basque language in Navarra benefited from grants on the one hand, and regarding the dubbing, post-synchronisation and subtitling activities on the other hand, the Committee of Experts was not able to reach a conclusion on this undertaking in the first round (see paragraphs 444-445).

493. The information provided by the Government refers to two documentaries on the occasion of the 500<sup>th</sup> anniversary of Saint Francis Xavier that were translated into Basque, as well as a travelling bilingual exhibition on Basque dialects in Navarra (see p. 333-334). The Committee of Experts notes that the documentaries were commissioned by the Government of Navarra.

494. The authorities have not provided any information on any other measures aimed at translation, dubbing, editing and subtitling.

495. The Committee of Experts therefore concludes that these undertakings are partly fulfilled and it encourages the authorities to provide more specific information in the next monitoring round.

***"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;"***

496. The information provided in the previous monitoring cycle was not sufficient for the Committee of Experts to reach a conclusion on the undertaking and it requested information on how the knowledge or use of Basque is valued in the projects initiated by the competent authorities of Navarra (for example in the context of a tender, see paragraph 447).

497. In the second periodical report, the authorities refer to activities, in particular in Libraries, to promote reading in Basque and Castilian. In addition, a series of cultural activities are organised in the frame of the "Ronda de Primavera, Correpueblos and Ronda de Otoño" for which the municipalities decide whether the activities are carried out in Basque or in Castilian (see p. 334). The Committee of Experts would like to know the percentage of the activities carried out in Basque and in Castilian to properly evaluate the situation.

498. Furthermore, financial support is granted to several bodies that deal with Basque culture, such as *Ortzadar Euskal Folklore Taldea, Nafarroako Bertsozale Elkartea, Euskal Kantuazaleen Elkartea, Instituto Diocesano Labayru-Grupos Etniker Euskalerría* etc. However, the Committee of Experts was informed that the amount of money is in fact very low and the Committee of Experts invites the authorities to clarify whether the grants cover the actual needs of these cultural bodies.

499. The Committee of Experts therefore concludes that the undertaking is partly fulfilled and requests the relevant authorities to clarify the issues mentioned above.

***"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;"***

500. Due to the lack of relevant information, the Committee of Experts was not able to conclude on this undertaking in the first monitoring round (see paragraphs 448-449).

501. In the second monitoring cycle, the authorities report that there are Basque-speaking personnel working in several museums and libraries and in the Foral Archive. The Committee of Experts requests the authorities to clarify whether this is a sufficient number to meet the needs of the population.

502. The Committee of Experts therefore concludes that the undertaking is partly fulfilled and urges the Spanish authorities to provide more information in the forthcoming 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;"***

503. The Committee of Experts was not able to conclude on the compliance of this undertaking in the first monitoring round as no information had been provided on how representatives of the Basque language in the "Basque-speaking zone" are encouraged to directly participate in providing facilities and planning cultural activities.

504. The Spanish authorities refer to the information they provided under Article 12 paragraph 1 d. and e., which in the view of the Committee of Experts does not correspond to the present undertaking. In addition, it is not explicitly mentioned and explained how the direct participation is ensured.

505. The Committee of Experts urges the Spanish authorities to include specific comments on this point in their next 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;"***

506. The Committee of Experts was unable to conclude in the first monitoring round and requested further information on whether a central body responsible for the systematic collection, storage and presentation of works in Basque exists.

507. As for the other Part III languages, the Committee of Experts is informed that the National Library of Spain collects printed works.

508. The General Library of Navarra, the main bibliographical centre of Navarra, compiles, studies, organises and disseminates Navarra's bibliographical heritage, including publications in Basque (see p. 336). This major stock of Basque publications is shared with all public libraries in Navarra. Information on publications in languages other than Castilian, including Basque, is also available in the Collective Catalogue of Public Libraries of Navarra, which contains computer files on the 42 main libraries in Navarra (865,000 copies and 1,159,000 consultations per year).

509. The Committee of Experts concludes that this undertaking is fulfilled as far as literature and books are concerned but it encourages the authorities to provide information in the next evaluation round on the audio, audiovisual and other works in Basque.

***"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."***

510. In the first evaluation round, the Committee of Experts was not in a position to conclude on this undertaking. It was informed that the Royal Academy for the Basque Language, which is responsible for the standardisation of the Basque language, was not especially involved in developing new terminology, as this appeared to be the universities' task (see paragraph 454).

511. According to the Spanish authorities, the co-operation with the Royal Academy of the Basque Language that was renewed in 2006, includes among other activities, the introduction of legal and administrative terminology in Basque. In addition, the Department of Culture and Tourism and the *Institución Príncipe de Viana* publish three times per year the "*Fontes Linguae Vasconum. Studia et documenta*", a periodical on Basque linguistics. Finally, the government of Navarra has also been cooperating since 1987 with the Basque Centre for University Studies - UZEI (*Unibertsitate Zerbitzuetarako Euskal Ikastetxea*) that is responsible for the terminological and lexicographical study of the Basque language (see p. 336-337)

512. The Committee of Experts therefore concludes that the undertaking is fulfilled.

**"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."***

513. The Committee of Experts was not able in the previous round to reach a conclusion on the fulfilment of this undertaking given the lack of information regarding the existence of any cultural centres or services in Basque outside the territory of Navarra - and in this specific case of the Basque Country too (see paragraph 456).

514. In view of the recent information on the linguistic situation in Navarra the Committee of Experts would now consider this obligation to cover also the "non-Basque speaking zone" of Navarra. The Spanish authorities refer to the information provided under Article 12 paragraph 1 a. and e., in particular on the activities in the "Julio Caro Baroja" ethnological Museum in Ayegui (in the non-Basque speaking area) as well as to a number of libraries all over Navarra that receive publications in Basque (see p.338).

515. The Committee of Experts therefore concludes that the undertaking is 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."***

516. In the first monitoring cycle, the Committee of Experts considered that this undertaking was fulfilled but invited the authorities to provide specific information on the visibility of the Basque language in Navarra in the context of Spain's cultural policy abroad (see paragraphs 457-459).

517. The authorities report about their presentation of Basque in the international Book Fair (Expolingua in Berlin, Expolangue in Paris) as well as events organised in Germany and France, notably by the Cervantes Institute centres in Berlin and Paris (see p. 338).

518. At the same time, however, the Basque Country authorities refer to the lack of cooperation with the Navarra authorities in organising events abroad (see p. 74). Non-governmental sources stressed that during the Expolangue 2006, the Directorate General of University and Linguistic Policy requested that "Spain and the official language of all Spanish people" be considered as the guest of honour country and language in 2007. There was no mention of Basque at all.

519. The Committee of Experts maintains its conclusion and considers that the undertaking is fulfilled. However, it invites the authorities to comment on the complaints received.

**Article 13 – Economic and social life**

**"Paragraph 1**

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

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

520. Due to the lack of information regarding the situation in Navarra, the Committee of Experts was unable to conclude on this undertaking during the first monitoring round (see paragraph 462).

521. The information provided by the relevant authorities is very limited. As regards this undertaking, the Government of Navarra informed the Committee of Experts that it has no legal provisions prohibiting or restricting the use of Basque in drafting technical documents, employment contracts or instructions on the use of products or services. However, the Committee of Experts points out that this provision requires legal action prohibiting the insertion of clauses excluding or restricting the use of Basque in internal regulations of companies.

522. The Committee of Experts urges the authorities to provide this information in the forthcoming report.

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

523. Due to the lack of practical information regarding the measures taken after the decision of the High Court of Navarra, the Committee of Experts was not in a position to form any conclusion on this undertaking during the first monitoring round(see paragraph 464).

524. In their second periodical report, the authorities state that they have not taken any action to forbid the inclusion of clauses prohibiting or restricting the use of Basque in the internal regulations of enterprises and private documents (see p. 358). The Committee of Experts invites the authorities to clarify whether using Basque is a common practice in those enterprises and if there are practices designed to discourage the use of Basque in this field.

525. The Committee of Experts is still not in a position to conclude on this undertaking and urges the Spanish authorities to provide the relevant information in the next round.

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

526. No specific comments were submitted in this respect in the first report (see paragraph 465).

527. The second periodical report makes a reference to the widespread use of Basque in many businesses, shops and enterprises established in Navarra, which provide their products, services and information in bilingual formats and versions, and that some offices have signposts in Basque.

528. However, the Committee of Experts was informed that the authorities have not adopted any measures to facilitate or encourage the use of Basque and remain passive in the socio-economic sector. In particular the Navarra Law 7/2006 of 20<sup>th</sup> June on the Defence of Consumer and Users does not include the language rights of the speakers even for those in the "Basque-speaking zone".

529. The Committee of Experts therefore concludes that this undertaking is not fulfilled and it encourages the Spanish authorities to clarify the current situation in their next periodical report.

## ***"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;"***

530. No information was submitted in this respect in the first and second monitoring rounds. During the on-the-spot visit, the Committee of Experts was informed by NGOs that as regards the use of Basque in drafting financial documents, the Government of Navarra has no regulations on this matter either.

531. The Committee of Experts therefore urges the authorities to provide the relevant information 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;"***

532. No information was submitted in this respect in the first and second monitoring rounds.

533. The Committee of Experts therefore urges the Spanish authorities to clarify, in their next periodical report:

- what are the economic and social sectors directly under the central and Navarra authorities' control;

- what concrete activities are organised to promote the use of Basque in the “Basque-speaking zone” in each of these sectors.

***“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;”***

534. The Spanish authorities have not provided any specific information in this respect in the first and second periodical reports.

535. The Committee of Experts has received complaints on persisting problems identified in the first monitoring round: the lack of possibility to be received and treated in Basque in the social care facilities and hospitals, the lack of public medical information in Basque, even in the “Basque-speaking zone”, patients receiving documents on treatment instructions and rules in Castilian (see paragraph 469). The Committee of Experts was informed that in practice, the knowledge of Basque is required for only 0.70% of posts in this sector.

536. For those reasons, the Committee of Experts considers that the undertaking is not fulfilled, and it urges the authorities in the next periodical report, to:

- take a specific and documented position on the fulfilment of the present undertaking;
- comment on the complaints received by the Committee of Experts in the second monitoring round;
- provide concrete examples of how the use of Basque is ensured in the social care facilities concerned.

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

537. In the previous round, the Committee of Experts considered that the undertaking was not fulfilled since no information had been provided regarding safety instructions, and since the Spanish Government’s position was that safety is fully guaranteed since all regional or minority language speakers have a command of Castilian as well (see paragraphs 470-474).

538. The Spanish authorities informed the Committee of Experts that there is no regulation for writing safety instructions in Basque in Navarra (see second periodical report p.358). The Committee of Experts also received complaints during the on-the-spot visit from non-governmental sources.

539. On the basis of the information at its disposal, the Committee of Experts considers that the present undertaking is still not 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.”***

540. In the first monitoring round, the Committee of Experts considered that the present undertaking was not fulfilled as no information on consumers’ rights in Basque was available, at least for the “Basque-speaking zone” (see paragraph 475-476).

541. The Spanish authorities have not provided any information in that respect, but the Committee of Experts was made aware by non governmental sources that Navarra adopted legislation in the field of consumer protection in 2006 (Law 7/2006 on the Defence of Consumers and Users). The book which details the content of this law and that is disseminated throughout Navarra is available in Castilian only.

542. The Committee of Experts therefore considers that the undertaking is still not fulfilled.

## **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;"***

543. In its previous report, the Committee of Experts requested more information on bilateral treaties with France aimed at fostering contacts between Basque-speakers across the Spanish-French border in the sector of Navarra in the fields of culture, education, information, vocational training and permanent education (see paragraphs 477-478).

544. In their second periodical report, the Spanish authorities consider that major obstacles which are beyond their control hamper the development of transfrontier exchanges and the development of co-operation in the language field (see p. 359).

545. Non-governmental sources stress that the Spanish Government does not officially address the question of transfrontier collaboration in relation to the Basque language during the annual bilateral summits held with France.

546. Therefore the Committee of Experts asks the authorities to provide further information in their next periodical report in order to evaluate the current situation.

***"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."***

547. In the previous monitoring round, the Committee of Experts was not in a position to conclude on this undertaking and encouraged the Spanish authorities to clarify the specific situation concerning Navarra on the co-operation that the administration or municipalities in the "Basque-speaking zone" might have developed with their French counter-parts for the benefit of the Basque language. At that time the Committee of Experts received complaints alleging that the existing co-operation was of a purely economic nature (see paragraph 480).

548. In the second periodical report, the Spanish authorities refer to agreements and activities carried out in the framework of transfrontier co-operation. According to the authorities, this co-operation process also covers the cultural and linguistic fields, in particular through the Aquitaine-Navarra Co-operation Fund, the ITINERIS programme, the projects under the INTERREG III A FRANCE-SPAIN. They also refer to the Working Community of the Pyrenees (CTP), a European regional association that embraces the four Spanish Autonomous Communities and the three French regions located on either side of the Pyrenees. The Working Community holds an annual plenary meeting and works through various committees. Among them, Committee III is responsible for language issues and is running a number of projects in the cultural field.

549. The authorities also refer to three activities carried out in 2003 and 2005, namely the *Ikaspilota and Elkar Ezagutza* – Xorroxin Cultural Association, and *Camino de los encuentros* (the road to encounters) – *Kebenko* (see p. 367) and other activities involving the Basque language.

550. The Committee of Experts therefore considers that the undertaking is fulfilled.



### 2.2.3 Evaluation of the application of Part III to the Basque language in the Basque Country

551. The Committee of Experts will focus on the provisions of Part III which were singled out in the first report as raising particular problems. It will therefore not comment in the present report on provisions where no major issues were raised in the first evaluation report and for which the Committee of Experts did not receive any new information requiring it to reassess their implementation. These provisions are as follows:

Article 8 paragraph 1 e i (see paragraphs 490 of the first evaluation report)  
Article 9 paragraph 1 d (see paragraphs 521 of the first evaluation report)  
Article 9 paragraph 2 a (see paragraphs 522-523 of the first evaluation report)  
Article 10 paragraph 2 c, e, g (see paragraphs 541, 545-547, 550 of the first evaluation report)  
Article 11 paragraph 1 a i (paragraphs 560-562 of the first evaluation report)  
Article 11 paragraph 2 (paragraphs 576-577 of the first evaluation report)  
Article 12 paragraph 1 a, d (see paragraph 579-581, 585 of the first evaluation report)  
Article 12 paragraph 3 (see paragraphs 594- 596 of the first evaluation report)  
Article 13 paragraph 1 a, d, e (see paragraphs 597, 601, 614 of the first evaluation report)

#### **Article 8 – Education**

##### ***Pre-school***

##### ***"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; or***

##### ***Primary school***

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

##### ***Secondary school***

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

552. The Committee of Experts refers to its first evaluation report on the implementation of the Charter in the Basque country for a general presentation of the educational system (see paragraphs 482-487). The Committee of Experts considered that these undertakings were fulfilled as regards pre-school and partly fulfilled regarding primary and secondary level, and it encouraged the competent authorities to ensure that model D is available all over the territory of the Basque Country and at all three levels of education concerned. It was also the subject of a Recommendation adopted by the Committee of Ministers<sup>13</sup>.

553. In the second periodical report, the authorities underline that there is an increase of Model D education and that this Model predominates: at pre-school level more than 60% in 2002-2003 compared to 30% in 1983-1984, and at primary level more than 50% in 2002-2003 compared to 15% in 1983-1984 (see pp.107 and 127). As to secondary education, more than 45% of pupils are covered by Model D. According to additional information provided by the Basque authorities, there was an increase of 12% of teaching in Basque from 2001 to 2007 in compulsory secondary education.

554. Other sources confirmed to the Committee of Experts that there is in general a satisfactory level of compliance with the undertakings under Article 8. The Committee of Experts therefore considers that these undertakings are fulfilled.

<sup>13</sup> See Recommendation n°3 that called on the Government to "strengthen the offer of education in Basque in the Basque Country, in particular with regard to secondary education"

## **Technical and vocational education**

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

555. The Committee of Experts considered in the first monitoring cycle, that this undertaking was not fulfilled and it encouraged the competent authorities to make available technical and vocational education in Basque (see paragraph 489). This was also the subject of the Recommendation adopted by the Committee of Ministers<sup>14</sup>.

556. According to the data published by the Basque authorities, there has been a substantial increase in the availability of Model D education (from 11% in 2001 to 18% in 2006). However, the authorities acknowledge that this may still be insufficient. This was also confirmed by representatives of the speakers.

557. The Committee of Experts considers that progress has been achieved and that this undertaking is partly fulfilled.

## **Adult and continuing education**

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

558. In the first evaluation report, the Committee of Experts did not conclude on this undertaking due to the lack of information (see paragraph 491). At that time it was informed that the existing possibilities for adult education were extremely limited.

559. The authorities did not provide the relevant information, referring in the second periodical report to the work done by the Autonomous Institute for Adult Literacy and 'Euskaldunización' (HABE) since its foundation in 1983 (see p. 147). This information refers to article 7 paragraph g of the Charter.

560. The Committee of Experts urges the authorities to comment on this undertaking in the next periodical report.

## **Teaching of history and culture**

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

561. In the previous monitoring round, the Committee of Experts needed more information to conclude on the fulfilment of this undertaking. It received complaints that there was very little in the curriculum about the specific historical and cultural elements which are reflected in the Basque language. The Spanish Government itself acknowledged that very little attention had been devoted to this aspect until recently (see paragraphs 492-494).

562. According to the information provided in the second periodical report, the law guarantees the teaching of contents, procedures and values relating to the Basque dimension of the curriculum. The Autonomous Region has a regulatory competence over 55% of all curricular material, which covers history, geography, literature and art (see p.104).

563. However, the authorities acknowledge that in practice, the treatment of the Basque Country in school textbooks is rarely significant (except in subjects such as Basque literature and the history of the Basque Country), and teacher training in those subjects is still very far from satisfactory (see p. 156 of the second periodical report). The Government intends to give priority to this topic in the coming years.

564. The Committee of Experts considers nevertheless that the undertaking is fulfilled.

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<sup>14</sup> see Recommendation n°3, that called on the Basque authorities to "strengthen the offer of education in Basque in the Basque Country, with regard notably to vocational education.

## **Basic and further training of teachers**

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

565. The Committee of Experts did not receive sufficient information in the first monitoring round to reach a conclusion under this undertaking (see paragraphs 495-497).

566. According to the Spanish authorities, the legal framework covers linguistic training for both initial and continuing training. In practice, there is an increasingly wide range of facilities for training in Basque and the number of non-university teachers in public and private establishments has increased, notably for those teachers who teach the Basque language or who teach in Basque. However, the authorities acknowledge that there is still a long way to go in both types of training (see p. 159).

567. The Committee of Experts considers that the undertaking is fulfilled, but it encourages the Basque authorities to increase their efforts to improve the quality of teacher training.

## **Supervisory body**

***"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."***

568. It was not clear to the Committee of Experts whether the deputy-counsellor for linguistic policy, the Consultative Council of Basque and the Basque Institute for Evaluation and Research were drawing up periodic reports of their findings that were made public (see paragraphs 498-500).

569. According to the Spanish authorities, the statistical services of the Department for Education, Universities and Research as well as certain administrative bodies are steadily carrying out this task with increasing success (see p. 166 of the second periodical report). However, the Committee of Experts has not received any information as to the periodicity and publicity of those reports and is therefore not in a position to conclude. It invites the relevant authorities to provide further information on those two elements.

## **Education in other territories**

### ***"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."***

570. The Committee of Experts was not able to assess whether this undertaking was fulfilled in the first round since it lacked information on the location of the Official Schools for Languages in Spain where, apart from Navarra, there is an offer of teaching outside the territory of the Basque country (see paragraphs 501-502).

571. The Spanish authorities informed the Committee of Experts that an Official School of Languages in Madrid offers courses of Basque.

572. Since 2004, the Department of Culture of the Basque authorities has been implementing a new programme aimed at setting up a network of language assistants in universities that have expressed interest in the Basque culture and signed co-operation agreements. Most of them are located abroad, but also in Spain such as the University of Valencia (p. 307).

573. The Committee of Experts therefore considers that the undertaking is fulfilled.

## **Article 9 – Judicial authorities**

574. As regards the implementation of the Charter in relation to the judicial field in Spain, the Committee of Experts refers to its general introductory comments on particular issues raised during this second monitoring round (see paragraphs 70-73 above).

**"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;"*

575. The Committee of Experts refers to its general presentation of the situation of the judicial system in the Basque Country in its first evaluation report (see paragraphs 503-520). As for the other Part III languages, the Committee of Experts found in the first monitoring round that the Spanish authorities did not comply with the present undertaking<sup>15</sup>.

576. The Basque authorities have made a concerted effort in this field, signing two collaboration agreements with the General Council of the Judiciary and the Ministry of Justice in 1997 aimed at ensuring the appropriate language training of judges and magistrates, public prosecutors and judicial secretaries.

577. However, the Basque authorities stress that it has proved impossible to carry out some of the measures foreseen in those agreements, such as paid leave for staff to attend total immersion courses due to 'budget-related decisions' made by the Ministry of Justice and the General Council of the Judiciary. As there is no obligation for judges, magistrates and court clerks to know Basque, courses offered by the Autonomous Community remain optional (see p. 224).

578. A total of 211 magistrates, 178 court clerks and 92 prosecutors were trained. Pilot projects and programmes on the use of Basque are carried out in judicial bodies, and have been operating in Bizkaia,

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<sup>15</sup> See recommendation 1 made by the Committee of Ministers - RecChL (2005)3.

Gipuzkoa and Alava since 1999, and recently a company has been developing teaching materials on Basque legal terminology that will be used in training sessions with civil servants.

579. The Committee of Experts has received complaints on cases where despite requests made by citizens for civil or criminal proceedings to be conducted in Basque, the General Council of the Judiciary has on several occasions recalled that Castilian is the language used in the Court proceedings.

580. In addition, as raised in the first monitoring cycle, citizens continue to receive notifications and summonses in Castilian, and when they ask for the proceedings to be conducted in Basque, they are delayed or suspended because of the non-availability of interpreters. Some such cases were reported concerning the court of Bergara for instance.

581. As regards interpretation, the Committee of Experts was also made aware of cases brought to the Constitutional Court (ruling 166/2005 of 19<sup>th</sup> April - see p. 224). A question of unconstitutionality was presented by the provincial court of Bizkaia in relation to article 231 of Organic Law 6/1985 on the Judiciary. The Court ruled that a right to use one's own language in proceedings is not breached by the use of an interpreter.

582. Even though this conclusion is not against the Charter, the Committee of Experts however has to point out that the obligation entered into by Spain requires that the proceedings are conducted in Basque when so requested by one of the parties. Considering the low number of judges mastering Basque, the practical outcome of this decision does not conform to the obligations of the Charter.

583. Furthermore, the Committee of Experts was informed about the initiatives taken by the Basque authorities for developing the bilingual computerisation of Magistrate Courts. The "Epainet" system is now operational in 123 Magistrate Courts of the Basque country. An automatic translation programme has been available since 2006, facilitating the work of civil servants. This automatic translation system is used in several courts of 1<sup>st</sup> Instance and criminal and social courts. According to the information gathered, the issuing of bilingual documents has increased significantly since the implementation of the pilot project (222 bilingual documents).

584. As regards the undertaking entered into by Spain under Article 9 paragraph 1 a.iv, the Committee of Experts was not able to reach a conclusion in the first monitoring cycle (see paragraph 520 1<sup>st</sup> report). According to the Basque authorities, the translation service translates all the documents which it receives from judicial bodies in Basque, in parallel to the bilingual work done by courts. The Committee of Experts considers this undertaking fulfilled.

585. As to the other undertakings, the Committee of Experts considers that they are still partly fulfilled.

***The Committee of Experts encourages 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.***

**"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."***

586. In the first evaluation report, the Committee of Experts considered that the undertaking was not fulfilled and it encouraged the Spanish authorities to take the necessary measures to ensure that the most important national statutory texts and those relating particularly to users of Basque are regularly made available in Basque too. The publication of an official translation at the same time as the publication of the official Castilian version would be the most appropriate measure.

587. The legislation published by the Autonomous Community is always published in the two co-official languages.

588. In the second periodical report, the Basque authorities underline that so far, the central government has neither taken the initiative nor borne the costs of translating legal texts. In addition, there is no collaboration agreement between the Basque authorities and the Spanish government concerning the translation, publication and distribution of the Gazette publications. The Committee of Experts understands that part of the problem also involves the lack of standardised legal terminology.

589. As for the first round, translations of important texts and laws are made thanks to the support of the Basque authorities in cooperation with the University of Deusto and the University of the Basque Country. The Committee of Experts received subsequent information according to which there are still a number of important texts that have not yet been translated into Basque.

590. The Committee of Experts recalls that systematically translating the relevant legal texts into Basque and making them available is a crucial aspect for the fulfilment of the undertakings that Spain entered into under Article 9 of the Charter (see paragraph 525 of the first evaluation report).

591. The Committee of Experts therefore understands the problems identified in the previous monitoring cycle still prevail in the second round. It therefore considers that the undertaking is partly fulfilled and encourages the authorities to continue their efforts to improve the current situation.

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

**State authorities**

592. As regards the implementation of the Charter in relation to the administration in Spain, the Committee of Experts refers to its general introductory comments on particular issues raised during this second monitoring round (see paragraphs 74-77 above).

**"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***

593. The Committee of Experts refers to the general situation described in the first report. It was not able to reach a conclusion since it was unclear which State duties this autonomous community performed and what administrative State functions are still performed by local offices of the central State administration present in the Basque Country (see paragraphs 527-529).

594. The Basque authorities underline that despite the formal recognition of rights enshrined in the Basque Basic Law 10/1982 of 24 November, the practice is unsatisfactory. In many cases written communications are sent in Castilian only, and a Basque version is only provided if the citizen so requests. Where oral communication is concerned, it is highly unusual for a citizen who uses Basque to be understood and answered in that language. The staff of these offices have minimum language skills, staff with a command of Basque are not recruited, and there are few language training opportunities for staff (see p. 224).

595. The Committee of Experts was also made aware of complaints regarding the Spanish institute for employment (INEM) and the Basque Police headquarters of the Police Directorate General.

596. The Committee of Experts therefore considers that the undertaking is 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;"***

597. In the first monitoring round, the Committee of Experts considered that this undertaking was only partly fulfilled and it encouraged the Spanish authorities to take the necessary measures to ensure that bilingual versions of widely used administrative texts and forms are made available in all State administration offices in the Basque Country (see paragraphs 530-532).

598. According to the information provided in the second periodical report, bilingual forms are generally available to citizens in central government offices based in the autonomous Community (see p. 225). However, the authorities acknowledge that there have been complaints as in some post offices forms are available in Castilian only. Non governmental sources confirmed that a small percentage of standardised forms are available to citizens in Basque, and that there are not enough translators to cope with the number of forms. In addition, complaints were brought to the Committee of Experts regarding notably the lack of a bilingual version on the website of the Ministry of Employment and Social Affairs.

599. The Spanish authorities report that 580 of the 1832 standardised forms are bilingual (see pp. 214-215 of the second periodical report). However, the Committee of Experts understands that 168 forms out of 782 forms available in the Basque Country are bilingual.

600. The Committee of Experts is not able to identify which of these forms can be considered as widely used, and therefore considers that the undertaking is partly fulfilled.

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

601. The Committee of Experts refers to the general description in its first evaluation report. It was not able to reach a conclusion on this undertaking in the first monitoring round, since it was unclear which State duties this autonomous community performs and what administrative State functions are still performed by local offices of the central State administration present in the Basque Country (see paragraphs 527-529).

602. In accordance with Article 36 of State Law 30/1992 of 26 November 1992 on the legal regime of public administration and the common administrative procedure, the use of Castilian is obligatory in proceedings conducted by the central government. Proceedings will only be conducted in Basque if the person concerned applies to the relevant bodies in that language, and civil servants will then be able to draft documents in Basque (see p. 225 of the second periodical report).

603. According to the Spanish authorities 3907 civil servants working in the Basque country are attached to the general State administration. For 307 posts a knowledge of Basque is considered as an advantage, while for 50 of those posts a knowledge is mandatory as those posts involve dealing with the public (see p. 216).

604. The Committee of Experts considers the number of civil servants with a required knowledge of Basque to be rather low (16 %) as suggested by the complaints received.

605. The Committee of Experts therefore considers that this undertaking is still only partly fulfilled.

#### **Local and regional authorities**

606. The Committee of Experts was informed that in October 2006, the Deputy Ministry for Language of the Basque authorities created Elebide to protect the rights of Basque speakers. The Committee of Experts commends the Basque authorities for this very positive step.

**"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;"***

607. The Committee of Experts refers to its first report for a general presentation of the situation (see paragraphs 533 – 537).

608. The Basque authorities confirm that the administration of the Autonomous Community and the "foral" and local authorities generally comply with the relevant provisions of the Basic Law 10/1982 of 24 November 1982 on the Basque language, although there are complaints of failure to comply in some cases (see p.225 of the second periodical report).

609. The most problematic cases concern the autonomy police force (Ertzaintza) and the health service (Osakidetza) as the staff lack the necessary linguistic proficiency in Basque. The Basque authorities are working to increase the use of Basque in these two sectors through the Basque Decrees 30/1998 of 24 February 1998 and 67/2003 of 18 March 2003 regulating the process of normalising Basque in the Ertzaintza and in the Basque Health Service respectively. The authorities are also providing training courses (see p. 226).

610. As far as the local authorities are concerned, the sociolinguistic situation varies greatly from one place to another, as does the linguistic proficiency of local authority staff (see p. 226 of the second periodical report). Although in certain municipalities a service to the public is guaranteed in Basque, this is not the case in other municipalities where there are shortcomings in providing oral services to Basque-speaking citizens.

611. In conclusion, the Committee of Experts considers that with respect to the regional authorities, there is still room for improvement despite the efforts made by the Basque authorities. The undertaking is thereby partly fulfilled. As far as the local authorities are concerned, the Committee of Experts considers that some problems raised in the previous round still prevail and that the undertaking is partly fulfilled.

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

612. In its previous report, the Committee of Experts considered that this undertaking was fulfilled as far as the administration of the Autonomous Community and the Provinces were concerned, and partly fulfilled as regards local authorities. It encouraged the Spanish authorities to seek ways to guarantee that Basque-speakers may effectively make use of the possibility to submit oral or written applications in Basque at municipal level throughout the territory of the Basque Country (see paragraphs 538-540).

613. According to the Spanish authorities in some cases there are difficulties in exercising the right recognised by the Basque language law 10/1982 of 24 November 1982 in practice when it comes to communicating verbally in Basque owing to the lack of linguistic training among civil servants (see p. 226 of the second periodical report).

614. Based on the information received, the Committee of Experts considers that the undertaking is still partly fulfilled as far as local authorities are concerned.

***"d the publication by local authorities of their official documents also in the relevant regional or minority languages;"***

615. In the first evaluation report, the Committee of Experts considered that the undertaking was fulfilled but it encouraged the Spanish authorities to seek ways to guarantee that official documents are published by local authorities also in Basque throughout the territory of the Basque Country (see paragraph 543).

616. The obstacles referred to in the first round are still existing in the second monitoring cycle as the situation varies from one municipality to another. No information was provided by the authorities on the measures taken in that respect.

617. The Committee of Experts considers that the undertaking is fulfilled, although there is room for improvement.



***"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;"***

618. In the first monitoring round, the Committee of Experts could not reach a conclusion as it had not received any information as to the practice in debates in these assemblies (see paragraph 548).

619. The authorities confirm in the second report that participants in debates in the foral assemblies and local councils can use both languages. The Committee of Experts has not received any contradictory information and therefore considers the undertaking fulfilled.

### **Public services**

#### ***"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"***

620. In the first evaluation report, the Committee did not reach any conclusion and requested the Spanish authorities to provide information on the public services provided in Basque (see paragraphs 552-553).

621. According to the Basque authorities, Article 38 of the new Law 6/2003 on the status of consumers and users obliges the presence of Castilian and Basque when a service is provided (signs, notices, communications, official forms, adhesion contracts, contracts, adverts, etc). The Basque government is currently preparing regulation for this provision to be implemented (see p. 228 of the second periodical report).

622. The Committee of Experts considers that this new legislation is a positive step but it has not received any concrete information on its implementation. The Committee of Experts was made aware that 4 years after its adoption, there are still some companies that do not feel obliged to respect this obligation. Complaints were also received concerning public authorities, such as the Basque Institute of Occupational Health and Safety (OSALAN) and the Public Company for the Promotion of Training and Employment (EGAILAN). The Committee of Experts invites the Basque authorities to report on those cases in the forthcoming periodical report.

623. The Committee of Experts considers that the undertaking is formally fulfilled and it encourages the Basque authorities to adopt the relevant decree to implement the existing legal framework.

#### ***"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;***

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

624. In the first monitoring round, the Committee of Experts considered that these undertakings were not fulfilled as far as the branches of the State administration in the Basque Country were concerned, fulfilled as regards the administration of the Basque Country is concerned, and only partly fulfilled as to local authorities. It encouraged the Spanish authorities 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 to be able to use it as a working language (see paragraphs 554-556). This was also the subject of a Recommendation adopted by the Committee of Ministers.

625. According to the legal framework, translation costs are born by the General State Administration based on the territory of the Autonomous Community, the government of the Autonomous Community, and the foral and local authorities. In practice however, the Basque authorities acknowledge the small number of Basque translators and the fact that the demand of citizens is not met (see p. 217 of the second periodical report).

626. The Committee of Experts therefore considers that there is still room for improvement, and that the undertaking is partly fulfilled at the level of the State peripheral administration.

627. With respect to recruitment in the state peripheral administration, the Committee of Experts was informed that the language requirement is taken into account for certain posts (see paragraph 603 above). By a decision of 27 April 1994, the Executive Committee of the Interministerial Committee on Remuneration (CECIR) approved the introduction of the "LCA" code for posts involving direct contact with the public in which a knowledge of the Autonomous Community's official language must be considered an important advantage.

628. However, the Committee of Experts was not informed of any significant change in the career and training structure in the State public administration in accordance with the Recommendation of the Committee of Ministers.

629. The State organises Basque courses in co-operation with the Basque authorities. In 2005, 245 civil servants participated in these courses (see p. 219 of the second periodical report that describes an impressive number of hours taught). They are aimed at civil servant and non-civil servant staff of the Peripheral State Administration, excluding the staff of the National Institute of Social Security and the Social Security Treasury, which have their own training resources.

630. With respect to the administration under the competence of the Autonomous Community as well as the foral and local authorities, the recruitment of staff with a knowledge of Basque is guaranteed (see p. 229). In some cases a knowledge of Basque is compulsory depending on the local sociolinguistic context, while in others it is considered as an advantage.

631. The Committee of Experts therefore considers that the undertaking is fulfilled with respect to the Basque and local authorities but partly fulfilled with respect to the peripheral State administration. In the latter case, a review of the current training and career structure is indispensable.

632. As far as public services are concerned, no specific information was given in the first and second periodical reports. The Committee of Experts urges the Spanish authorities to provide the relevant information in the next periodical report. Considering the number of complaints received as a result of the impossibility to receive services in Basque, the Committee of Experts considers that no sufficient appropriate measures have been taken and that the undertaking is not fulfilled.

***The Committee of Experts urges the Spanish authorities 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 have the necessary command of the Basque language to be able to use it as a working language.***

***"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."***

633. As no specific information was submitted in this respect in the first monitoring round, the Committee of Experts was unable to conclude on this undertaking and requested information concerning the branches of the State administration in the Basque Country, of the administration of the Autonomous Community, of the local authorities and of public services (see paragraph 557).

634. According to the Spanish authorities, there is no problem regarding the mobility of public service employees in the government of the Basque Autonomous Community and the "foral"<sup>16</sup> and local authorities given that Basque has official status throughout its territory (see p. 229 of the second periodical report). No information concerning the question of mobility within the State Administration or regarding public services is provided.

635. In the light of the above, the Committee of Experts considers that the undertaking is fulfilled as far as the Autonomous Community and the local and foral authorities are concerned. In the absence of information

<sup>16</sup> "Foral" authorities are the provincial authorities of the Autonomous Community of the Basque Country.

on State authorities and public services, it urges the relevant authorities to provide information in the next periodical report.

**"Paragraph 5**

***The Parties undertake to allow the use or adoption of family names in the regional or minority languages, at the request of those concerned."***

636. The Committee of Experts was unable to conclude on this undertaking in the first monitoring round (see paragraphs 558-559). The Spanish authorities state in the second periodical report that there is no obstacle to use and adopt Basque names (see p. 230).

637. As the Committee of Experts has received no complaints in that respect, it considers that this undertaking is fulfilled.

**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; or"***

638. In its previous evaluation report, the Committee of Experts considered that this undertaking was not fulfilled, as Basque was absent from commercial radios in the Basque Country. It encouraged the competent authorities to take the necessary measures to encourage and/or facilitate the creation of at least one private radio station broadcasting in Basque in the Basque Country (see paragraphs 563-565).

639. The private licence-holders now broadcasting were awarded licences in the late 1980s and the licences were made permanent in 1993. Since 2003 the licences became tacitly renewable for successive 10-year periods. Under the subsidy arrangements, radio stations broadcasting in Basque receive subsidies of a total amount of 305,200 euros.

640. The situation with big commercial radios where Basque is not used seems to be the same as in the first round. However, the Committee of Experts received information that a number of local radio stations use Basque on a regular basis.

641. Based on the information received, the Committee of Experts concludes that the undertaking is now fulfilled.

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

642. As for the previous undertaking, the Committee of Experts considered that the present undertaking was not fulfilled in the first round, and it encouraged the competent authorities to take the necessary measures to encourage and/or facilitate the creation of at least one private television station broadcasting in Basque in the Basque Country (see paragraphs 566-567).

643. The Spanish authorities inform the Committee of Experts that the Vice-Ministry for Language Policy has laid out its objectives from 2005-2009, on the basis of the General Plan for the Promotion of the Use of Basque in the field of media. Subsidies and grants are allocated to the media in general.

644. With regard to the digitalisation of TV, the authorities have adopted measures to include Basque as a criteria for the licences both for private and public licensees to gradually include Basque in the programmes (at least 50% of programmes on public local television channels and a proportional balance of programmes according to the percentage of Basque-speakers in the area for privately owned television channels).

645. The Committee of Experts did not receive any information on existing local TV broadcasting in Basque.

646. The undertaking was considered not fulfilled in the previous monitoring round. The Committee of Experts has not received information from the authorities about any new developments and it must therefore uphold its previous conclusion. It urges the authorities to provide information on private television in Basque in the Basque Country.

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

647. In the first monitoring cycle, the Committee of Experts considered that the undertaking was formally fulfilled as the existing framework<sup>17</sup> did not seem to have any concrete repercussions in practice (see paragraphs 568-570).

648. The Basque Autonomous Community refers to the Decree 338/2003 of 29 December 2003 as a basis of subsidies to promote audiovisual production in the Autonomous Community (in 2006 for instance, € 5,000,000 worth of interest-free loans and € 3,235,000 worth of loans for financing contracts). In addition, EITB signed co-operation agreements with the Association of Basque Independent Producers in 2000 and with the Association of Basque Women Producers in 2005 to support Basque independent audiovisual production. Furthermore an agreement was also signed in 2006 with ONCE (the National Organisation for the Blind) to give blind people access to 75 works of Basque literature in audio format.

649. The Committee of Experts revises its conclusion and considers that the undertaking is fulfilled.

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

650. The Committee of Experts refers to its first report (paragraph 571-573). It considered that the undertaking was fulfilled as Berría is a newspaper published in Basque, but it requested additional information concerning the alleged lack of revenues from advertisements from public authorities as compared to the Castilian-speaking press.

651. According to the Spanish authorities, in addition to institutional advertising the Basque authorities awarded a direct grant of € 1,400,000 to this newspaper in 2005 (see p. 267). Furthermore, a total of € 3,946,750 subsidies are awarded to the press, including daily newspapers and periodicals and also those published on the Internet entirely in Basque.

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

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

653. The Committee of Experts was not in a position to conclude in the first monitoring round and it needed clarification on how the existing schemes are concretely used in the Basque Country (see paragraph 574).

654. The authorities refer in the second periodical report to a number of decrees and orders for granting subsidies to the audiovisual sector (see pp. 267-268). The Committee of Experts therefore considers that the undertaking is fulfilled.

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

655. The Committee of Experts was not in a position to conclude on this undertaking in the first round (see paragraph 575).

656. According to the Basque authorities, support to training of journalists and other staff is included in the subsidy arrangements mentioned above.

657. The Committee of Experts believes that the grant for publication and distribution are not the adequate means for training, as training is valid for all journalists and staff, whether there are subventions or not. In addition, the Committee of Experts has not received any concrete information on the number of staff and journalists trained, etc.

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<sup>17</sup> Royal Decree 526/2002 of 14 June and Law 15/2001 of 9 July.

658. It therefore considers that the undertaking is not fulfilled and it encourages the relevant authorities to provide specific information on how the training is ensured in practice.

**"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."***

659. The Committee of Experts was unable to conclude on this undertaking in the first monitoring round as it had not received sufficient information regarding such bodies either in the Basque Country or at a national level (see paragraph 578).

660. No relevant and specific information was given in the second periodical report. The Committee of Experts therefore urges the authorities to provide the relevant 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:***

***"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;"***

661. In the first round the Committee of Experts was not in a position to conclude on these undertakings (see paragraphs 582-584).

662. At the level of the Autonomous Community of the Basque Country, the Department of Culture offers subsidies for the publication of translations of literary works written originally in Basque (€ 63,384.86 in 2005). In addition, all films made originally in Basque have a sound-track translated at least into Castilian (see p. 303 of the second periodical report).

663. Furthermore, the Basque authorities have been signing annual agreements and financially supporting the Association of Basque translators and interpreters on the translation of universal literature collection into Basque since the 1990s (117 major works of world literature have been translated into Basque). Yearly prizes are also awarded by a panel of specialists to the best Basque literary translation published. The system of grants to promote publishing in Basque includes the purchase of a limited number of copies of each work, which are distributed to libraries in the Autonomous Community.

664. Finally, another annual grant system encourages the first showing of feature films dubbed or subtitled in Basque and ensures that video clubs, bookshops and other commercial outlets for audiovisual productions are stocked with video cassettes and DVDs dubbed or subtitled in Basque (€ 584,527 in 2005 covering premieres of 11 audiovisual works and the production of 8 video cassettes and DVDs with soundtracks in Basque).

665. The Committee of Experts considers that the undertaking is 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;"***

666. No information has been provided concerning the Basque-speaking staff at the disposal of the bodies in the Basque Country responsible for organising or supporting cultural activities in the first and second periodical report (see paragraphs 586-587).

667. Language profile is one criteria when granting subsidies to cultural activities organised and supported by the Basque authorities. However, the authorities acknowledge that there are inadequate facilities for determining language profiles for jobs in private bodies, including those organising or supporting cultural activities.

668. The Committee of Experts considers that the undertaking is fulfilled but that there is still room for improvement since the majority of cultural agents operating in the Basque country are not bilingual.

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

669. In the absence of information in the first round the Committee of Experts was unable to reach a conclusion on this undertaking (see paragraphs 588-589).

670. According to the information provided in the second periodical report, the Basque authorities implement a number of measures to facilitate and encourage the participation of all citizens in cultural services and programmes that are conducted bilingually or in Basque (p. 305).

671. Based on this information, the Committee of Experts therefore 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;"***

672. The Committee of Experts was unable to conclude on this undertaking in the first monitoring round and requested further information on whether a central body responsible for the systematic collection, storage and presentation of works in Basque exists (paragraphs 590-591).

673. As for the other Part III languages, the Committee of Experts is informed that the National Library of Spain collects printed works.

674. In addition, the Basque Country Libraries Network collects and keeps copies of books and other printed material. The Basque authorities also co-operate in researching and normalising literary production in the different varieties of Basque and have concluded co-operation agreements with the Labayru Institute.

675. The Committee of Experts concludes that this undertaking is 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."***

676. Due to the lack of precise information on the role of the Royal Academy for the Basque Language regarding the standardisation of the Basque language, the Committee of Experts could not reach a conclusion on this undertaking in its previous report (see paragraph 592).

677. In the second periodical report, the authorities make reference to several bodies in charge of developing terminology and in particular: the Terminology Bank by the UZEI (Basque Centre for Terminology and Lexicography) since 1987, and the Basque Public Terminology Bank in the Euskalterm database since 2001. The Bank is updated in accordance with the priorities and criteria defined by the Terminology Board operating under the Basque Country Advisory Board.

678. Terminological glossaries have been drawn up in a variety of specialist fields, including teaching, new technology, linguistic landscape (signposting, product labelling, restaurant menus, etc), public administration and the socio-economic field. According to the supplementary information provided by the

Basque authorities, legal terminology is being harmonised by the Committee for the Normalisation of Legal Documents in Basque.

679. The Committee of Experts therefore considers that the undertaking is fulfilled in a rather exemplary manner.

**"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."***

680. In its first evaluation report the Committee of Experts was not in a position to conclude on this undertaking as it was unclear whether any cultural centres or services in Basque outside the territory of the Basque Country actually exist (see paragraph 593).

681. The Committee of Experts was informed of the presence of the so-called "Basque Houses", supported by the Basque authorities, in various locations in Spain that promote the Basque language and culture (Barcelona, Madrid, Palma de Mallorca, etc).

682. The Committee of Experts therefore concludes that the undertaking is fulfilled.

**Article 13 – Economic and social life**

**"Paragraph 1**

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

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

683. In the first monitoring round the Committee of Experts was unable to conclude on this undertaking in the absence of specific information (see paragraph 599).

684. This undertaking has been included *expressis verbis* in Law No. 6/2003 of 22 December 2003 on the Status of Consumers and Users, that comprises a Chapter dealing with the language rights of consumers and users, in particular Article 42 paragraph 2. b.

685. The Committee of Experts considers the undertaking fulfilled.

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

686. In the first periodical report, the Committee of Experts was not in a position to conclude due to the lack of specific information (see paragraph 600).

687. According to the information sent by the Spanish authorities, Law No. 10/1982 on normalisation of the use of Basque establishes the right to conduct professional, industrial, political and trade union activities in Basque and the right to express oneself in Basque at any meeting (see p. 344 of the second periodical report). The Basque authorities are working on promoting systematic action to intensify the use of Basque in the socio-economic field by organising the involvement and direct participation of the following associations: Chambers of Commerce, employers' associations, trade unions, etc.

688. However in practice non governmental sources stress that the use of Basque is fairly minimal in the economic and social life.

689. The Committee of Experts considers that the undertaking is fulfilled but it encourages the authorities to pursue their efforts in that field and to report in the next periodical report on the progress achieved.

**"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;"**

690. No specific information was submitted in the first monitoring cycle (see paragraph 602).

691. In the second periodical report, the Spanish authorities acknowledge that the Basque legislation on financial and banking agencies does not mention the language issue. However, they consider that Article 40.1 of Law No. 6/2003 of 22 December 2003 governing the Status of Consumers and Users covers this undertaking as well.

692. However, according to other sources there is still no regulation applying to banking service.

693. The Committee of Experts has not received any information on the existing practice and on how much the law of 2003 has improved the situation. Given the conflicting information received, the Committee of Experts is not in a position to conclude. It therefore urges the authorities to clarify to what extent the Law on users and consumers also applies to banking.

- "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;"**

694. In the first monitoring round, the information was insufficient for the Committee of Experts to reach a conclusion and it requested the Spanish authorities to clarify the economic and social sectors directly under the control of the central authorities and of the Basque authorities (see paragraphs 603-604).

695. The Spanish central authorities did not provide any information in the second periodical report. As far as the Basque authorities are concerned, bilingualism is provided for by the Law No. 6/2003 of 22 December 2003 on the Status of Consumers and Users.

696. This law covers the Basque Public Administration and the State Administration, including bodies subject to public or private law operating under or administered by the latter. However, as stated before, the implementing regulation is still needed (see p. 347 of the second periodical report).

697. Therefore the Committee of Experts considers that this first step is very positive and that the undertaking is formally fulfilled. It requests the authorities to report on any measures taken to implement these provisions and provide concrete examples 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;"**

698. Based on the complaints received from different sources in the first round, the Committee of Experts considered that this undertaking was only partly fulfilled (see paragraphs 604-608).

699. According to the information available in the second periodical report, Decree No. 67/2003 of 18 March 2003 on the normalisation of the use of Basque in the Basque Health Service (*Osakidetza–Servicio Vasco de Salud*) aims at gradually increasing the use of Basque in oral and writing with the Health Service. Article 11 sets out in particular a number of guidelines on the use of the official languages. However, the authorities have not provided any number or statistics on the current staff with a knowledge of Basque.

700. The Committee of Experts received several complaints from different sources as speakers continue to encounter considerable difficulties to be received and treated in Basque. According to the information made available, recruitment organised in this Health Service did not include Basque as a requirement until 2006. In 2006, Basque was a compulsory language for 20% of the 3000 posts.



701. The Committee of Experts is aware of the practical difficulties faced by the authorities to implement the present undertaking and commends the efforts made. However, it understands that there is a need to improve the current situation.

702. The Committee of Experts therefore considers that this undertaking is still only partly fulfilled.

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

703. In the first monitoring round, the Committee of Experts considered that the undertaking was not fulfilled since no information had been provided regarding safety instructions, and since the Spanish Government considered that safety was fully guaranteed as all regional or minority language speakers have a command of Castilian as well (see paragraphs 610-613).

704. According to the information provided in the second periodical report, Article 37 a of Law No. 6/2003 of 22 December 2003 on the Status of Consumers and Users recognises the rights of consumers and users to receive information on goods and services in Basque and Castilian (see p. 348).

705. On the basis of the information at its disposal, the Committee of Experts considers that the present undertaking is formally fulfilled. It asks for more information on the current practice regarding safety instructions (including safety notices in construction sites and in lifts, fire instructions, etc.) and concrete examples in the next periodical report so as to have an accurate idea of the situation.

#### **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;"***

706. In its previous report, the Committee of Experts requested more information on bilateral treaties with France aimed at fostering contacts between Basque-speakers across the Spanish-French border in the fields of culture, education, information, vocational training and permanent education (see paragraphs 615-616 and ref. to paras under the Basque in Navarra).

707. In their second periodical report, the Spanish authorities consider that major obstacles which are beyond their control hamper the development of transfrontier exchanges and the development of co-operation in the language field (see p. 359).

708. Non-governmental sources stress that the Spanish Government does not officially address the question of transfrontier collaboration in relation to the Basque language during the annual bilateral summits held with France.

709. Therefore the Committee of Experts asks the authorities to provide further information in their next periodical report in order to evaluate the current situation.

***"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."***

710. In the previous monitoring round, the Committee of Experts was unable to conclude as it received complaints according to which the transfrontier cooperation based on the Treaty of Bayonne was mainly economic (see paragraphs 617-618).

711. The Basque authorities report on several initiatives based on the Convention signed on 22 December 2000 by the French State, the Regional Councils of Aquitaine, the Pyrénées-Atlantiques Department Council, the Bayonne-Anglet-Biarritz District and the Council of Elected representatives of the Basque Country. This convention launches a language policy to promote Basque, comprising ten specific actions. It was followed in 2003 by the Bayonne Protocol to boost co-operation in language policy.

712. In addition, in 2004 the French Public Office of the Basque Language was set up embracing the French State, the Region, the Department and the municipalities. It was the first body empowered by the French State to unite all the public authorities around a Basque language policy project, an unprecedented undertaking in France. The Basque authorities signed a new co-operation agreement between with this Office on 7<sup>th</sup> February 2007.

713. Furthermore, Department of Culture publishes an annual notification of subsidies for private bodies working to promote Basque in areas where the language is spoken outside the Basque Autonomous Community (€ 400,000 in 2006).

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

#### 2.2.4 Evaluation of the application of Part III to the Catalan language in the Balearic Islands

715. The Committee of Experts regrets that the Spanish authorities have not sent sufficient information for many of the undertakings despite the request made in the first monitoring round by the Committee of Experts. On many occasions the Committee of Experts has therefore not been in a position to conclude on the fulfilment of the undertakings. The Committee of Experts recalls that it is the responsibility of the Spanish authorities to report on the implementation of undertakings (see paragraph 62 above).

716. The Committee of Experts will focus on the provisions of Part III which were singled out in the first report as raising particular problems. It will therefore not comment in the present report on provisions where no major issues were raised in the first evaluation report and for which the Committee of Experts did not receive any new information requiring it to reassess their implementation. These provisions are as follows:

- Article 8, paragraph 1 g (see paragraph 630 of the first evaluation report)
- Article 9, paragraph 1 d (see paragraph 652 of the first evaluation report)
- Article 9, paragraph 2 a (see paragraphs 653-654 of the first evaluation report)
- Article 10, paragraph 2 b, c, e, g (see paragraphs 669-672, 674-676, 679-680 of the first evaluation report)
- Article 10, paragraph 5 (see paragraph 695 of the first evaluation report)
- Article 11, paragraph 2 (see paragraph 703 of the first evaluation report)
- Article 13, paragraph 1 a, d (see paragraphs 720, 723-726 of the first evaluation report)

### **Article 8 – Education**

#### **Pre-school**

##### ***"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; or"***

#### **Primary school**

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

#### **Secondary school**

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

717. The Committee of Experts refers to its first evaluation report for a general presentation of the legal framework and practice of the linguistic models existing as regards the teaching of Catalan in the Balearic Islands (see paragraphs 620-623).

718. It considered during the first monitoring cycle that the educational model did not attain the level required by the specific undertakings entered into by Spain, which imply the offer of an instruction essentially in Catalan in the Balearic Islands and not limited to half of the curriculum. The form of education currently available in the Balearic Islands actually corresponds to the lower level of obligation laid down in Article 8 paragraph 1 a. ii, b. ii and c.ii, and representing in practice a bilingual model.

719. It therefore considered that the undertakings were not fulfilled, and it encouraged the competent authorities to develop educational models essentially in Catalan for pre-school, primary school and secondary school in the Balearic Islands, in conformity with the specific undertakings entered into in these areas.

720. In their second periodical report, the Spanish authorities refer to measures and activities carried out by the Consortium COFUC for the development of appropriate teaching material (and teacher training) but there is

no reference of any development of any educational model essentially in Catalan for pre-school, primary and secondary school.

721. In addition, it was brought to the attention of the Committee of Experts by non-governmental sources that in 2006, the Government of the Balearic Islands approved a new Decree 52/2006 on the use of "foreign languages" as the teaching language of many subjects in schools of the Balearic Islands. The Committee of Experts was informed that this new decree revises Decree 92/1997 and that the 50% teaching in Catalan has been replaced by 33%. As a consequence, the teaching in Catalan has in fact substantially decreased.

722. The Committee of Experts therefore considers that the teaching of a "substantial part" of Catalan language is still not attained by the Spanish authorities and that the situation might even be worse than in the first round. It considers that the undertaking is not fulfilled.

***The Committee of Experts urges the competent authorities to develop educational models essentially in Catalan for pre-school, primary school and secondary school in the Balearic Islands, in conformity with the specific undertakings entered into in these areas by Spain.***

#### **Technical and vocational education**

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

723. In its previous evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking and encouraged the Spanish authorities to provide further information (paragraph 626).

724. However, the Spanish authorities have not responded to this request and the Committee of Experts is still not able to properly assess the situation in the Balearic Islands as regards technical and vocational education.

725. The Committee of Experts urges the Spanish authorities to provide specific information in their forthcoming report.

#### **Higher education**

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

726. As the Committee of Experts was not in a position to form any conclusion as to the fulfilment of this undertaking, it requested further information in particular regarding the proportion of university subjects that are taught in Catalan (see paragraph 627).

727. According to Article 5 of the Decree 170/2003 of 26 September 2003 on the University of the Balearic Islands, "the Catalan language, which is the language of the University of the Balearic Islands, is an official language together with Castilian, and all members of the University have a right to use it. The University shall normalise the use of Catalan within the area of its responsibilities" (see p. 146 of the second periodical report).

728. The Committee of Experts considers that the undertaking is fulfilled but it encourages the Spanish authorities to maintain the financial support provided for research activities. It also urges the authorities to provide information on the proportion of subjects taught in Catalan at University level.

## **Adult and continuing education**

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

729. The Committee of Experts was unable to conclude on the fulfilment of this undertaking and requested further information (see paragraphs 628-629).

730. The Spanish authorities have provided information as regards informal language training for adults, namely courses from initial to higher levels, distance courses, as well as centres for self-learning since 2004, including on-line teaching (see p. 156 of the second periodical report).

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

## **Basic and further training of teachers**

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

732. The Committee of Experts was unable to conclude on the fulfilment of this undertaking due to the lack of information regarding the concrete implication of the education framework described in the first report (see paragraphs 620 and 631-636).

733. According to the Spanish authorities, professional training of teachers falls under the responsibility of the Autonomous Communities (see p. 106 of the second periodical report). However, no information was provided at all concerning this matter in the second periodical report.

734. The Committee of Experts also recalls that the educational system corresponding to the undertakings actually entered into by Spain, and which is at present lacking could require important changes and reinforcements to the teacher-training and re-training system.

735. The Committee of Experts urges the competent authorities to provide specific information on how the basic training of teachers and further training are concretely organised, and to clarify whether the arrangements concerning the basic training and the system of re-training are sufficient to meet the demand for teachers of and in Catalan, with regard to the various subjects concerned.

## **Supervisory body**

***"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."***

736. The Committee of Experts was unable to conclude on this undertaking in the first monitoring round since it was not aware if the Educational inspection was drafting periodic reports which were made public in the field of education (see paragraph 635).

737. No information has been provided in the second periodical report. The Committee of Experts urges the Spanish authorities to provide further elements in the next periodical report.

## **Education in other territories**

### ***"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. "***

738. In the previous monitoring round, the Committee of Experts did not have sufficient information at its disposal to properly assess compliance with this undertaking. It requested information on where exactly it is possible to study Catalan outside the territories where Catalan is traditionally used and the level of demand elsewhere in Spain other than in Madrid (see paragraphs 636-637).

739. The Spanish authorities refer to the new Organic Law on Education according to which the state will encourage the teaching of co-official languages. In addition, they inform about the exchanges with schools where Catalan is spoken from Catalonia, the Community of Valencia, the Aragon Community, the Department of Pyrénées-Orientales (France) and the Sardinian city of Alguer (Alghero) (Italy). The Committee of Experts regards these as positive initiatives.

740. As far as education in Catalan in other territories is concerned, the Committee of Experts refers to its report on Catalan in Catalonia (see paragraphs 229-232 above). The Committee of Experts considers that the undertaking is fulfilled.

### **Article 9 – Judicial authorities**

741. As regards the implementation of the Charter in relation to the judicial field in Spain, the Committee of Experts refers to its general introductory comments on particular issues raised during this second monitoring round (see paragraphs 70-73 above).

742. The Committee of Experts is concerned by the total absence of any information regarding the use of Catalan in the judicial system in the Balearic Islands in the second periodical report. It recalls that the Spanish authorities have the duty to report on how the undertakings are being implemented, especially when this is also subject to a recommendation of the Committee of Ministers.

743. The Committee of Experts will therefore repeat the conclusions it drew in the first round, and where appropriate refer to information gathered during the on-the-spot visit. It urges the competent authorities to provide information in the next periodical report.

#### ***"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;”*

744. The Committee of Experts refers to its previous description of the judicial system in the Autonomous Community of the Balearic Islands (see paragraphs 638-651). As for the other Part III languages, the Committee of Experts found in the first monitoring round that the Spanish authorities did not comply with the present undertaking<sup>18</sup>.

745. As regards the Autonomous Community of the Balearic Islands, the Committee of Experts was informed of the basic principles provided for by Article 3 of Law of the Balearic Islands 3/1986 of 29 April on language standardisation. According to this provision “(t)he Government of the Autonomous Community shall promote, in agreement with the relevant bodies, the gradual standardisation of the use of Catalan in the Judicial Administration of the Balearic Islands”. However, no information was provided in the second periodical report regarding any sub-provision of article 9 paragraph 1 of the Charter.

746. During the on-the-spot visit, negative attitudes of judges towards citizens who wanted to use Catalan in the proceedings have been reported. It seems that magistrates consider that there is a right to use the language, but not a duty for the judge to know it. It was also brought to the attention of the Committee of Experts that the use of Catalan in judicial proceedings entails delays.

747. The Committee of Experts regrets the total absence of relevant information and therefore considers that the undertaking is not fulfilled as regards Article 9 and reiterates its previous recommendation.

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

- to 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 ;***
- 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 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 ;***
- to 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 ;***
- to develop adequate training schemes for the 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."***

748. In the previous evaluation report, the Committee of Experts considered that this undertaking was only partly fulfilled and it encouraged the Spanish authorities to take the necessary measures to ensure that the most important national statutory texts and those relating particularly to users of Catalan are regularly and in due time made available in Catalan too, including in the Balearic Islands. The publication of an official translation at the same time as the publication of the official Castilian version would be the most appropriate measure (see paragraph 241).

<sup>18</sup> See recommendation 1 made by the Committee of Ministers - RecChL (2005)3.

749. The Government of the Balearic Islands refers to its financial contribution to the publication in Catalan of special supplements to the BOE on the general provisions adopted at the State level (see p. 211 of the second periodical report).

750. The legislation enacted by the Autonomous Community is published in both co-official languages.

751. The Committee of Experts refers to the information received under the same provision for Catalan in Catalonia. The Committee of Experts, therefore, concludes that the two communities make a joint effort for the translation and publication of the relevant legal texts.

752. In the Committee of Experts' view, the absence of a Catalan version of pre-1998 legislation and the mentioned delay in the publication of the Catalan version of the Official Gazette represent serious obstacles to an effective use of the Catalan language in the field of justice in the Balearic Islands (see paras. 240-241 of the first evaluation report).

753. The Committee of Experts considers that the undertaking is still partly fulfilled and it urges the Spanish authorities to elaborate further and provide the specific information requested in their forthcoming report.

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

754. As regards the implementation of the Charter in relation to the administration in Spain, the Committee of Experts refers to its general introductory comments on particular issues raised during this second monitoring round (see paragraphs 74-77 above).

#### **State authorities**

##### ***"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"***

755. The Committee of Experts refers to the relevant paragraph of its previous report for a general description of the situation as regards the present undertaking (see paragraphs 658-660). As the knowledge of a co-official language is not a pre-requisite but considered as an advantage for the hiring or the appointment of a civil servant in a State administration office, and considering that the Catalan-speaking staff are insufficient, the Committee of Experts considered that undertaking was only partly fulfilled. It encouraged the Spanish authorities to substantially increase the proportion of Catalan-speaking staff in the competent State administration offices in the Balearic Islands and to develop adequate training schemes.

756. According to the figures provided in the second periodical report, 1929 civil servants belonging to the General State Administration work in the Autonomous Community of the Balearic Islands. In addition, out of 127 civil servants working in the peripheral State agencies in the Balearic Islands, where a knowledge of Catalan is required, 37 are dealing with the public (see pp. 216-217). However, in competitive examinations, knowledge of Catalan is considered only as an advantage.

757. During the on-the-spot visit, the Committee was informed that the staff are mostly Castilian-speaking and that there is a lack of training. In addition, the Committee of Experts was informed of a case where the Police (Guardia Civil) had not allowed an interpreter from Arabic and Tamazight to use Catalan. Allegedly, she was also fined by a court with an explanation that she should have spoken a language that the civil servants understood. The Committee of Experts understands that this case is still pending before the court and it invites the authorities to comment on it in the next periodical report.

758. The Committee of Experts considers that this undertaking is still only partly fulfilled. It urges the authorities to comment on the above mentioned case 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;"***



759. As for the previous undertaking, the Committee of Experts considered that undertaking was partly fulfilled and it encouraged the Spanish authorities to take the necessary measures to ensure that bilingual versions of widely used administrative texts and forms are made available in all the competent State administration offices located in the Balearic Islands (see paragraph 661).

760. The Spanish authorities have provided information on the availability of standardised forms in Catalan in the Autonomous Community of Catalonia, but do not report on the Balearic Islands. It is not clear to the Committee of Experts whether these forms are also used in the Balearic Islands.

761. It considers therefore that the undertaking is not fulfilled and urges the Spanish authorities to provide information in the next periodical report.

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

762. On the basis of the information made available to the Committee of Experts at the time of the first monitoring round, it considered that the undertaking was only partly fulfilled and encouraged the Spanish authorities to remove the existing legal obstacles to the use of Catalan in the Balearic Islands in the field of the civil registers.

763. In the second periodical report, the Spanish authorities state that bilingual printed material is used within the Autonomous Community and all or most of the documents issued by the peripheral state administration are bilingual including communications or other documents intended for bodies located outside the territory of the Autonomous Community (see p. 215).

764. As far as the civil registers are concerned, the Committee of Experts was informed of the adoption of the new law 12/2005 on Civil Registry. According to this legislation "entries shall be made in Castilian or in the own official language of the Autonomous Community in which the register office is based, depending on the language in which the document is drafted or in which the declaration is made. If the document is bilingual, they shall be made in the language specified by the person submitting it to the register office. All this is subject to the provision that the language legislation of the Autonomous Community provides for the possibility of drafting entries in public registers in a co-official language other than Castilian." During the on-the-spot visit it was confirmed by the authorities that the existing obstacles were thus removed.

765. The Committee of Experts therefore considers that the undertaking is fulfilled.

### **Local and regional authorities**

#### ***"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;"***

766. The Committee of Experts refers to its first evaluation report for a general description of the relevant legal framework (see paragraphs 665-666). Based on the information received at that time, the Committee of Experts considered that the undertaking was fulfilled as far as the Autonomous Community is concerned but it was unable to conclude regarding the Island Councils and the local authorities.

767. The Committee of Experts was informed of the adoption of the Law 3/2003 of 26 March 2003 on the legal regime of the Administration of the Autonomous Community of the Balearic Islands. In accordance with this text "the Administration of the Autonomous Community and its various operational entities shall use Catalan in their internal activities and in relations between them. They shall also normally use it in communications and notices addressed to physical or legal persons residing in the Catalan-speaking area, without prejudice to the rights of the interested parties to receive them in Castilian if they so desire », and that « in their administrative procedures the Administration of the Autonomous Community and its various operational entities shall use Catalan, without prejudice to the right of interested parties to present papers and documents, make representations and, if they so wish, receive notifications in Castilian."

768. As far as the Island Councils and the local authorities are concerned, the Committee of Experts has not received any further information. It therefore concludes that in this area the undertaking is formally fulfilled.

***"d the publication by local authorities of their official documents also in the relevant regional or minority languages;"***

769. No specific information was provided in this respect in the first periodical report, and the Committee of Experts was therefore unable to reach a conclusion on this point (see paragraph 673).

770. In the absence of any further information, the Committee of Experts urges the Spanish authorities to come back to this undertaking in their 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;"***

771. In the absence of relevant concrete information on the practical use of Catalan, as provided by the Royal decree, the Committee of Experts was not in a position to conclude on this undertaking (see paragraphs 677-678).

772. No specific information has been provided by the Spanish authorities in the second periodical report. The Committee of Experts urges the Spanish authorities to provide further information in their next periodical report.

### **Public services**

#### ***"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"***

773. In the first evaluation report, the Committee did not reach any conclusion and requested the Spanish authorities to provide information on:

- what public services are concerned by this undertaking in the Balearic Islands;
- the share of staff in the public services serving in the Balearic Islands who have an adequate command of Catalan;
- the language used in written communications between the public services and the speakers (for example telephone and electricity bills and the like);
- what services are provided by private companies under licence and in this case what linguistic clauses are included in the licence (see paragraph 682).

774. The competent authorities have provided information regarding the public transport. The use of Catalan by the General Directorate of Transport has gradually increased in recent years: almost all communications between the Transport Directorate and bus and tourism companies are in Catalan; answer to enquiries in the language in which the enquiry was made (mainly Castilian); internal documents are drafted in Catalan; bilingual forms are used for the transport firms; information to passengers is available in Castilian and Catalan, etc (see pp. 260-261).

775. The second periodical report contained no information on any other public services available in Catalan.

776. It was brought to the attention of the Committee of Experts that the final plan of linguistic normalisation has not been approved by the municipality of Palma de Mallorca, the administrative capital of the Autonomous Community where Catalan requires special attention. In addition, the Committee of Experts was informed that the Municipality of Palma de Mallorca decided not to use Catalan in the public address system of the municipal transport.

777. The Committee of Experts therefore concludes that the undertaking is partly fulfilled and it urges the Spanish authorities to return to this question, and further elaborate on the request for information made by the Committee of Experts in its first evaluation 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;"**

778. The Committee of Experts needed more information to conclude on this undertaking in the first monitoring cycle (see paragraph 684).

779. According to the information contained in the state's second periodical report, translation of documents is arranged at the request of the persons concerned. According to Article 36.1 of State Law 10/1992 on the legal regime of public administration and the common administrative procedure, members of the public who apply to agencies of the General State Administration based in the territory of the Autonomous Community may use the co-official language. If the proceedings are conducted in Castilian, any documents required by the interested parties will be issued in the language of their choice, with the administration covering the cost of translation.

780. Under Article 36.3 of the law, the investigating public authority is required to translate into Castilian any documents or files or parts of them which must take effect outside the territory of the Autonomous Community and any documents intended for the parties, where they expressly request this. Within Autonomous Communities citizens have a right to submit and receive documentation in the official language of their choice. If a translation is required, the cost must be borne by the administration concerned.

781. However, the Committee of Experts has received no information about the practical implementation of this act in the Balearic Islands. It therefore urges the Spanish authorities to provide specific information in their next periodical report.

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

782. The Committee of Experts refers to its first evaluation report for a general presentation of the situation in the Balearic Islands (see paragraphs 686-688). The Committee of Experts reached different conclusions in the first monitoring round, depending on the authorities concerned. As far as the Autonomous Community and local authorities are concerned this undertaking was considered fulfilled by the Committee of Experts since there was a satisfactory legal framework and no complaints on its practical implementation (see paragraph 690).

783. As regards the State Administration, the Committee of Experts considered that the undertaking was only partly fulfilled. Information was needed, regarding in particular how Catalan was valued in the recruitment procedures and whether it constituted a pre-requisite for any particular posts. It was also unclear what proportion of the staff in the State administration offices present in the Balearic Islands had an adequate command of Catalan, and what proportion of staff received training every year following the schemes referred to by the Spanish Government.

784. As far as public services are concerned, the Spanish authorities have not provided specific information in their first or second reports. The Committee of Experts urges the Spanish authorities to provide the relevant information in the next periodical report.

785. As regards the State administration, 1929 civil servants belonging to the General State Administration work in the Autonomous Community of the Balearic Islands. In their second report, the Spanish authorities underline that the State Administration must take measures in its peripheral offices by determining the posts for which knowledge of the Autonomous Community's own official language is required and those for which this will be considered an advantage in competitions to fill them (see p. 216).

786. As stated above (see paragraph 756), knowledge of Catalan is considered an advantage for 127 administrative posts. The authorities point out that, in some cases, it might be difficult to fill these posts if knowledge of the language were made an essential requirement.

787. As regards the training, 521 participants spent 1380 hours in training in 2005. Courses were given in Catalan at beginners, basic and intermediate levels, as well as courses in administrative Catalan and conversation.

788. In the light of the above mentioned consideration, the Committee of Experts considers in the first place that with regard to the State administration offices present in the Balearic Islands, this undertaking is only partly fulfilled. As far as the Autonomous Community and local authorities are concerned, the Committee of Experts considers that this undertaking is fulfilled. As regards public services, in the absence of information, the Committee of Experts urges the authorities to come back to this issue in the forthcoming report.

***"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."***

789. In the first monitoring cycle, the Committee of Experts was not in a position to conclude on this undertaking and requested the Spanish authorities to comment on it in their next periodical report (see paragraph 692).

790. No specific information was submitted in this respect in the second periodical report. The Committee of Experts therefore urges the authorities to provide the relevant information in the next periodical report.

## **Article 11 – Media**

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

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

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

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

791. Due to the lack of information on the existence of a public radio station and a public television channel broadcasting essentially in Catalan in the Balearic Islands, the Committee of Experts was not in a position to conclude on this undertaking (see paragraph 694).

792. The Committee of Experts is informed that on 26 March 2004 the public broadcasting corporation *Ente Público de Radiotelevisión de las Illes Balears* (EPRTVIB) was set up bringing the Autonomous Community's public radio and television companies together under the name IB3. One of IB3's main objectives is to encourage the use of Catalan as the language of the Balearic Islands, and especially the varieties spoken on the different islands. Accordingly, some 80% of the organisation's production is made in Catalan. However, non-governmental sources informed the Committee of Experts that at present the broadcast is not essentially in Catalan. On the contrary, it is limited to some programmes.

793. As regards radio, and according to the authorities, since IB3 Radio started broadcasting, the percentage of programmes aired in Catalan has been around 95% (see p.293 of the second periodical report. It was brought to the attention of the Committee of Experts that in 2003, the public radio *Som Radio* which broadcasted exclusively in Catalan was closed.

794. The Committee of Experts considers that the undertaking is fulfilled and commends the authorities for the efforts directed towards the preservation of local varieties of Catalan spoken on the islands.

795. As far as television is concerned, the Committee of Experts received information from the authorities that it continues to broadcast in Castilian (see p. 293 of the second periodical report). However, according to the programming for next season, about 60% of the programmes will be aired in Catalan each week.

796. In addition, the Committee of Experts received information that according to an agreement between the Balearic and Catalonia authorities, there is mutual reception of their TV broadcasting in the analogical system. According to the authorities, it is also possible to receive Valencian TV program in Valencian.

However, the Committee of Experts was made aware that it was currently not clear whether the future reception of the terrestrial digital television would be put in place in the Balearic Islands and to what extent broadcasting in Catalan language will be guaranteed.

797. As regards public television, based on this information, the Committee of Experts considers that the undertaking is fulfilled.

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

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

798. The Committee of Experts was not able to draw conclusions on these two undertakings, in particular as it did not receive any information on the adoption of concrete measures to implement the existing legal framework (see paragraphs 695-697).

799. No information has been provided by the Spanish authorities under the present undertakings.

800. As a consequence, the Committee of Experts considers that these undertakings are formally fulfilled and it urges the Spanish authorities to clarify this point in their next periodical report.

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

801. In the first evaluation round, the Committee of Experts considered this undertaking fulfilled but needed concrete examples of the implementation of the existing legal framework (see paragraphs 698-699).

802. In the second periodical report, the authorities underline the efforts ever since IB3 Television started broadcasting on a regular basis in September 2005, to dub all children's programmes produced by others in Catalan, and in *mallorquín*, *menorquín*, *ibicenco* and even *formenterense*. The authorities also refer to subsidies to support the screening in Catalan of films produced in 2004 or 2005 that were announced in the Official Gazette of the Balearic Islands of 1 February 2005, but have not provided any concrete examples of films (see p. 294 of the second periodical report).

803. The Committee of Experts was made aware that these children's programme were the only programmes dubbed, and that there was a crucial lack of other programmes dubbed in Catalan (see also paragraph 820 below).

804. The Committee of Experts therefore considers that this undertaking is partly fulfilled.

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

805. The Committee of Experts was not a position to conclude on this undertaking in the previous monitoring round and encouraged the Spanish authorities to clarify this point (see paragraph 700).

806. No information was provided by the authorities in their second periodical report. The Committee of Experts urges the Spanish authorities to provide information in the next periodical report.

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

807. In the absence of clarification from the Spanish Government on how the existing schemes are concretely used in the Balearic Islands for the purpose mentioned in the present undertaking, the Committee of Experts was not in a position to conclude (see paragraph 701).

808. No specific information has been provided by the Spanish authorities. The Committee of Experts therefore urges the Spanish authorities to come back to this in their next periodical report.

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

809. Due to the lack of information on the compliance with this undertaking as far as the Balearic Islands are concerned, the Committee of Experts was not in a position to conclude on this undertaking in the first evaluation round (paragraph 702).

810. According to the information provided in the second periodical report, measures have been taken in connection with training for journalists and other staff for media in the frame of a co-operation agreement signed in 2004. Further specific measures were adopted in 2005 by the public service broadcasting corporation and the COFUC covering initial and continuous training. However, the Committee of Experts has not received any information regarding the implementation of this training scheme, the number of staff and journalists trained.

811. The Committee of Experts considers that the undertaking is partly fulfilled and urges the authorities to provide more specific information in their next periodical report.

**"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."***

812. Given the lack of information, the Committee of Experts could not reach any conclusion under that undertaking (see paragraph 704).

813. No information has been provided to the Committee of Experts regarding such bodies, either in the Balearic Islands or at national level. It therefore urges the authorities to submit further 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:***

***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;"***

814. The Committee of Experts lacked information on the practical implementation of the provisions in the Balearic Islands to be able to reach a conclusion in the first monitoring round (see paragraphs 705-706).

815. According to the authorities, all books and bibliographical material published by the Directorate General of Culture and by its cultural centres are in the Catalan language and are available in libraries, the archives and museums. In addition, cultural activities are organised for students in Catalan through the "Viu la cultura" programme to inform students at all schools in the Balearic Islands about the historical, artistic and cultural heritage (see p. 339 of the second periodical report).

816. The Committee of Experts has not received any concrete examples of tax exemptions or credits in respect of acts and events connected with the promotion and dissemination of the Catalan language and culture specific to the Balearic Islands.

817. Nevertheless, the Committee of Experts considers that the undertaking is fulfilled.

***"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;"***

818. For those provisions again the Committee of Experts needed more information on the implementation of the relevant Law and to what extent it benefited writers in the Balearic Islands and not in Catalonia (see paragraphs 707-708).

819. According to the Spanish authorities in their second periodical report, the Directorate General of Culture promotes theatrical, musical and folklore activities in Catalan, although some performances occasionally use Castilian, particularly if they take place outside the Balearic Islands or the Catalan-speaking territories. The Directorate General of Culture also actively participates in co-producing works in the Catalan language (see p. 340).

820. In addition, the authorities refer to the development of a new hub of activity revolving around the dubbing of productions for children. However at present, the authorities acknowledge that the Balearic Islands are not equipped to dub all the programmes made elsewhere and aired on the Autonomous Community's television channel, which is why it continues to broadcast in Castilian. Subsidies to support the screening in Catalan of films produced in 2004 or 2005 are also granted although the Committee of Experts did not receive any information as to the number of films which benefited from this support (see pp. 293-294).

821. The Committee of Experts was informed by a non-governmental source that the dubbing of non-IB3 programmes into Catalan (the Balearic Public Channel) is very restricted and limited to children programmes.

822. The Committee of Experts therefore considers that the undertaking is partly fulfilled and encourages the authorities to continue with their efforts to provide more programmes in Catalan.

***"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;"***

823. In the absence of specific information, the Committee of Experts was not in a position to conclude on this undertaking in the first monitoring round (see paragraph 709).

824. In the second periodical report, the authorities inform the Committee of Experts that Catalan is used for the exhibitions organised by the Directorate General of Culture (see p. 339). In addition, the Directorate General always conducts all its work in Catalan when it takes part in cultural projects and activities in consortia and foundations such as the Consortium of the Palma Museum of Modern and Contemporary Art, the Balearic Public Foundation for Music, the Consortium for the Promotion of the Catalan Language and the External Influence of the Culture of the Balearic Islands, or when it co-operates with other cultural institutions and centres (p. 340).

825. The Committee of Experts considers that the undertaking is 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;"***

826. Due to the lack of specific information, the Committee of Experts was not in a position to conclude on this undertaking in the first monitoring round (see para 710).

827. The Committee of Experts is informed that staff, whether civil servants or not, at the Directorate General and its subsidiary centres have a certified knowledge of Catalan. This is in line with Decree No. 100/1990 of 29 November 1990 governing the use of the official languages of the Administration of the Autonomous Community of the Balearic Islands and Decree No. 162/2003 of 5 September 2003 approving the regulations on the requisite knowledge of Catalan in the selection procedures for employment in the civil service. As regards non-civil-servant staff, a command of Catalan is required for certain posts.

828. In addition, the authorities refer to a special programme *Usted pregunta* ("You ask") launched in libraries enabling the public to request information from the libraries and put questions to them via internet. Users can ask their questions in Catalan.

829. The Committee of Experts therefore considers that the undertaking is fulfilled.

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

830. In the absence of specific information, the Committee of Experts was not in a position to conclude on this undertaking in the first monitoring round (see paragraph 711).

831. No specific information was provided in this respect in the second periodical report. The Committee of Experts therefore urges the authorities to come back to it in the forthcoming 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;"***

832. In the absence of specific information, the Committee of Experts was not in a position to conclude on this undertaking in the first monitoring round (see paragraph 712).

833. According to the information provided by the Spanish authorities, the libraries managed by the Directorate General of Culture of the Government of the Balearic Islands secure copies of all works published in Catalan. The Committee of Experts has not received any information with regard to audio or audiovisual and other works.

834. The Committee of Experts concludes that this undertaking is partly fulfilled and asks the authorities to provide information in the next evaluation round on the audio, audio visual and other works in Catalan.

***"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."***

835. In the absence of specific information concerning the Balearic Islands in the first monitoring round the Committee of Experts was not able to conclude on this undertaking (see paragraph 713).

836. As no information has been provided on this specific undertaking in the second periodical report the Committee of Experts urges the authorities to come back to it in the 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."***

837. In the previous report, it remained unclear to what extent the Balearic Islands were involved in a bookshop located in Madrid which is supported by the Autonomous Community of Catalonia (see paragraph 715).

838. In the second periodical report, the Spanish authorities refer to subsidies for activities to promote and disseminate the specific culture of the Balearic Islands both inside and outside their territory. Such activities may include fairs, festivals, competitions, theatrical works, and short and feature films, etc. All these activities are conducted in Catalan, apart from those taking place in non-Catalan-speaking areas (see p. 340).

839. The Committee of Experts concludes that the undertaking is 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."***

840. In the first monitoring round, the Committee of Experts considered that this undertaking was fulfilled but requested the Spanish authorities to provide more specific information on how the mentioned activities specifically benefit the Balearic Islands (see paragraphs 716-718).

841. In the second periodical report, the authorities refer to activities supported by the Institute of Balearic Studies within the Autonomous Community or outside (see p. 368). However, no specific information has been provided regarding the extent to which authors or artists from the Balearic Islands have benefited from measures carried out by the Cervantes Institute and the Ministry of Foreign Affairs.



842. The Committee of Experts therefore considers that the undertaking is partly fulfilled and it urges the Spanish authorities to provide the information requested in their forthcoming report.

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

843. The Committee of Experts is concerned by the total absence of any information regarding the use of Catalan in economic and social life in the Balearic Islands in the second periodical report. It reminds the Spanish authorities that they have the duty to report on how undertakings are implemented.

844. The Committee of Experts will therefore repeat the conclusions it has drawn in the first round, and where appropriate refer to information gathered during the on-the-spot visit. It urges the competent authorities to seriously consider respecting their commitments.

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

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

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

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

845. In the first monitoring round, the Committee of Experts was not able to draw any conclusion in the absence of specific information on that undertaking (see paragraphs 721-722).

846. No specific information has been reported as far as the Balearic Islands are concerned in the second periodical report. The Committee of Experts urges the Spanish authorities to include specific information in this respect in their next periodical report.

#### ***"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;"***

847. In the first monitoring round, the Committee of Experts was not able to draw any conclusion in the absence of specific information on the situation in the Balearic Islands on this undertaking (see paragraphs 727-729).

848. No specific information has been reported as far as the Balearic Islands are concerned in the second periodical report. The Committee of Experts urges the Spanish authorities to include specific information in this respect in their next periodical report.

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

849. The Committee of Experts refers to its general presentation made in the previous report (see paragraphs 730-733). On the basis of the information at the Committee of Experts' disposal, the Committee of Experts considered that the present undertaking was not fulfilled as far as the Balearic Islands were concerned.

850. Given the lack of specific information provided by the competent authorities as far as the Balearic Islands are concerned in the second periodical report, the Committee of Experts still considers that the undertaking is not fulfilled and it urges the Spanish authorities to further elaborate on this undertaking in their forthcoming report, regarding in particular safety instructions (food, in construction sites and in lifts, fire instructions, etc.)

***"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."***

851. In the first monitoring round, the Committee of Experts was not able to reach a conclusion under that undertaking, although it praised the competent authorities for their impressive legal framework (see paragraphs 734-735).

852. It was unclear to the Committee of Experts whether apart from the linguistic rights of consumers mentioned in Law 11/2001 of 15 June, the information on general consumers' rights is available in Catalan.

853. In the absence of any specific information in this respect the Committee of Experts considers that the undertaking is formally fulfilled and urges the authorities to come back to this issue in their 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;"***

854. In its previous report, the Committee of Experts requested more information on bilateral treaties with France and Italy aimed at fostering the contacts between Catalan-speakers living in the Balearic Islands and those living in France and in the Sardinian city of Alguer (Alghero) in the fields of culture, education, information, vocational training and permanent education (see paragraphs 736-737) as well as relations with Andorra.

855. In their second periodical report, the Spanish authorities consider that major obstacles which are beyond their control hamper the development of transfrontier exchanges and the development of co-operation in the language field (see p. 359).

856. The Committee of Experts refers to its considerations under Catalan in Catalonia (see paragraphs 338-343). It has been informed that an Outline Agreement between the Government of the Kingdom of Spain and the Government of the French Republic on educational, language and cultural programmes was signed in Madrid on 16 May 2005 (Official Gazette No. 164 of 11 July 2005). However, the Government of Catalonia reports that the provisional implementing regulations of this Agreement only refer to the Castilian and French languages but not to any of the shared regional or minority languages (see p. 354).

857. The situation in Andorra is different since there Catalan enjoys full official status (see p. 359). The Committee of Experts was informed that in accordance with the Exchange of Memoranda of 23 December 2004 an Agreement was concluded between the Kingdom of Spain and the Principality of Andorra in the educational field (Official Gazette No. 69). According to the Act, the *lingua franca* of the centres covered by this agreement will be Castilian, and Catalan must be taught in all centres located in the so-called "Andorran education" area. However, the presence of this language is confined to one specific area due to the teachers' lack of knowledge of Catalan.

858. The Committee of Experts would also welcome information on whether the conclusion of a bilateral treaty of this sort is also being sought with Italy with regard to the Catalan language spoken in the Sardinian city of Alguer (Alghero).

859. In light of the above consideration, the Committee of Experts considers that the undertaking is partly fulfilled.

***"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."***

860. In the first monitoring round, the Committee of Experts was not able to draw any conclusion in the absence of specific information on that undertaking (see paragraph 738).

861. The Committee of Experts is informed that the Department of Education and Culture has published, through the Directorate General of Language Policy, a notification of subsidies for State-supported schools in the Balearic Islands for the development of school exchanges with the Pyrénées Orientales Department (France) and the Sardinian town of Alguer (Alghero) (Sardinia, Italy). The aims are to promote mutual knowledge and understanding, encourage the use of Catalan and improve knowledge of the whole geographical and cultural scope of the Catalan-speaking area (Official Gazette No. 119 of 22.06.2006 - see p. 369 of the second periodical report).

862. The Committee of Experts considers that the undertaking is fulfilled and requests the Spanish authorities to provide the information requested in their next periodical report.

## 2.2.5 Evaluation of the application of Part III to the Valencian language in Valencia

### **Preliminary remark**

863. In its previous report, the Committee of Experts requested information from the Spanish authorities on the practical impact of the division between predominantly Valencian-speaking areas and predominantly Castilian-speaking areas on the protection and promotion of Valencian (see paragraph 739). It also requested the authorities to provide a detailed map of the linguistic zones in Valencia and to explain what criteria have been used to determine the said zones.

864. The Committee of Experts regrets that the authorities have not sent any map which would explain the basis of determination of the zones. It also lacks information on the practical consequences of the division. Therefore, on many occasions, the Committee of Experts was not in a position to conclude on undertakings, given the lack of information.

***The Committee of Experts urges the authorities to provide in the forthcoming report, the necessary information and the practical information regarding the division of Valencia into two different zones.***

865. The Committee of Experts will focus on the provisions of Part III which were singled out in the first report as raising particular problems. It will therefore not comment in the present report on provisions where no major issues were raised in the first evaluation report and for which the Committee of Experts did not receive any new information requiring it to reassess their implementation. These provisions are as follows:

- Article 9, paragraph 1 d (see paragraph 781 of the first evaluation report)
- Article 9, paragraph 2 a (see paragraph 911-912 of the first evaluation report)
- Article 10, paragraph 5 (see paragraph 818 of the first evaluation report)
- Article 11, paragraph 2 (see paragraph 832-833 of the first evaluation report)
- Article 13, paragraph 1 a (see paragraphs 853-854 of the first evaluation report)

### **Article 8 – Education**

#### **Pre-school**

##### **"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; or"***

#### **Primary school**

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

#### **Secondary school**

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

866. The Committee of Experts refers to its previous report for a general presentation of the three different systems of the educational model in Valencia (see paragraphs 740-743).

867. The Committee of Experts recalls that it needed a map for determining the division of territory of the Autonomous Community as the law determines the territories on which the use of Castilian or Valencian prevails and the personal conditions required to be relieved from education in one of the two languages. The Committee of Experts has not received any information on that aspect.

868. In the first evaluation report, the Committee of Experts considered that nowhere in Valencia does the overall educational offer seem to attain the level required by the concrete undertakings entered into by Spain. The Committee of Experts understands these undertakings to mean that education essentially in Valencian shall be made available in the territories where Valencian is used. The Charter does not demand compulsory

education in Valencian for all pupils, only that it shall be made available so that all pupils will receive education in Valencian if their parents so wish.

869. According to the new Statute of Autonomy of the Community of Valencia<sup>19</sup>, the Valencian educational model is based on bilingual education programmes (see description p. 113). The Committee of Experts regrets that it has received no information on the availability of the different programmes in the various areas of Valencia.

870. The Committee of Experts reiterates its previous conclusion that with the exception of the “full-immersion” model up to a certain stage of primary school, none of the other models attain the level which is required by the specific undertakings entered into by Spain. Even where Valencian is more present, the models in question are actually closer to bilingual forms of education of the type implied in the lower levels of obligation laid down in Article 8 para. 1 a.ii, 1.b.ii and 1.c.ii. In addition, it is unclear whether the “full-immersion” model is available throughout the territory of the Autonomous Community where the number of pupils is considered sufficient (the number of schools was given but not their location).

871. The Committee of Experts therefore considers that in the light of the specific undertakings entered into by Spain, i.e. the highest under Article 8, these are only partly fulfilled.

***The Committee of Experts urges the competent authorities to develop educational models essentially in Valencian for the whole primary school curriculum as well as for secondary school.***

***The competent authorities are also encouraged to make these models available throughout the territory of Valencia where Valencian is used and to clarify whether this is already the case for the existing “full-immersion” model, including where pre-school education is concerned.***

#### Technical and vocational education

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

872. In the first monitoring round the Committee of Experts found that the undertaking was not fulfilled given the high option chosen by the Spanish authorities (paragraph 746).

873. As for the other education model, bilingual education programmes are implemented in Valencia (see p. 130 of the second periodical report). According to Decree 234/1997, every secondary education institute must carry out one or more bilingual education programmes at all the educational levels which it offers.

874. The Committee therefore concludes, like in the previous round, that there is no model of education in this field using essentially Valencian (see paragraph 746). The Committee of Experts considers that this undertaking is not fulfilled.

***The Committee of Experts encourages 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.***

<sup>19</sup> Organic Law 1/2006 of 10 April 2006 on the reform of Organic Law 5/82 of 1 July 1982 on the Statute of Autonomy of the Community of Valencia (Official Gazette No 86 of 11.04. 2006).

## Higher education

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

875. The Committee of Experts was not able to conclude under this undertaking in the first monitoring round and it encouraged the Spanish authorities to provide information (see paragraphs 747-749).

876. The Spanish authorities refer to Article 2 of the Organic Law 6/2001 of 21 December 2001 on Universities. Valencian universities can teach in Valencian provided that this is recognised in their own statutes (see p. 143 of the second periodical report).

877. According to a study carried out by the Language and Terminology Service of University Jaume I, an average of 11.21% of academic subjects were taught in Valencian for the five universities during the year 2004-2005, while 84.24% of the teaching was in Castilian.

878. The five universities<sup>20</sup> carry out language training activities in Valencian among the administrative and service staff, lecturers and students of their university, offer translation and advice services on academic subjects and administrative documents, language stimulation activities and a Valencian lectureship programme in European universities. Some universities even offer measures and incentives to their teaching staff with the aim of increasing the use of Valencian.

879. In addition, Valencian philology degree courses are available in three universities, translation and interpretation degree courses in two universities, and Valencian as a specialised language subject is available in three universities.

880. It remains unclear to the Committee of Experts how the teachers are selected for this level of education. In this regard, it was reported to the Committee of Experts that knowledge of Valencian counts as a simple advantage.

881. The Committee of Experts considers that the undertaking is fulfilled although it encourages authorities to step up their measures with a view to increasing the percentage of subjects taught in Valencian.

## Adult and continuing education

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

882. In the previous report, the Committee of Experts did not have sufficient information at its disposal to conclude on this undertaking. It therefore requested information on the number of adults who study Valencian in the adult training centres each year (see paragraphs 750-751).

883. According to the information provided in the second periodical report, training is provided throughout the territory of the Autonomous Community of Valencia (see pp. 150-151). In September 2003, a resolution was adopted on the organisation and functioning of courses in public adult training centres and municipal adult education programmes: four levels of courses are offered and lead to the Valencian Knowledge certificates. The Committee of Experts notes that the number of pupils has increased (from 11 909 in 2002 to 12 963 in 2005). In addition, the Valencian authorities stress that since February 2004, 14 000 citizens have enrolled for on-line courses in Valencian.

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

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<sup>20</sup> University of Alicante (Valencian Promotion Secretariat), University Jaume I de Castellón (Language and Terminology Service), University of Valencia (Language Policy Service), Polytechnic University of Valencia (Linguistic Normalisation Service), University Miguel Hernández de Elche (Vice-Chancellorship of Students and University Extension);

## Teaching of history and culture

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

885. The Committee of Experts requested information in the previous monitoring report, regarding in particular whether the elements of the Valencian culture and history which are reflected in the language are taught to all pupils in Valencia, including those who follow programmes where the Castilian language is more present and those who are exempted altogether from studying Valencian (paragraph 754).

886. According to the Spanish authorities, the official curricula at all non university educational levels ensure that Valencian history and culture are taught (see p. 157 of the second periodical report). The Committee of Experts understands that this covers also programmes throughout Valencia, even where the Castilian language is more present and those who are exempted altogether from studying Valencian.

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

## Basic and further training of teachers

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

888. The Committee of Experts refers to its previous report for a general description of the teacher training in Valencia (see paragraph 756). It was unable to reach a conclusion and it requested in particular information on the various training cycles, on the number of teachers trained and on the proportion between teachers trained to teach Valencian as a subject and to teach subjects in Valencian.

889. The Spanish authorities refer to teaching courses organised every year in and on Valencian as well as on-going training for non-university teachers. According to the figures provided, in the last decade, 1700 courses have been organised and 47000 teachers have followed these courses. In addition, summer courses for teachers are organised by the Secretariat for Culture and Language Policy. The Committee of Experts notes that the number of participants was lower in 2006 than in 2002, although it has been increasing since 2003 (see p. 162 of the second periodical report).

890. The Committee of Experts received contradictory information regarding the problems in having a diploma obtained in Catalonia recognised in Valencia. Based on the Supreme Court decision the degrees have to be recognized "as long as they are equivalent" but it seems that it is still not the case at universities. The Committee of Experts invites the authorities to clarify this matter in an unequivocal manner.

891. Finally, the Committee of Experts reiterates its previous statement according to which the educational system corresponding to the undertakings actually entered into by Spain could require important changes and reinforcements to the teacher-training and re-training system.

892. The Committee of Experts considers that the undertaking is partly fulfilled and urges the Spanish authorities to provide the information requested in the next periodical report.

## Supervisory body

***"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."***

893. The Committee of Experts could not reach any conclusion under that undertaking in the first monitoring round since it was unclear whether the four bodies described in the first periodical report drew up periodic reports of their findings and whether these reports were made public (see paragraphs 760-762)<sup>21</sup>.

894. The Committee of Experts notes that in the second report, the Spanish authorities refer to bodies responsible for each level of education, which partly differs from the previous list (see pp. 166-167).

<sup>21</sup> Namely the Directorate General for Language Policy within the administration of the Autonomous Community, the Directorate General for the Organisation and Innovation in Education and for Language Policy within the administration of the Autonomous Community, the Directorate General for Language Policy and for the Valencian Cultural Heritage within the administration of the Autonomous Community, the Valencian Academy of Language.

895. As regards the monitoring of non-university level education, it is carried out by the Service for Education in Valencian of the Directorate General for Education of the Ministry of Culture, Education and Sport and the Education Inspectorate. The information on the progress of the application of bilingual education is published yearly.

896. Regarding the monitoring of courses in Valencian for adults, it is carried out by the Technical Commission for Co-ordination and Monitoring of the promotion of knowledge of Valencian in the adult population. No information is provided regarding the publicity of the monitoring report.

897. With regard to university education, the administrative sectors concerned provide information, either separately or jointly, on the progress of education in Valencian in university centres. However, it is still unclear to the Committee of Experts whether this information is made public.

898. The Committee of Experts therefore concludes that this undertaking is fulfilled for non-university education and partly fulfilled for adult and university education. It invites the Spanish authorities to provide the missing information in their next periodical report.

### **Education in other territories**

#### ***"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. "***

899. The Committee of Experts did not have sufficient information at its disposal to properly assess the situation in the first monitoring round. It requested information on the exact location of schools where the teaching of Valencian was offered outside the territory of Valencia and on the level of demand (see paragraphs 763-764).

900. According to article 9 of the new Organic Law on Education, the State will encourage territorial co-operation programmes through conventions or agreements between the various education authorities concerned with a view to achieving general educational objectives, to increase knowledge and appreciation of the cultural and linguistic wealth of the various Autonomous Communities. In addition, Official Language Schools (EOIs) will give particular encouragement to the study of the official languages of European Union Member States, the co-official languages of Spain and Spanish as a foreign language (see p. 168 of the second periodical report).

901. Although the Committee of Experts welcomes these new developments resulting from the adoption of the new Organic Law on Education, it would need practical information on the implementation of these texts to properly assess the situation.

902. As far as Valencian is concerned, the Committee of Experts is informed that classes are organised by the Office of the Valencian Community in Madrid, covering three different levels and followed by 10 to 15 pupils.

903. In its report the Community of Valencia also mentions the organisation of Valencian courses in Yecla (Region of Murcia), part of the Carche area which houses various population groups that historically spoke Valencian (p. 366 of the second periodical report).

904. As the Committee of Experts was not informed of other places where teaching of Valencian would be necessary, it considers that the undertaking is fulfilled.



## **Article 9 – Judicial authorities**

### **General comment :**

905. As regards the implementation of the Charter in relation to the judicial field in Spain, the Committee of Experts refers to its general introductory comments on particular issues raised during this second monitoring round (see paragraphs 70-73 above).

#### **"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;"***

906. The Committee of Experts refers to its previous description of the judicial system in Spain and in Valencia (see paragraphs 765-772). As for the other Part III languages, the Committee of Experts found in the first monitoring round that the Spanish authorities did not comply with the present undertaking<sup>22</sup>.

907. As far as Valencia is concerned the Committee of Experts received very little information regarding the different issues raised in the first monitoring round.

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<sup>22</sup> See recommendation 1 made by the Committee of Ministers - RecChL (2005)3.

908. Information was provided on training schemes developed by the Valencian government for the staff working in the administration of the Autonomous Community. As regards the staff transferred to the Autonomous Community, the Committee of Experts notes that the number of hours has substantially decreased (from 750 in 2004 to 319 in 2005) while the number of participants has doubled (319 in 2004 to 750 in 2005). As for non-transferred staff of the judicial administration (judges, prosecutors, courts clerks) the Committee of Experts notes that the number of teaching hours has decreased (from 150 to 120) while the number of judges trained remains stable (75 in 2004-2005).

909. In addition to the training efforts, the Department of Justice, the Interior and Public Administration offers a permanent service in Valencian in all centres and units coming directly into contact with members of the public, translates all official texts into Valencian, and conducts proceedings and decisions in Valencian when the person concerned so requests (see p. 200 of the second periodical report).

910. The Committee of Experts understands that these are objectives that the Autonomous Community would like to reach, given that no precise and concrete information was sent to the Committee of Experts on how these services are implemented.

911. During the on-the-spot visit, the Committee was informed of a judgment issued by a court in Valencia in June 2006, interpreting the wish of a plaintiff to use Valencian as an abuse of this person's rights. Allegedly, the magistrate expressed doubts of the true interest of the plaintiff since this person should have used Castilian to be understood. The Committee of Experts understands that a case was brought by the General Council of Judicial Affairs. It invites the authorities to comment on this case in its forthcoming report.

912. The Committee of Experts therefore observes that the problems raised in the first round still persist. The current provisions do not guarantee that proceedings in Valencia will invariably be conducted in Valencian whenever a speaker so requests. No examples of court proceedings conducted in Valencian were provided and what seems to be granted is at best the possibility to use the language with the assistance of translators and/or interpreters.

913. Finally, with regard to the undertaking entered into by Spain under Article 9 paragraph 1 a.iv, the information received did not enable the Committee of Experts to assess its fulfilment in the first and second monitoring rounds. The Committee of Experts urges the authorities to elaborate further on this point in their forthcoming report.

914. The Committee of Experts therefore considers that these undertakings are partly fulfilled and reiterates its previous recommendation.

***The Committee of Experts 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 able to use Valencian as a working language in courts;***
- ***to develop adequate training schemes for the 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."***

915. In its first evaluation report, the Committee of Experts was not able to reach a conclusion due to the lack of information on the situation in Valencia (see paragraph 784).

916. The Spanish authorities inform the Committee of Experts that four supplements to the BOE were published in 2001 and 2002; six in 2003; five in 2004; four in 2005. However, texts predating the agreement have not been published.

917. The Committee of Experts considers the undertaking partly fulfilled and encourages the Spanish authorities to publish other "most important national statutory texts" in Valencian regardless of the date of their original publication.

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

Preliminary remark

918. The Committee of Experts asked the Spanish authorities in the first monitoring round whether the linguistic zoning in Valencia has any formal or practical repercussions on the fulfilment of the article 10, irrespective of the conclusions on the individual undertakings under Article 10 (see paragraphs 102-104, 739 and 785).

919. The Spanish authorities have not provided any further information in that respect. The Committee of Experts therefore urges the authorities to elaborate further on this particular issue in their forthcoming periodical report.

***The Committee of Experts urges the authorities to provide information regarding the linguistic zoning in Valencia and its effects on the application of Article 10.***

920. As a general comment, the Committee of Experts is concerned by the absence of any updated information regarding many undertakings of Article 10. It reminds the Spanish authorities that they are responsible at the international level to comply with the Charter.

921. As regards the implementation of the Charter in relation to the administration in Spain, the Committee of Experts refers to its general introductory comments on particular issues raised during this second monitoring round (see paragraphs 74-77 above).

**State authorities**

**"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"***

922. The Committee of Experts refers to its first report on the evaluation of the implementation of the Charter in Valencia for a general description of the current situation (see paragraph 786).

923. According to the authorities, knowledge of Valencian can be a pre-requisite for the hiring or the appointment of civil servants who have to deal with the public, notably in the Information and Registry Office and Communications Centers, and it can be considered as an advantage for some other posts.

924. As far as training is concerned, a collaboration Agreement was concluded on 28 December 1995 between the Ministry of Public Administrations, through the National Institute of Public Administration, and Valencia, with a view to organising language courses for State general administration staff working in the territory of Valencia. According to the figures provided, the number of civil servants trained increased from 2002 to 2005 (525 to 1102).

925. However, several sources observed that the use of Valencian in this area remains problematical and that the problems identified in the first monitoring round still persist. During the on-the-spot visit, the Committee was informed of problems involving the Police (Guardia Civil) in cases where speakers used Valencian and not Castilian. The Committee of Experts invites the authorities to comment on this issue in the forthcoming report.

926. The Committee of Experts considers that this undertaking is still only partly fulfilled.

***The Committee of Experts urges the Spanish authorities to take the necessary measures to substantially increase the State administrative staff in Valencia with an appropriate command of the co-official language.***

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

927. In the previous monitoring report, the Committee of Experts considered that the undertaking was only partly fulfilled since the Spanish authorities themselves admitted that 60% of widely used administrative texts and forms are bilingual (see paragraphs 789-791).

928. According to the second periodical report, the Community of Valencia has 153 standardised forms available to the citizens, out of which 100 are available in Valencian. This seems insufficient in view of the information given by the authorities that the total number of standardised forms is 1832 (pp. 214-215).

929. The Committee of Experts considers that this undertaking is partly fulfilled.

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

930. In its previous evaluation report, the Committee of Experts considered that this undertaking was only formally fulfilled in the absence of practical information on the implementation of Article 36 para. 1 of Law 4/1999 (see paragraph 792).

931. In the second periodical report, the Spanish authorities state that bilingual printed material is used within the Autonomous Community and all or most of the documents issued by the peripheral state administration are bilingual including communications or other documents intended for bodies located outside the territory of the Autonomous Community (see p. 215).

932. However, the Committee of Experts has not received any concrete examples such as certificates drafted in Valencian by a State administration office located in Valencia, or any other documents issued in both languages by a State administration office in Valencia. According to the authorities, only five signs situated outside administrative offices are translated into Valencian. As stated above, driving licences can also be issued bilingually.

933. Given the very limited information provided, the Committee of Experts considers that the undertaking is formally fulfilled and urges the Spanish authorities to comment on that undertaking in the next periodical report.

### **Local and regional authorities**

#### ***"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;"***

934. The Committee of Experts was not in a position to conclude on this undertaking in its last report given the absence of any concrete information on the extent to which Valencian is used in practice within the administration of the Autonomous Community, at provincial level and within local authorities (see paragraphs 793-795).

935. Very limited information is provided in the second periodical report. One of the responsibilities of the Directorate General for Administration of the Autonomous Community includes "training and further training for the staff of the Generalitat" and language courses are organised both in the form of classes and on-line. The knowledge of Valencian is taken into consideration "in the rules governing competitions for admission to public office in the Government of Valencia and the local authorities, within their respective spheres of competence" (see p. 215).

936. According to the information gathered during the on-the-spot visit, Valencian is the language of the Autonomous Community, but it is not a requirement for administrative posts at regional or local level. Consequently, people face problems when trying to enforce their linguistic rights.

937. The Committee of Experts considers that the undertaking is partly fulfilled and urges the authorities to provide information as regards this undertaking in the next monitoring round.

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

938. Although in the first monitoring round the Committee of Experts needed further information on the extent to which Valencian-speakers avail themselves of the right to address the administration of the Autonomous Community or the local authorities in Valencian in practice, it considered this undertaking fulfilled (see paragraphs 796-797).

939. No information has been provided in that respect in the second periodical report.

940. The Committee of Experts has therefore to revise its judgement and considers the undertaking formally fulfilled. It urges the authorities to provide information on the implementation of Article 10 of Law 4/1983 of 23 November in practice in the forthcoming report.

***"c the publication by regional authorities of their official documents also in the relevant regional or minority languages;"***

***d the publication by local authorities of their official documents also in the relevant regional or minority languages;"***

941. The Committee of Experts did not receive any information on the way these undertakings were fulfilled in Valencia during the first monitoring round and was not in a position to conclude. The Committee of Experts requested clarification on whether the Collaboration agreement signed in 2000 also covered the publication of the official documents of local authorities (see paragraphs 798-800).

942. In the absence of any further information, the Committee of Experts urges the Spanish authorities to provide further information in their next periodical report.

***"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;"***

943. In the first round, the Committee of Experts considered that the undertaking was fulfilled but needed a clarification on whether simultaneous interpretation was provided in the Parliament of the Autonomous Community of Valencia (see paragraphs 801-802).

944. The Spanish authorities have not provided any information in that respect. The Committee of Experts therefore urges the authorities to provide information in the forthcoming periodical report to properly assess the situation.

***"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;"***

945. As for other undertakings the Committee of Experts was not able to reach a conclusion in the first monitoring round given the lack of information on the practice (see paragraphs 803-804).

946. The Committee of Experts has not received any further information as to the practice in Valencia and therefore considers that the undertaking is not 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."***

947. The Committee of Experts was not able to reach a conclusion in the first monitoring round due to the absence of information on the practice of bilingual place names in Valencia (see paragraphs 805-806).

948. The Committee of Experts is concerned by the fact that the Spanish authorities have not provided any information regarding this undertaking and urges them to do so in the next monitoring round.

## **Public services**

### ***"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"***

949. In the first evaluation report, the Committee did not reach any conclusion and requested the Spanish authorities to provide information on the public services provided in Valencian (see paragraphs 808-809).

950. The competent authorities have not provided any information in that respect in the second monitoring round. The Committee of Experts therefore urges the Spanish authorities to come back to it in their 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;"***

951. In the previous report the Committee of Experts considered that this undertaking was only partly fulfilled, as the competent authorities themselves acknowledged that there were insufficient staff for interpretation or translation (see paragraph 810).

952. In the absence of any further information in that respect, the Committee of Experts considers that the undertaking is still partly fulfilled. It urges the Spanish authorities to provide specific information in their next periodical report.

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

953. The Committee of Experts refers to the observations it made in the first evaluation report where it was unable to reach a conclusion (see paragraphs 811-813 and 816).

954. In Valencia there are 8.071 civil servants attached to the General State Administration. Based on the Order of 20 July 1990, account will be taken of the knowledge of each Autonomous Community's own official language so the Executive Committee of the Interministerial Committee on Remuneration, CECIR, approved the introduction of the code "LCA" for posts involving direct contact with the public in which a knowledge of the Autonomous Community's official language must be considered an important advantage. According to these criteria, the knowledge of Valencian is necessary for 512 posts out of which for 140 posts it is a requirement (27.3 %).

955. As regards language training activities for staff of the General state administration the Committee of Experts notes that the INPA provided in Valencian in 2005 the most important language training courses (1167 participants and 3750 hours of teaching). Courses in Valencian are provided to all public employees of the State administration, be they civil servants or not.

956. However, the Committee of Experts received no information regarding the training of regional or local officials nor those working for the public services.

957. The Committee of Experts therefore concludes that the undertaking is partly fulfilled.

***"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."***

958. No specific information was submitted in this respect either in the first or in the second periodical reports. The Committee of Experts therefore urges the authorities to come back to this undertaking in the next monitoring round.

## **Article 11 – Media**

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

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

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

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

959. In its first report, the Committee of Experts was not able to reach a conclusion and requested further information on the level/threshold of broadcasting in Valencian in "Canal 9" and "Punt 2" (see paragraphs 819-821).

960. In the second periodical report, the authorities inform the Committee of Experts that concerning *Canal 9*, 56.5% of programmes were in Valencian in 2005, while 41.9% were in Castilian and 1.6% were in the original language version. Concerning *Punt 2*, the percentages were 95% of air time in Valencian and 5% in the original language. The authorities also refer to the international channel TVVi, which broadcasts mainly in Valencian, and to *Radiotelevisión Valenciana* (RTVV), which has been operating since 1989 and is providing more programmes in Valencian.

961. According to the authorities Valencian television is now better than ever, in terms not only of the use of Valencian but also of the great variety of the programmes, formats and contents it offers (see p. 285). Many of these programmes were designed to encourage and promote the use of the Valencian language and culture.

962. As regards Radio broadcasting, the Spanish authorities refer to *Ràdio 9*, and *Sí Ràdio*, RTVV's two public service radio stations that broadcast only in Valencian.

963. The Committee of Experts considers that the undertaking is fulfilled, although it looks forward to an increase of programming in Valencian.

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

964. In the lack of any specific information the Committee of Experts was not able to reach a conclusion in the first monitoring round (see paragraphs 822-823).

965. According to the information sent by the Spanish authorities, since July 1998 the use of Valencian in programmes is one of the criteria for commercial FM radio to be granted licences. This criteria was also used in 2004 to evaluate applications for a radio broadcasting licence in Crevillent.

966. While considering this to be good practice, the Committee of Experts, nevertheless needs concrete information about the results of these initiatives and the number of private radio station(s) broadcasting essentially in Valencian in order to properly assess the situation.

967. The Committee of Experts considers that the undertaking is partly fulfilled although it encourages the Spanish authorities to clarify this point in the forthcoming report.

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

968. As for the previous undertaking, the Committee of Experts lacked information to properly assess the situation in the first monitoring round. It invited the Spanish authorities to clarify what measures have been taken to encourage and/or facilitate the creation of at least one private television channel broadcasting essentially in Valencian (see paragraphs 825).

969. In their second periodical report, the Spanish authorities have not provided any information regarding the existing situation but rather on the recent call for tenders for licences to two digital terrestrial television programmes (see p. 287). The condition is to use Valencian in at least 25% of its programme time in each time slot. The criteria for assessing the applications also awarded up to 25 points for using Valencian in more than 25% of total air time.

970. The Committee of Experts commends the authorities for having made the use of Valencian a condition for granting licences in digital television, but it has no information to properly assess the current situation that prevails in Valencia on private television.

971. Furthermore, during the on-the-spot visit the Committee of Experts was informed that the Valencian authorities allegedly do not allow transmission of Catalan television programmes in Valencia and refuse to grant licences for it. The Committee of Experts invites the authorities to look into the complaints and find the solution in the spirit of the Charter.

972. The Committee of Experts concludes that the undertaking is not fulfilled and urges the authorities to provide information in the next round.

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

973. The Committee of Experts considered in the previous report that the undertaking was fulfilled but requested further examples (see paragraphs 826-828).

974. In the second periodical report, the Spanish authorities refer to Law 1/2006 of 19 April on the audiovisual sector. According to Article 10, 20% of the annual air time of television broadcasters operating within the area covered by the law must be devoted to the broadcasting of Valencian audiovisual works and films. It also stipulates that these should preferably be made in Valencian in the original language version. In accordance to Article 8 the use of Valencian is a criteria taken into account when granting public aid for the creation and production of films and audiovisual works. In addition, the authorities report on many activities on public radio and TV that include the production and distribution of documentaries, fiction series and films. Much of it is also made available on their internet sites (see pp. 285-287 of the second periodical report).

975. Agreements concluded with *Radiotelevisión Valenciana* also stipulate that the use of Valencian is one of the criteria taken into consideration when awarding audiovisual production contracts (see p. 287).

976. The Committee of Experts considers the 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; or"**

977. In the first monitoring round, the Committee of Experts considered that the undertaking was not fulfilled (see paragraph 829).

978. In the second periodical report, the Spanish authorities admit that there are no newspapers in Valencian. Instead, they refer to the digital format of printed press. The *Generalitat* has signed protocols of



agreement with the publishers of the main dailies in the Community of Valencia according to which the digital editions of their respective newspapers appear entirely in Valencian (see p. 288).

979. The authorities also refer to periodical publications in Valencian subsidised by the Valencian Language Academy. In 2005, 35 grants were allocated to magazines that fulfil a certain number of conditions (see p. 288). However, according to the practice of the Committee of Experts these magazines are not considered as newspapers.

980. Despite the efforts deployed by the authorities, the Committee of Experts understands that apart from the digitalised version, there are no published newspapers in Valencian. It therefore concludes that the undertaking is not fulfilled and looks forward to seeing an improvement in the next periodical report.

***The Committee of Experts urges the Spanish authorities to take the necessary measures to encourage and/or facilitate the creation of at least one newspaper in Valencian.***

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

981. The Committee of Experts was not in a position to conclude in the first round and it encouraged the Spanish authorities to clarify how the existing schemes are concretely used in Valencia (see paragraph 830).

982. The Spanish authorities have not clarified this point in their second periodical report but refer to a new type of public aid provided for in Article 8.3 of Law 1/2006 which covers some of the production costs of Valencian films, based on certain automatic objective criteria such as box office success. To qualify for this aid, the production should preferably be filmed in Valencian (see paragraph 974 above).

983. The Committee of Experts considers that the undertaking is formally fulfilled and invites the authorities to provide concrete information, in particular how much money has been granted and who benefited from this aid.

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

984. In the first monitoring round, the Committee of Experts was not in a position to conclude on this undertaking since no information was provided, with regard to Valencia, on the particular measures that are needed to support the specific linguistic and technical training that journalists and other staff for media using Valencian require (see paragraph 831).

985. In their second periodical report, the Spanish authorities state that concerning the training of journalists and other Valencian-speaking staff, the RTVV Group organised eighteen courses from 2003 to May 2006.

986. The Committee of Experts considers that the undertaking is fulfilled and commends the RTVV for the efforts carried out to train the media related staff. However, in order to be able to assess the situation more accurately, the Committee of Experts urges the Spanish authorities in the next monitoring round to provide more information as to the percentage of staff trained.

### **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."***

987. The Spanish authorities have not provided any information regarding this undertaking in the first and second periodical reports. The Committee of Experts is therefore still not in a position to conclude on this undertaking and it urges the authorities to submit pertinent 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:***

***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;"***

988. In the previous monitoring round, the Committee of Experts considered that this undertaking was fulfilled but requested further information and concrete examples in this field (see paragraphs 835-836).

989. In the second periodical report, the Spanish authorities refer to subsidies provided to the theatre and circus sectors producing shows in Valencian, to adverts on cultural events that are produced in Valencian, and to publishing of books and literary production (see pp. 327-329).

990. The Committee of Experts considers that this undertaking is fulfilled.

***"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;"***

991. In the first evaluation report, the Committee of Experts was not in a position to conclude on these undertakings since the information provided did not specify to what extent Valencian has benefited from the measures supported by the Spanish authorities to promote intercommunication between the different Spanish cultures. There was also a lack of information regarding dubbing, post-synchronisation and subtitling activities (see paragraphs 837-839).

992. The Department of Culture, Education and Sport has issued the Order of 29 December 2005 publicly notifying subsidies for 2006 for the translation and publication of literary works into Valencian and from the latter into other languages; and the Order of 26 December 2005 notifying grants for dubbing audiovisual productions in Valencian to facilitate the translation and publication of written works and audiovisual products between Valencian and any other language.

993. The Committee of Experts understands that these orders have been issued by the Valencian authorities, but would need further information on its concrete implementation to define to what extent the undertaking is fulfilled.

994. The Committee of Experts therefore considers that the undertaking is formally fulfilled.

***"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;"***

995. In the absence of any specific information in the first monitoring round, the Committee of Experts was unable to conclude on this undertaking (see paragraph 840).

996. The Government of Valencia has adopted measures, notably subsidies, to ensure that the diverse activities conducted by civic and cultural associations and the various community organisations and committees organising festive and cultural events use Valencian in the oral and written expressions for which they are responsible. The Department of Culture, Education and Sport has for instance adopted several orders on grants, e.g. the Order of 28 December 2005 notifying Generalitat prizes for activities to promote the use of Valencian conducted by the Feast of St Joseph Commissions in the Community of Valencia in 2006.

997. The Committee of Experts considers that the undertaking is 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;"***

998. Neither the first nor the second periodical reports provided information concerning the Valencian-speaking staff at the disposal of the bodies in Valencia responsible for organising or supporting cultural activities.

999. The Committee of Experts therefore cannot conclude on this undertaking and urges the Spanish authorities to include specific information in this respect in their next 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;"***

1000. In the first report, the Committee of Experts was not in a position to conclude on this undertaking since the Valencian Council of Culture set up in 1995 did not appear to have direct responsibilities for providing facilities and planning cultural activities (see paragraphs 843-844).

1001. No further information has been provided by the Spanish authorities in that respect. The Committee of Experts urges the Spanish authorities to include specific information in this respect in their next 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;"***

1002. No information has been provided concerning the sort of body referred to in the present provision in the first and second periodical report.

1003. The Committee of Experts is informed that the National Library of Spain collects printed works. However, no information was sent regarding the presence of similar bodies at the Autonomous Community's level.

1004. The Committee of Experts has not received any information with regard to audio or audiovisual and other works.

1005. The Committee of Experts concludes that this undertaking is partly fulfilled and asks the authorities to provide information in the next evaluation round on the audio, audio visual and other works in Valencian.

***"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."***

1006. In the first monitoring round, the Committee of Experts was not able to conclude on this undertaking as it was unclear how the specific activities carried out by the Valencian Academy of Language corresponded to the present undertaking (see paragraphs 846-847).

1007. In the second periodical report, the Spanish authorities have not provided any information. However, during the on-the-spot visit the Committee of Experts was informed that the remit of the Valencian Academy of Language also covers the development of the Valencian language, especially with respect to new technologies and special terminology.

1008. Based on this information, the Committee of Experts concludes that the undertaking is fulfilled.

## ***"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."***

1009. In its first monitoring report, the Committee of Experts was not made aware of any cultural centre or services in Valencian outside the territory of Valencia, although such centres can benefit from financial support from the State and the Autonomous Community (see paragraphs 848-849).

1010. No information was provided in the second periodical report and therefore the Committee of Experts is still unable to conclude on this undertaking and it urges the Spanish authorities to clarify whether there are such territories outside Valencia where appropriate cultural activities would be necessary.

**"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."***

1011. In their previous report, the Spanish authorities referred to support provided to ensure the presence of authors, artists and works of Autonomous Community in international events, but there was no specific information on Valencian and Valencian authors (see paragraphs 850-852).

1012. The information sent to the Committee of Experts in the second periodical report refers only to language classes and examinations in the Valencian centres abroad (in Argentina and in Belgium, see p. 330 of the second periodical report). The Committee of Experts is not sure whether education is the only developed activity or if other cultural activities have taken place as part of the policy developed by the Government of Valencia to promote the representation of the Community of Valencia in the European Union.

1013. The Committee of Experts considers that the undertaking is not fulfilled and it encourages the Spanish authorities to come back to this undertaking in the next periodical report.

**Article 13 – Economic and social life**

1014. As a general comment, the Committee of Experts is concerned by the absence of any updated information regarding many undertakings of Article 13 as far as Valencia is concerned. It urges the authorities to comply with the obligation to report on the implementation of the Charter in Valencia and to provide the relevant information in the next periodical report.

**"Paragraph 1**

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

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

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

1015. No specific information was submitted in this respect in the first and the second periodical reports (see paragraphs 855 and 856). The Committee of Experts is therefore still not able to reach a conclusion on these undertakings and it urges the Spanish authorities to include specific information in this respect in their next periodical report.

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

1016. In the first monitoring round, the Committee of Experts was unable to reach a conclusion as no concrete information was provided on the implementation of Law 4/1983 of 23 November on the use and teaching of Valencian (see paragraphs 857-858).

1017. The Spanish authorities refer to this Law in their second periodical report as well as to Law 16/2003 of 17 December 2004 on tax exemption and subsidies provided by the Department of Culture, Education and Sport to associations, companies and industries for activities promoting the Valencian language (see p.357). While the number of associations benefiting from grants has increased (823 in 2003 to 963 in 2005), the number of private companies has decreased (1747 in 2003 and 1204 in 2005).

1018. However, the authorities have not provided information regarding the implementation of Article 16 of the Law on the use and teaching of Valencian that requires public enterprises to ensure that their employees working in direct contact with the public have adequate knowledge of Valencian.

1019. Nevertheless, the Committee of Experts considers that this undertaking is fulfilled and it invites the authorities to come back to this issue in the next monitoring round.

**"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;"***

1020. No specific information was submitted in this respect in the first periodical report (see paragraphs 859-861). The Committee of Experts is therefore still unable to reach a conclusion on these undertakings and it urges the Spanish authorities to include specific information in this respect in their next periodical report.

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

1021. The Committee of Experts estimated in its first evaluation report that the undertaking was not fulfilled since the Spanish authorities considered that safety was fully guaranteed given that all regional or minority language speakers have a command of Castilian as well (see paragraphs 862-865).

1022. The Committee of Experts regrets that no information was provided in that respect, either by the State authorities or by the Valencian authorities.

1023. It therefore concludes that the present undertaking is not 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."***

1024. No specific information was submitted in this respect in the first periodical report (see paragraph 866). Due to the lack of any information in the second periodical report, the Committee of Experts is unable to conclude on that undertaking and urges the Spanish authorities to include specific information in this respect in their 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;"***

1025. In its previous report, the Committee of Experts requested more information on bilateral treaties with France and Italy as well as relations with Andorra (see paragraphs 867-868).

1026. In their second periodical report, the Spanish authorities consider that major obstacles which are beyond their control hamper the development of transfrontier exchanges and the development of co-operation in the language field. The Committee of Experts also refers to its observations under Catalonia (see paragraphs 338-343).

1027. As regards Valencian, the Committee of Experts is informed that the Government of Valencia has developed cooperation in the field of education with the Community of Murcia (see p. 366 of the second periodical report). The Committee of Experts does not consider that the information provided corresponds to the current undertaking. Elsewhere in the report information is given concerning the Valencian centres in Brasil, but the practicalities of this arrangement are not made clear to the Committee of Experts (see p. 330 of the second periodical report).

1028. The Committee of Experts invites the authorities to provide pertinent information in the next periodical report as to whether there are any treaties specifically concluded for the benefit of Valencian.

***"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."***

1029. No specific information was submitted in this respect as far as Valencia is concerned in the first and second periodical reports (see paragraph 869). The Committee of Experts urges the Spanish authorities to provide specific information in their next periodical report and in particular whether there are any possibilities for a cross border co-operation in the sense provided by this provision.

## 2.2.6 Evaluation of the application of Part III to the Galician language

1030. The Committee of Experts will focus on the provisions of Part III which were singled out in the first report as raising particular problems. It will therefore not comment in the present report on provisions where no major issues were raised in the first evaluation report and for which the Committee of Experts did not receive any new information requiring it to reassess their implementation. These provisions are as follows:

- Article 9, paragraph 1 d (see paragraph 910 of the first evaluation report)
- Article 10, paragraph 2 c and e (see paragraph 931 and 933 of the first evaluation report)
- Article 11, paragraph 2 (see paragraphs 961 of the first evaluation report)
- Article 12, paragraph 1 a (see paragraph 963 of the first evaluation report)
- Article 12, paragraph 3 (see paragraphs 976-978 of the first evaluation report)
- Article 13, paragraph 1 a (see paragraphs 979-980 of the first evaluation report)

### **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:***

#### ***Pre-school***

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

#### ***Primary school***

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

#### ***Secondary school***

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

1031. In the previous evaluation report, the Committee of Experts encouraged the competent authorities to develop educational models essentially in Galician for pre-school, primary school and secondary school, in conformity with the specific undertakings entered into in these areas (see paragraph 874-875). According to the information provided at that time, the education model proposed did not attain the level required. Furthermore, Galician was rarely a language of instruction, many primary and secondary schools did not teach all the subjects that should normally be taught in Galician and in many educational centres textbooks in Galician were not available.

1032. Changes were recently made with regard to the education model. The Galician authorities adopted in 2004 the General Plan for the Galician Language. It provides that at pre-school level « Galician is abundantly available for education in the initial schooling stages and in learning to read and write, with the aim of converting this language into the first language of the Galician education system » (i.e. a third of the weekly timetable); at primary level « to ensure that compulsory education guarantees good proficiency in Galician for all pupils and that this has a positive effect on its use » (i.e. pupils receive a minimum of 50% of their teaching in Galician"); at compulsory secondary level, the Plan indicates that one of the measures should "ensure that pupils receive a minimum of 50% of their teaching in Galician", as in the other educational stages (see pp. 109-110).

1033. Among several measures and projects described by the Spanish authorities in their report, the Committee of Experts would particularly like to commend the authorities for the « Rede Galescola » (Galician School Network) project at kindergarten and pre-school level (see p. 110-111). In parallel to projects of 50% education in Galician at primary and secondary level, the Education Authority is currently experimenting a project for a 100% Galician education in secondary schools (apart from Spanish lessons and foreign language and literature).

1034. However, the Committee of Experts understands that those measures have not yet produced results and that the current situation remains unsatisfactory, as indicated in the report presented by the Galician School Council on the situation of schooling in the Galician language from 2000 to 2005<sup>23</sup>. According to information gathered during the on-the-spot visit, Galician medium education is not widely available at primary and secondary level, and the number of pre-school children covered by this education remains very low (1.31%).

1035. In any event, as for other Part III languages, the Committee of Experts recalls that Spain opted for the highest level of commitment with regard to pre-school, primary and secondary education, i.e. to make available education in the relevant regional or minority languages at all levels. The Committee of Experts understands these undertakings to mean that education in Galician shall be made available in the territories where Galician is used. The Charter does not demand compulsory education in Galician for all pupils, only that it shall be made available so that all pupils will receive education in Galician if parents choose to do so.

1036. In conclusion the Committee of Experts considers that despite the political willingness and in particular the initiatives and projects underway, there is still room for improvement. The Committee of Expert considers the undertaking is partly fulfilled and encourages the authorities to report on the progress achieved in the next periodical report.

#### **Technical and vocational education**

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

1037. In the first evaluation report, the Committee of Experts was not in a position to conclude whether the provision of technical and vocational education essentially in the Galician language was provided (see paragraphs 876-877).

1038. The Committee of Experts has not received any information. It is therefore still unable to reach a conclusion and urges the authorities to specify what share of the curriculum is actually taught in Galician with reference to the various educational centres concerned.

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

1039. The Committee of Experts refers to the information provided in its first evaluation report where it considered the undertaking fulfilled but requested further information as to the proportion and nature of the subjects taught in Galician (see paragraphs 878- 881).

1040. In the second periodical report, the Spanish authorities inform the Committee of Experts that the use of the Galician language in University teaching varies from 10% in University of "A Coruña" to 26 % in the University of "Vigo". The authorities acknowledge that the process of including the Galician language in university education is slow, mainly because publications are in English and, mostly in Castilian (see p. 138).

1041. The Committee of Experts understands that in the University of Vigo, there is a 'licenciatura' in Galician philology. In addition, for translation and interpretation courses it is also possible to choose Galician or Castilian as the language of qualification. In other higher studies such as journalism, audiovisual communication and advertising, Galician is also a core subject. The Committee of Experts also received information on various measures introduced by universities taken towards the « Galicianisation » mainly affecting University administrative and service staff (see p. 139 of the second periodical report).

1042. The Committee of Experts still considers that this undertaking is fulfilled.

<sup>23</sup> [www.edu.xunta.es/ftpserver/portal/CEG/Evolucion.pdf](http://www.edu.xunta.es/ftpserver/portal/CEG/Evolucion.pdf)



## **Adult and continuing education**

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

1043. In the first monitoring round, the Committee of Experts was not able to reach a conclusion as to the fulfilment of this provision due to the lack of information regarding the implementation of Article 16 of Law 3/1983 of 15 June (see paragraphs 882-883).

1044. The Spanish authorities informed the Committee of Experts that new projects on adult education have started. On the basis of the Order of 1 April 2005, the General Secretariat for Language Policy offers courses in Galician for adults who wish to learn the language. Language courses are available at different levels and also outside Galicia (see pp. 82 and 148 of the second periodical report).

1045. The General Secretariat for Language Policy informed the Committee of Experts that in 2006 it developed a transversal optional training module for Centres that provide vocational training for the unemployed, to enable them to acquire a practical knowledge of Galician in the working environment<sup>24</sup>.

1046. The Committee of Experts considers the undertaking fulfilled.

## **Teaching of history and culture**

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

1047. In the previous monitoring round, the Committee of Experts needed more information to conclude on the fulfilment of this undertaking, in particular on how the national curriculum develops the teaching of the history and the culture reflected by Galician, or at least in the territory of Galicia (see paragraphs 884-885).

1048. In the second periodical report, the authorities inform the Committee of Experts that all types of education enumerated under article 8 1 a to c involve the transmission of the teaching of the history and culture expressed by the Galician language and therefore cover the Castilian speaking pupils who live in Galicia (see p.157). In addition, several projects covering out of school education, such as the *Plan Valora-Lecer*, concentrate on the knowledge of the characteristic elements of Galician culture and heritage.

1049. The Committee of Experts considers that the undertaking is fulfilled.

## **Basic and further training of teachers**

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

1050. In the first monitoring round the Committee of Experts was not in a position to conclude on this undertaking and encouraged the Spanish authorities to provide further information regarding in particular the level of knowledge of Galician required for the entrance examination, the proportion or number of teachers who are trained every year to teach in Galician and the frequency and range of the further training available (see paragraphs 886-888).

1051. According to the Galician authorities, teachers need to pass a specific test in Galician or submit a certificate showing that an advanced Galician course has been passed to be appointed as a primary or secondary school teacher. In addition, extensive continuous training is provided to Galician teachers by the Training and Resource Centres (CFR), which depend on the Ministry of Education and University Planning. Important subsidies have also been granted to improve the quantity and the quality of the teaching (see pp. 160-161 of the second periodical report).

1052. The Committee of Experts considers that the undertaking is fulfilled, although it urges the authorities to provide information on the specific requests made in the first monitoring round.

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<sup>24</sup> The 20-hour course covers training to express oneself in Galician both orally and in writing in common work-related situations (drafting basic documents, invoices, presentations etc, working meetings, answering the telephone and so on).

## **Supervisory body**

***"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."***

1053. In its previous evaluation report, the Committee of Experts was not able to assess the situation as it was not clear whether the Inspectorate for Education was drafting periodic reports and whether they were made public (see paragraphs 889-891).

1054. The Spanish authorities informed the Committee of Experts that in the 2005-2006 academic year, in order to comply with the Charter and the General Plan for Normalisation of the Galician Language, the Ministry of Education and the General Secretariat for Language Policy commissioned the inspectors to collect data and to assess the degree of compliance with linguistic legislation covering educational institutions in Galicia.

1055. The following bodies are responsible for assessing education: on the one hand the Commission for Furtherance and Monitoring of the General Plan for Normalisation of Galician which supervises compliance with education policies; on the other hand the Linguistic Normalisation Teams (ENL) that co-ordinate the drawing up and implementation of language use plans for teaching in Galician. The teams are required to forward an annual assessment of the plan for promotion of the use of Galician to the Educational Inspectorate, specifying the degree of compliance with the initial objectives and possible corrective measures (see p. 162 of the second periodical report).

1056. The Committee of Experts understands that several proposals are currently being examined for the annual programme to be submitted to the Galician Parliament and for a report on this measure to be drawn up at the end of the period. To date, therefore, and this information was confirmed by non governmental sources, the periodic reports on the use of Galician in education are not published regularly.

1057. The Committee of Experts therefore considers that the undertaking is partly fulfilled and that there is room for improvement, regarding the need to make the report public. The Committee of Experts is looking forward to receiving more information on this aspect in the next monitoring round.

## **Education in other territories**

### ***"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. "***

1058. The Committee of Experts was not able to assess whether this undertaking was fulfilled in the first round since it lacked relevant information (see paragraphs 892-893).

1059. The Autonomous Community of Galicia has concluded agreements with neighbouring Autonomous Communities such as the Government of Castile and Leon in 2001 to promote Galician in the neighbouring territories of Bierzo and Sanabria (see pp. 170-171 of the second periodical report).

1060. In addition, the Committee of Experts is informed that the "Galauda project" is being carried out in secondary schools in Catalonia where pupils can choose Galician as an optional subject. In 2006 the Government of Galicia signed a protocol with the Cervantes Institute enabling courses in Galician to be provided in its facilities notably in Madrid as of 2006 (see p. 172).

1061. The Committee of Experts considers the undertaking fulfilled.

## **Article 9 – Judicial authorities**

### **General comment :**

1062. As regards the implementation of the Charter in relation to the judicial field in Spain, the Committee of Experts refers to its general introductory comments on particular issues raised during this second monitoring round (see paragraphs 70-73 above).

#### **"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;"*

1063. The Committee of Experts refers to its general presentation of the situation in Galicia (see paragraphs 894-907). As for the other Part III languages, the Committee of Experts found in the first monitoring round that the Spanish authorities did not comply with the present undertaking<sup>25</sup>.

1064. In the second periodical report, the Galician government refers to the current linguistic normalisation policy developed by the Directorate General for Justice and the General Secretariat for Language Policy. According to this plan, the authorities will develop a specific normalisation programme that shall be accompanied by measures to be taken by the Ministry of Justice to change the relevant rules so that the principle of conducting proceedings in the language chosen by the applicant becomes a reality and an

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<sup>25</sup> See recommendation 1 made by the Committee of Ministers - RecChL (2005)3.

enforceable right for citizens in the conduct of judicial proceedings, non-contentious proceedings and administrative procedures relating to civil status matters (see p. 196).

1065. Language services have been provided by the language Department since October 2002 to facilitate the production of documents in Galician. This department consists of five linguists and nine translators coordinated by the Directorate General for Justice. The linguists revise and correct judgments and draft documents sent to them by judges, prosecutors, court clerks and other officers (see p.197). However, it was brought to the attention of the Committee of Experts during the on-the-spot visit that delays are extremely long since there are 9 translators for more than a thousand proceedings. Due to these very long delays, the admission of evidence and proceedings are postponed. This is one of the reasons why the lawyers encourage their clients to use Castilian instead.

1066. The authorities refer to a certain number of cases where Galician has been used and to a number of sentences delivered in Galician. The example given of the Social Affairs court n° 2 in Santiago de Compostela is, as the Committee of Experts was informed during the on-the-spot visit, an isolated case and the judges working in Galician face difficulties in the absence of translated official texts, as well as a lack of computer programmes in Galician.

1067. Representatives of the judiciary informed the Committee of Experts that judges have a negative attitude towards the use of Galician in courts. At the time of the on-the-spot visit, there were 10 judges able to conduct proceedings in Galician. At that time, the Committee of Experts was also informed that out of 234 prosecutors less than 10 use Galician. In practice therefore, when a citizen decides to use Galician in the first place, the solution proposed will be to recruit interpreters and translators but not for the judge to use the language. The Committee of Experts understands that in practice when half of the proceedings are carried out in Castilian and the other half in Galician, it is difficult for civil servants to have access to the Galician translation.

1068. One practical obstacle which was indeed singled out by citizens and professionals relates to the lack of automatic translators for civil servants to work in Galician directly and for citizens to choose the use of Galician throughout all stages of the proceedings. The Galician authorities consider it a priority to translate computer management programmes and forms in daily use into Galician by the introduction and further development of "Termigal" (automatic translation system) and on-line dictionaries developed by the Royal Academy of the Galician Language.

1069. Measures have been taken at the level of the Autonomous Community to ensure 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 (see p. 191 of the second periodical report). 27 judges, prosecutors and court clerks proposed in May 2005 to introduce the concepts of "positive provision" and "information provision" into their legal practice. Galician is the language of first contact between the person representing the administration and the citizen.

1070. As regards the language requirement for the recruitment of certain posts in the judicial administration of the Government of Galicia, the Directorate General for Justice is currently negotiating the new list of posts in the judicial administration. The draft new list of posts is based on Article 49.4 of the LOPJ, approved Royal Decree 1451/2005 of 7 December 2005 which requires a command of the language for certain positions in the judicial administration. It includes over 200 single positions, covering forensic experts, management staff, processing staff and judicial auxiliaries (see pp. 191-192 of the second periodical report).

1071. According to the General Plan for normalisation of the Galician language, training shall be ensured for all persons working in the judicial administration. To that end, the Galician authorities also propose to draw-up agreements with the Ministry and with the General Council of the Judiciary for the training of judges, magistrates, prosecutors and court clerks in Galician. However, the authorities acknowledge the need to pursue and even reinforce the specific training programmes in Galician legal language (see p. 196 of the second periodical report).

1072. The Committee of Experts notes that the Administration of the Galician Autonomous Community has made a concerted effort in this field to ensure the appropriate language training of judges and magistrates, public prosecutors and judicial secretaries, although this is not one of the competences of the Galician Government, since those civil servants are not dependent on the Autonomous Administration.

1073. The Committee of Experts was informed that the legal studies for lawyers and judges at the University level was mostly provided in Castilian. This also hampers the ability for judges to have a command of Galician later in their career.

1074. In the light of the above considerations, the Committee of Experts considers that the undertaking is partly fulfilled.

***The Committee of Experts 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 further develop the project on “positive and information provision” initiated in 2005;***
- ***to take the necessary measures to increase the proportion of judicial staff in Galicia, at all levels and particularly among judges and prosecutors, able to use Galician as a working language in courts;***
- ***to further develop adequate language training schemes for the 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.”***

1075. The Committee of Experts was not in a position to conclude on the fulfilment of this undertaking in Galicia in the last monitoring round (see paragraph 913).

1076. During the on-the-spot visit, the Committee of Experts was informed that the general problems identified in this field affect also the Galician language, as far as national legislation is concerned. The professionals were complaining that some of the more important texts dating before 1998 were not translated and that the translation of new texts was delayed for more than two months.

1077. The legislation published by the Autonomous Community is always published in the two co-official languages.

1078. The Committee of Experts considers that the undertaking is partly fulfilled.

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

**General Comment :**

1079. As regards the implementation of the Charter in relation to the administration in Spain, the Committee of Experts refers to its general introductory comments on particular issues raised during this second monitoring round (see paragraphs 74-77 above).

**State authorities**

***“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”***

1080. The Committee of Experts refers to the general description in the first report (see paragraph 914). It was not able to reach a conclusion since it received contradictory information as to whether the knowledge of

a co-official language was a pre-requisite for the hiring or the appointment of a civil servant of a State administration office (see paragraphs 914-916).

1081. Knowledge of Galician can be a pre-requisite for the hiring or the appointment of civil servants who have to deal with the public and it can be considered an advantage for some other posts (see paragraph 1117 below).

1082. The Galician authorities stress the need to eliminate obstacles so that members of the public can use Galician in offices of the peripheral administration of the State located in Galicia in the General Plan for the Normalisation of the Galician Language in 2004 (see p. 239 of the second periodical report). However, during the on-the-spot visit the Committee was informed that staff are mostly speaking Castilian, that there is a lack of training and that awareness raising on the possibility for citizens to use Galician should be organised.

1083. The Committee of Experts therefore considers that the undertaking is 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;"***

1084. The Committee of Experts refers to its first report, where it considered that this undertaking was only partly fulfilled and it encouraged the Spanish authorities to take the necessary measures to ensure that bilingual versions of widely used administrative texts and forms are made available in all State administration offices in Galicia (see paragraphs 917-919).

1085. According to the information supplied in the second periodical report, there are only 4 forms available in Galician (p. 214). During the on-the-spot visit, this information was confirmed to the Committee of Experts and it was especially made aware of the lack of forms in the Tax Agency.

1086. The Committee of Experts considers that the undertaking is still not fulfilled.

***The Committee of Experts urges the Spanish authorities to take the necessary measures to ensure that bilingual versions of widely used administrative texts and forms are made available in all State administration offices in Galicia.***

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

1087. The Committee of Experts was not made aware of any examples in either the first or the second periodical reports regarding certificates drafted in Galician by a State administration office located in Galicia, or any other documents issued in both languages by a State administration office in Galicia.

1088. The Committee of Experts therefore considers that this undertaking is still only formally fulfilled and it urges the Spanish authorities to comment on that specific undertaking in the forthcoming periodical report.

### **Local and regional authorities**

#### ***"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;"***

1089. In the first monitoring round the Committee of Experts was not able to conclude on the undertaking because it had not received any information concerning the practical implementation of the legal acts in force.

1090. In the second periodical report the government gives information on the new legal acts which have come into force since the previous monitoring round. On 30 June 2006, Law 4/2006 on Transparency and

Good Practices in Galician Public Administration was adopted and on 28 December 2006 Decree 258/2006 established the Government's Interdepartmental Committee for Linguistic Normalisation to stimulate and co-ordinate the linguistic normalisation process within the administration of the Autonomous Community. These acts were designed to implement the General Plan for Normalisation of the Galician Language which set the following objective: to ensure that, in the administration of the Autonomous Community, Galician is the usual language in internal relations, in relations between the different levels of government and in relations with the public.

1091. According to the authorities the obligation to protect and promote Galician lies with the administration so that all professionals in the public service must prove knowledge of spoken and written Galician. This knowledge is eliminatory for some occupational categories. In addition, the authorities have been organizing courses in Galician for civil servants that were taken by 983 participants at the intermediate level and 606 at the advanced level (between 2001 and 2005). The authorities have also been giving grants for linguistic normalisation services in local authorities so their number has risen from 10 in 1991 to 109 at present.

1092. During its on-the-spot visit the Committee of Experts was informed that the new Government of Galicia established the General Secretariat for Linguistic Policy and two consortia for languages that are, however, not yet operational: Termigal and Consortium for Linguistic Planning. Their task will be to further facilitate and promote the use of Galician in public.

1093. The Committee of Experts commends the authorities for such a proactive approach and concludes that the undertaking is fulfilled.

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

1094. In its previous report the Committee of Experts considered that the undertaking was formally fulfilled and requested the Spanish authorities to provide further information on the practice and to comment on the complaints received by the Committee of Experts during the first monitoring round.

1095. In the second periodical report the authorities refer to Law 5/1997 on Local Government in Galicia that provides that Galician, as the language of Galicia, is also the language of its local authorities. However, the authorities admit that where local government officers are concerned the use of the spoken language with members of the public is that of passive speakers. When a Galician citizen applies to a municipal office, the conversation takes place in the language of the person who started it, either Galician or Castilian. These deficiencies were also confirmed by the non-governmental sector during the on-the-spot visit. The authorities claim that the Plan for Normalisation of the Galician Language provides for positive measures to combat this sidelining of the Galician.

1096. The Committee of Experts considers, nevertheless, that the undertaking is fulfilled.

***"d the publication by local authorities of their official documents also in the relevant regional or minority languages;"***

1097. In the first monitoring round the Committee of Experts did not have sufficient information to conclude.

1098. According to the second periodical report the publication of municipal notices in Galician predominates in the four provincial councils of Galicia (see p. 244). The use of Galician also rose substantially in communication between the local authorities and the Government of Galicia from 26,03% in 2000 to 79,04% in 2006.

1099. The Committee of Experts concludes that the undertaking is fulfilled.

***"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;"***

1100. In the first monitoring round the Committee of Experts was informed about the legal framework but not about the practical implementation of this undertaking and was therefore not in a position to conclude.

1101. In this monitoring round the authorities claim that "it is difficult to have a comprehensive statistical survey of the use of Galician in local government and also to quantify that use as there are 315 local

authorities" (see p. 243 of the second periodical report). However, they assess that oral use cannot be less than 80% and that written use is even greater.

1102. Considering that there is an adequate legal framework and based on the information received, the Committee of Experts concludes that this undertaking is 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."***

1103. In the first evaluation report the Committee of Experts was not in a position to conclude on this undertaking and encouraged the Spanish authorities to provide information. The Committee of Experts recognized an impressive legislative framework but also received complaints alleging that many place-names actually appeared only in their Castilian form. "La Coruña", which should read "A Coruña" in Galician, was stressed as being very symbolic in this respect.

1104. In their second periodical report the authorities informed that in the meantime the name "La Coruña" was changed to "A Coruña" by Decree 189/2003 of 6 February 2003 (see p. 241). The authorities claim that the Xunta's Place Name Committee was involved in analysing, clarifying and officialising over 30,000 place names that were returned to their original Galician form.<sup>26</sup> The Committee of Experts notes with pleasure a campaign initiated by the municipality of Redondela to record small place names.

1105. The Committee of Experts was informed by a non-governmental organisation that problems persist with regard to the names of some provinces and maritime districts that still keep their Castilian forms. The authorities stated that when a bus stop or a parking area is built in a maritime zone signposting is provided in Galician.

1106. The Committee of Experts considers the undertaking fulfilled.

## **Public services**

### ***"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"***

1107. The Committee of Experts was not able to conclude whether this undertaking was fulfilled in the first monitoring round and it requested the Spanish authorities to provide information concerning public services in Galicia that are provided in Galician.

1108. In the second periodical report the government reports that "all professionals in the public services must prove knowledge of spoken and written Galician, both on lists for temporary employment and in competitive examinations giving rise to an indefinite contract". However, there is no information as to exactly which public services are concerned by this undertaking and how they are provided.

1109. The information received by the non-governmental sector suggests that most public services do not fulfil this undertaking, although there are apparently telephone companies that offer their services, at least partly, in Galician or gas companies that accept documents in Galician.

1110. The Committee of Experts is not able to conclude on this undertaking and urges authorities to provide the necessary information in their next periodical report.

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<sup>26</sup> The complete catalogue of the place names can be found on the web address: <http://www.xunta.es/toponimia>



**"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;"**

1111. No specific information was provided in this respect in the first monitoring round and the Committee of Experts was not in a position to conclude.

1112. According to the information contained in the state's second periodical report, translation of documents is arranged at the request of the persons concerned. According to Article 36.1 of State Law 10/1992 on the legal regime of public administration and the common administrative procedure, members of the public who apply to agencies of the General State Administration based in the territory of the Autonomous Community may use the co-official language. If the proceedings are conducted in Castilian, any documents required by the interested parties will be issued in the language of their choice, with the administration covering the cost of translation (see p. 239).

1113. Under Article 36.3 of the law, the investigating public authority is required to translate into Castilian any documents or files or parts of them which must take effect outside the territory of the Autonomous Community and any documents intended for the parties, where they expressly request this. Within Autonomous Communities citizens have a right to submit and receive documentation in the official language of their choice. If a translation is required, the cost must be borne by the administration concerned.

1114. During the on-the-spot visit the Committee of Experts received information about several interesting initiatives relating to translation in Galicia. The consortium "Termigal" included, among others, *Real Academia Gallega* and *Centro Ramon Piñeiro*. They are working on the development of some of the new technologies that can be used in translations, such as automatic translation tools from Castilian to Galician, an on-line thesaurus in Galician or a voice synthesizer.

1115. The Committee of Experts considers the obligation fulfilled.

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

1116. In the first monitoring round the Committee of Experts did not receive relevant information and was not able to conclude.

1117. In Galicia there are 7.001 civil servants attached to the General State Administration. Based on the Order of 20 July 1990, account will be taken of knowledge of each Autonomous Community's own official language so the Executive Committee of the Interministerial Committee on Remuneration, CECIR, approved by a decision of 27 April 1994 the introduction of the code "LCA" for posts involving direct contact with the public in which a knowledge of the Autonomous Community's official language must be considered an important advantage. According to these criteria, the knowledge of Galician is necessary for 446 posts out of which for 103 posts it is a requirement (23.1 %).

1118. The state organises Galician courses in co-operation with the government of Galicia. In 2005, 462 civil servants participated in these courses. Most of the participants are civil servants in categories B, C and D. Occasionally, specific training courses are organised for the Guardia Civil, the Tax Agencies and the Autonomous Social Security Institutes.

1119. With respect to the administration under the competence of the Autonomous Community, the report also brings detailed information on courses, grants and other measures designed to ensure wider use of Galician in administration (see p. 242 of the second periodical report).

1120. Based on this information but also information received on the actual use of Galician in administration, the Committee of Experts concludes that the undertaking is partly fulfilled at the state level and fulfilled at the level of the Autonomous Community of Galicia.

**"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."**

1121. No specific information was submitted in this respect either in the first or in the second periodical reports. The Committee of Experts is unable to conclude on this undertaking and urges the authorities to come back to this in the next periodical report.

**"Paragraph 5**

***The Parties undertake to allow the use or adoption of family names in the regional or minority languages, at the request of those concerned."***

1122. The Committee of Experts considered this undertaking fulfilled in the first monitoring round.

1123. However, during this round the Committee of Experts received complaints that sometimes the change of a name to a Galician form may be denied by the Registry Office as not being correct. Although there is an appeal procedure, it is very lengthy. The authorities claim that a name can be refused only if it does not correspond to the gender of the person concerned, not its minority background.

1124. The Committee of Experts continues to consider this undertaking fulfilled, but asks the authorities to prevent, where appropriate, cases of refusal of name changes.

**Article 11 – Media**

**"Paragraph 1**

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

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

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

1125. In the previous round the Committee of Experts considered that the undertaking was fulfilled, considering that the Radio-Television of Galicia (RTVG), which was established in 1984, broadcast a radio station and a television channel in Galician (see paragraph 949).

1126. During the on-the-spot visit, the Committee of Experts was informed that the State public Radio-Television (RTVE) has drastically reduced its broadcasting in Galician. On the one hand the Radio 5 Galician language bulletins are no longer broadcast and the working-day Galician broadcasting on TVE is reduced to 20 minutes. In addition, *Radio Nacional de Espana* which used to have a radio station broadcasting entirely in Galician and Catalan, was shut down several years ago in Galicia and is still broadcasting in Catalonia.

1127. The Committee of Experts considers that the undertaking is still fulfilled but is worried by the negative trend on the RTVE.

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

1128. In the previous round, the Committee of Experts was not in a position to conclude on this undertaking and it encouraged the authorities to clarify what measures have been taken to encourage and/or facilitate the creation of at least one private radio station broadcasting essentially in Galician (see paragraph 951).

1129. The authorities report on measures taken with respect to Article 11 paragraph 1 b. ii, while in fact Spain opted for Article 11 paragraph 1 b. i. The information provided refers to the financial support provided to programmes on private radio, especially economic assistance agreements for daily broadcasting in Galician. The conditions laid down in these agreements mainly concern the gradual increase of the presence of Galician in daily programmes (see p. 277 of the second periodical report).

1130. However, the authorities acknowledge that most private radio stations in Galicia are bilingual, although Castilian is used more than Galician. It was also brought to the attention of the Committee of Experts that the broadcasting in Galician on private radio is marginal.

1131. Although the Committee of Experts commends the authorities for their support to increase the presence of Galician in the media, it still has to consider that the undertaking is not fulfilled.

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

1132. The Committee of Experts recalls that Article 11 paragraph 1 c. i is the undertaking chosen by the Spanish authorities and not Article 11 paragraph 1 c. ii as indicated in the second periodical report (see p. 277).

1133. In the previous round, the Committee of Experts was not in a position to conclude on this undertaking and it encouraged the authorities to clarify what measures have been taken to encourage and/or facilitate the creation of at least one private television channel broadcasting essentially in Galician (see paragraph 953).

1134. The authorities refer to local and area television channels which broadcast in both official languages in Galicia, or even only in Galician, such as *Código TV*. However, it is not clear to the Committee of Experts how the authorities support this television.

1135. As regards the forthcoming digitalisation, the Committee of Experts welcomes the measures taken by the Government of Galicia for the granting of licences for digital terrestrial television broadcasting since July 2006. The language clauses in the licensing agreements require the broadcasters themselves to produce at least 60% of the content of their air time in Galician. Of the 46 broadcasters selected, 20 agreed to broadcast 100% of their own programme production in Galician and 20 more at least 70%. The remainder air at least 53% of their programmes in Galician.

1136. The Committee of Experts considers that it is still not in a position to conclude on this undertaking and urges the authorities to provide specific information in the next periodical report.

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

1137. In the first evaluation report, the Committee of Experts could not reach a conclusion since it needed practical information on how the relevant provisions were concretely implemented in the case of Galicia (see paragraph 954).

1138. According to the information provided by the Spanish authorities, the Audiovisual Consortium of Galicia is the body which provides institutional support to develop the audiovisual sector in Galicia. In 2005 the General Secretariat for Language Policy joined the consortium to help disseminate Galician-language productions through its own network. On the one hand, the authorities are involved in the dissemination of Galician productions (through fairs, conferences, co productions, exchanges, etc.). On the other hand, the Galician Government's Cultural and Sports Council financially support the production of audiovisual and interactive productions or co-productions in Galician (see p. 280 of the second periodical report).

1139. The Committee of Experts considers that the undertaking is fulfilled, although it considers that there is room for improvement.

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

1140. The Committee of Experts recalls that Spain has opted for Article 11 paragraph 1 e. i and not Article 11 paragraph 1 e. ii as indicated in the periodical report (see p. 281).

1141. In the previous round the Committee of Experts considered that this undertaking was fulfilled but requested further information on the type and amount of support concretely granted to "O Correo Galego" and to "A nosa Terra" (see paragraph 958).

1142. In the second periodical report, the Spanish authorities explain that there is some bilingual daily press existing at both Autonomous Community and local level. There are even national newspapers with a Galician edition (like "ABC"). For those publications however, Galician never fills more than 15% of the newspapers (see p. 281). As regards the press exclusively written in Galicia, there is only one daily newspaper "Galicia Hoxe", and a number of magazines. Electronic media also exist in Galician on bilingual websites.

1143. However, the authorities acknowledge that there is room for improvement regarding the use of Galician in the media. It is common that events where only Galician is used are reported in the printed press in Castilian only. There is social concern over the fact that the printed press generally fails to reflect the extent to which the Galician language is used in Galicia. For that reason, the General Secretariat for Language Policy of the Government of Galicia proposed a series of initiatives in 2006 to secure progress in the situation of Galician in the media (see p. 282-283).

1144. The Committee of Experts considers it fulfilled but looks forward to an improvement in the next monitoring round.

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

1145. The Committee of Experts was not able to reach a conclusion in the previous round (see paragraph 959). In the light of the information provided by the Spanish authorities on the Audiovisual Consortium of Galicia (see paragraph 1138 above), the Committee of Experts considers that the undertaking is fulfilled.

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

1146. The Committee of Experts was not in a position to conclude on the fulfilment of this undertaking in the previous round (see paragraph 960).

1147. In their second periodical report, the Spanish authorities refer to Galician language courses provided by the Faculty of Journalism of the University of Santiago de Compostela, as well as other courses of the general curriculum (audiovisual language, radio, television) that are taught in Galician (see p. 283).

1148. In addition, the Committee of Experts was informed that the Galician Radio and Television Company has taken measures to develop terminology and phraseology as well as on-going language training covering a wide range of subjects and different categories of staff. This training scheme is co-financed by the European social fund in the autonomous Community of Galicia. The Committee of Experts praises the RTVG for its work, in particular its linguistic advisory service (see pp. 283-284).

1149. The Committee of Experts considers that this 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."***

1150. The Spanish authorities have not commented on this provision in the first report or second periodical reports. The Committee of Experts has not received sufficient information regarding such bodies, either in Galicia or at a national level and is therefore unable to conclude. It urges the authorities to submit further 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:***

**"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;"**

1151. In the first evaluation report, the Committee of Experts was not in a position to conclude (see paragraph 964).

1152. The Spanish authorities present in their second periodical report the extensive support provided to the book publishing sector and the good results achieved (see p. 320-326). In addition, the Galician government's Cultural and Sports Council provides subsidies to audiovisual production and co-production in Galician. The support provided to productions filmed or recorded in Galician aims at encouraging filming/recording and screening of films in Galician, dubbed or sub-titled in other languages when shown abroad. As regards productions filmed or recorded in other languages, with mainly Galician funds and using a large percentage of staff from Galicia, these films have to be dubbed in Galician. In addition, films and series shown on Galician television are all dubbed in Galician (see p. 281).

1153. The Committee of Experts conclude that the undertaking is fulfilled although the overall number of produced films is small.

**"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;"**

1154. No specific information was provided in this respect in the first report (see paragraph 967). The Spanish authorities refer to the research work and the consultative advisory role of the Galician Cultural Council in the second periodical report. It is reported that this body uses Galician exclusively in all its activities (see p. 320).

1155. The Committee of Experts considers that the undertaking is 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;"**

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

1156. No specific information has been provided by the Spanish authorities under these undertakings despite the request for information in the first evaluation report (see paragraphs 968, 970).

1157. The Committee of Experts is therefore unable to conclude and urges the Spanish authorities to include specific information in this respect in their next 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;"**

1158. No specific information was provided in this respect in the first report or second periodical reports (see paragraph 971).

1159. The Committee of Experts is informed that the National Library of Spain collects printed works. However, no information was sent as to the presence of similar bodies at the Autonomous Community's level.

1160. The Committee of Experts has not received any information with regard to audio or audiovisual and other works.

1161. The Committee of Experts concludes that this undertaking is partly fulfilled and asks the authorities to provide information in the next evaluation round on the audio, audio visual and other works in Galician.

***"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."***

1162. According to the information provided in the second periodical report, the Institute for the Galician Language, the Centre *Ramón Piñeiro* for humanistic research and the Royal Academy for the Galician Language are conducting terminological research services (see pp. 318-319). On the basis of an agreement between the Galician Royal Academy and the Galician Government, terminological work has been carried out by the Galician Terminological Service (TERMIGAL) for ten years now (see p. 326).

1163. Priority fields are defined in an Annual Plan which has covered so far computing and the Internet, e-commerce, the environment, the catering industry, motorcars, marketing, sports, TV, labour relations, legalese, administration, marine bodies, fisheries, music, etc.

1164. The Committee of Experts therefore concludes that this undertaking is fulfilled.

#### **"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."***

1165. The Committee of Experts was not able to reach a conclusion as to the fulfilment of this undertaking in the previous round given the lack of information regarding the existence of any cultural centres or services in Galician outside the territory of Galicia (see paragraph 975).

1166. Information on centres provided by the Spanish authorities refers mainly to education but not to cultural activities. The Galician Government traditionally helps Galician publishers attend International Book Fairs, as well as national or Galician fairs (see p. 324). They did not report on any other kind of activities.

1167. The Committee of Experts therefore considers that the undertaking is partly fulfilled.

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

#### **"Paragraph 1**

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

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

1168. In the previous report, the Committee of Experts was not in a position to reach a conclusion given the lack of information (see paragraph 981).

1169. According to data from the Galician Labour Relations, language rights of a total of Galician workers, almost 38% of the working population, are protected under specific labour agreements. The numbers of agreements containing this type of clause has increased from 9.91% in 2000 to 16.06% in 2005 (see pp. 352-354 of the second periodical report). According to the « language clause », workers have the right to conduct their working and occupational activities in Galician and to receive language training.

1170. The Committee of Experts considers that the undertaking is fulfilled.

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

1171. In the previous round, the Committee of Experts was not in a position to reach a conclusion (see paragraph 982).

1172. According to the clause referred to in the previous section, job centres may not discriminate against workers for using the Galician language in specific labour agreements. Some agreements may also have clauses on non-discrimination on language grounds for recruitment to a post.

1173. However, during the on-the-spot visit, cases were brought to the attention of the Committee of Experts by non-governmental sources on harassment of workers for speaking Galician.

1174. Therefore the Committee of Experts considers that, in the absence of an action plan to prevent those situations, the undertaking is partly fulfilled and looks forward to receiving information in the next periodical report on measures taken in that respect.

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

1175. The Committee of Experts considered that this undertaking was fulfilled but needed concrete examples to better assess the situation (paragraph 984).

1176. According to the information provided by the Spanish authorities, some collective agreements must be drawn up and published in Galician or in a bilingual version, and this also applies to announcements, memoranda, notices, etc posted on in-house notice-boards.

1177. The Committee of Experts considers that the undertaking is fulfilled.

#### ***"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;"***

1178. Due to the lack of information, the Committee of Experts was unable to draw a conclusion on this undertaking (paragraph 985).

1179. The Spanish authorities refer to the slow progress achieved in the use of the Galician language in financial and banking. Despite efforts made by savings banks in the cultural promotion of Galician (*Caixa Galicia* and *Caixanova*), some of these banks were very reluctant to draw up mortgage documents in Galician. Both *Caixa Galicia* and *Caixanova* are currently moving salary accounts to banks which explicitly agree to conduct all relations with the customer, both spoken and written, in Galician (see p.355 of the second periodical report).

1180. However it was brought to the attention of the Committee of Experts that regulation does not exist and that while the two above mentioned banks have taken steps, in the vast majority of cases, financial and banking documents are not available in Galician.

1181. The Committee of Experts therefore consider that the undertaking is 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;"***

1182. No specific information was submitted in this respect as far as Galicia is concerned in the first or second periodical reports (paragraph 986).

1183. On the other hand, the Committee of Experts was informed that no activities to promote the use of Galician have been carried out in the Railway service (RENFE and ADIF), postal services (Correos y Telegrafos) or Airports (AENA). In those companies Galician is sometimes used in official documents but there is a lack of Galician-speaking personnel who are able to provide services in this language.

1184. The Committee of Experts therefore concludes that this undertaking is not fulfilled and it urges the Spanish authorities to comment on it in their next periodical report and to clarify which economic and social sectors come directly under the control of the central authorities and of the Galician authorities.

***"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;"***

1185. The information available was not sufficient in the previous round for the Committee of Experts to be able to draw a conclusion in the first monitoring round (see paragraphs 987-988).

1186. According to the Spanish authorities, the official language for external communication and signposting in Galician health centres operated by the Galician Health Service (*SERGAS*) is Galician (all its forms, prescriptions, regulations and computer applications are in Galician and in some centres, all internal staff communication is conducted in Galician). In addition, the Department of Public Health regularly publishes information booklets on various aspects of health in Galician. Furthermore, the authorities informed the Committee of Experts that tests are organised to certify medical staff's knowledge of Galician during recruitment procedures. According to the General Secretariat of Welfare, the same goes for staff applying for posts in Retirement Homes.

1187. However, the authorities acknowledge that it is difficult to assess the use of Galician by medical staff in consultations, since it concerns private relations between doctors and patients and recognise that some patients have complained that they were not attended to in their own language (see p. 355).

1188. Furthermore the Committee of Experts received complaints that the staff concerned speak essentially Castilian, that there are no regulations on the use of Galician in *SERGAS* and in hospitals and that no initiatives are taken with a view to training the staff. According to non- governmental sources, most staff are not qualified to provide services in Galician, and the situation is serious in private health care as well as in residential homes for elderly.

1189. The Committee of Experts therefore considers that the undertaking is only partly fulfilled.

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

1190. In the previous round, the Committee of Experts considered that the undertaking was not fulfilled since no information was provided regarding safety instructions, and since the Spanish Government considers that safety is fully guaranteed as all regional or minority language speakers have a command of Castilian as well (see paragraphs 989-992).

1191. On the basis of the information at its disposal, the Committee of Experts considers that the present undertaking is not 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."***

1192. In addition to the information provided in the previous monitoring round on product labelling in Galicia, Royal Decree No. 1334/1999 sets out general regulations on labelling, presentation and advertising of foodstuffs.

1193. The Spanish authorities report that mistakes still appear on the use of place names used on the labels of some Galician products, and that the Galician Government carried out a campaign in 2006 targeting food companies which do not observe the official spellings of place names. In addition, the Galician government grants subsidies for the commercial sector, on condition that the Galician language is used in advertising campaigns, promotions and signposting in the relevant commercial area, the commercial establishments and any investments made (see p.356 of the second periodical report).

1194. The Committee of Experts therefore concludes that this undertaking is fulfilled.



## **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;"**

1195. In the first evaluation report, the Committee of Experts noted that no agreement had so far been concluded with Portugal, and information was requested on whether Spain was seeking to conclude a bilateral agreement with Portugal aimed at fostering contacts between Galician-speakers and Portuguese-speakers in the fields of culture, education, information, vocational training and permanent education (see paragraph 995). However, it has not received any information in this monitoring round and is therefore not able to conclude on the fulfilment of this undertaking. It urges the authorities to provide information in the next periodical report whether there have been any attempts to establish an interstate co-operation between Spain and Portugal for the benefit of Galician.

- "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."**

1196. In the first monitoring round, the Committee of Experts was not in a position to conclude on this undertaking due to the lack of information on transfrontier co-operation (see paragraph 997).

1197. According to the Spanish authorities, two main bodies are dealing with transfrontier co-operation between Galicia and Northern Portugal :

- a Working Community set up on 31 October 1991 on the basis of the Hispano-Portuguese Treaty on Transfrontier Co-operation between territorial bodies and authorities of 3 October 2002, that was recently amended (24 February 2006) ;

- the Atlantic Axis of the North-Western Iberian Peninsula since 1992, that includes 18 of the main towns and cities in the Euroregion, as well as four Territorial Co-operation Communities representing the border municipal councils and chambers (see p. 365 of the second periodical report).

1198. Among other projects, the latter body adopted in 2001 the Declaration of Language Rights of the Atlantic Axis recognising the full official status in both territories of the Galician and Portuguese languages, and since then all official publications have been produced in Galician and Portuguese. It has also organised exchanges between Galician- and Portuguese-speaking groups, primarily under the European Union Initiative Interreg III-A.

1199. Cultural youth projects such as the *Ponte nas Ondas* (with bilingual Portuguese-Galician broadcasts) or the *Encontro de Culturas* between the Ministry of Culture and Sport of the Government of Galicia and the Northern Office of the Portuguese Ministry for Culture under the Interreg III Programme are transnational exchange experiences that help to promote both languages and cultures (see p. 82 of the second periodical report).

1200. The Committee of Experts considers that the undertaking is fulfilled, although it understands from comments received that there is room for improvement in terms of practice.

## Chapter 3. Conclusions

### 3.1 Conclusion of the Committee of Experts on how the Spanish authorities have reacted to the recommendations of the Committee of Ministers.

#### Recommendation no. 1

*"take the necessary legal and practical measures needed to ensure the implementation of the undertakings under article 9 of the Charter, in particular by ensuring 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;"*

1201. As underlined by the Spanish authorities in their second periodical report, the justice field 'is one of the points involving major obstacles for compliance in Spain' as there is a structural problem. Despite the adoption of the new Organic Law 19/2003, of 23 December, which has introduced a series of improvements, the level of compliance at the State level remains unsatisfactory. The Committee of Experts understands that the potential list of posts that require a knowledge of the co-official language (according to article 521.4.3r) is not applied in a coherent and regular manner throughout the Autonomous Communities.

1202. The Committee of Experts has been informed that the content of the Recommendation has been conveyed by the State administration to the General Council of the Judiciary, but this body does not seem to have any interest in moving towards the implementation of this recommendation.

1203. At the level of the Autonomous Communities, the Committee of Experts notes that the Administrations of Catalonia, the Basque Country, Galicia and Valencia have deployed substantial efforts to ensure the appropriate language training of judicial staff such as judges and magistrates, public prosecutors and judicial secretaries, although this is not one of their competences. In practice, problems were reported due to 'budget-related decisions' made by the Ministry of Justice and the General Council of the Judiciary.

#### Recommendation no. 2

*"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 in this field posted in the autonomous communities concerned by the application of Article 10 of the Charter has a working knowledge of the relevant languages;"*

1204. The State authorities set up a working group that considered that the existing legal framework need not be reformed and that problems lie in the practice. However, the current recruitment system does not correspond to the undertaking chosen by Spain and the situation on the ground continues to be problematic.

1205. The Committee of Experts received complaints from several sources, including the Governments of different Autonomous Communities regarding the lack of knowledge of co-official languages in the peripheral state administration.

#### Recommendation no. 3

*"strengthen the offer of education in Basque in the Basque Country, in particular with regard to secondary education and technical and vocational education;"*

1206. The Committee of Experts found that progress has been achieved since the offer of secondary education and of vocational training in Basque has gradually increased since the first monitoring round. The Committee of Experts notes that education in Basque is increasing.

#### **Recommendation no. 4**

*"adopt a structured approach, with a view to strengthening the use of Basque in the private electronic media in the Basque Country and in broadcasting in general in Navarra;"*

1207. The Basque Autonomous Community has granted substantial subsidies for media working in the Basque language. However, during the on-the-spot visit, the Committee of Experts was informed that further efforts were needed to stimulate the presence of Basque in the private electronic media.

1208. As regards Navarra, the situation remains problematic. Each year, the Autonomous community of Navarra tenders its support to the media, but there is no guarantee that the Basque language media will receive this support. Furthermore, the forthcoming digital switch of TV broadcast is worrying, as the Digitalisation plan concerning Navarra seems to exclude the two local channels broadcasting in Basque.

#### **Recommendation no. 5**

*"consider the possibility of applying an appropriate form of Part III protection to the Basque language within the "Mixed zone" as defined by the legislation of Navarra;"*

1209. The Committee of Experts was informed that the authorities have made several attempts to change the Foral Legislation on language zones but with no results as yet. In the meantime, the authorities have tested flexible solutions for the benefit of the Basque language in the "Mixed area" as well, in particular in the field of education.

1210. A new Institute of the Basque Language was established during the visit of the Committee of Experts to Spain. However, the Committee of Experts is not able to assess the impact of this new institution in the linguistic landscape of Navarra.

#### **Recommendation no. 6**

*"strengthen the protection of Aragonese ("Fabra") and Catalan in Aragon, including establishing an appropriate legal framework."*

1211. Since it took office in May 2003, the Government of Aragón has not submitted the draft law regulating the languages of Aragón to the Parliament of Aragón, considering that there was no political consensus and agreement for this law to be adopted unanimously. Despite existing activities and projects on Aragonese and Catalan, especially in the field of education, there is no legal recognition of those languages.

### 3.2 Findings of the Committee of Experts in the second monitoring round

A. The Committee of Experts praises the Spanish authorities for the good level of cooperation, and especially expresses its gratitude with regard to the preparation and organisation of the “on-the-spot” visit. This has allowed the Committee of Experts to obtain precise and relevant information on policy and legal developments in the promotion and protection of regional or minority languages in Spain.

B. The Committee of Experts commends the Spanish authorities on the high recognition and degree of protection provided in principle to regional or minority languages. In many areas Spain entered into the highest undertakings and adopted an ambitious instrument of ratification. At the same time, a clear gap exists between some of the undertakings chosen and the level of protection offered by the domestic legal framework and/or practice as shown in the first monitoring round.

#### General comments

C. The co-operation between the State authorities and the autonomous communities with a co-official language has allowed the Spanish authorities to draft a second periodical report that is more comprehensive than the first one. However, this co-operation is not yet fully developed and this is reflected in the structure of the report which lacks coherence. In addition, the submission of the report in Spanish delayed the work of the Committee of Experts.

D. General problems affecting all Part III languages described in the findings of the Committee of Experts in the first evaluation report still prevail in the present monitoring round. Steps taken at the State level are not sufficient to provide an effective possibility for any party which might so request, to use a co-official language either in judicial proceedings or in the administration. There is still a need to re-think the training and career structure of the judicial administration and of civil servants so that an adequate proportion of judges, prosecutors and staff of the peripheral state administration located in the Autonomous communities concerned have the required command of the co-official language. No substantial measures have been adopted by the Spanish authorities to overcome the problems identified.

E. Co-official languages covered by Part III are also affected by deficiencies in the sector of public services under the State authorities and State-owned public service companies such as the postal or railway services (Correos, RENFE). A decrease in the use of co-official languages in the public services, in oral and written form, was noticed throughout the autonomous communities.

F. The Committee of Experts commends the Autonomous Communities of Catalonia, Galicia and the Basque Country for the structured policies adopted with a view to revitalising and standardising their respective language on their territory. The degree of use of the language in public life varies as the action plans on languages recently adopted by the Galician and the Basque authorities have not produced all the expected effect. The Committee of Experts also commends these Autonomous Communities for having signed a three year Co-operation Agreement to exchange and compare experiences in linguistic matters. This Agreement makes reference to the Charter and the recommendations adopted by the Committee of Ministers, showing the strong commitment of those Autonomous Communities to fully implement the Charter.

G. On the other hand, for some undertakings the Committee of Experts received very little or no information. This has been especially the case concerning Articles 9, 10 and 13 for the Balearic Islands, Articles 9 and 13 for Navarra, and Articles 10, 12 and 13 for Valencian. It recalls that the Spanish authorities have the duty to report on how the undertakings are being implemented and to comply with the Charter.

#### As far as Part III languages are concerned

H. In most of the autonomous communities, education in the co-official language is based on a structured bilingual model. However, this does not correspond to the undertakings chosen by Spain, which imply an offer also of models of education given essentially in the regional or minority languages. The development of a “full-immersion” model on top of the bilingual model is the objective towards which all the autonomous communities concerned should aim with a view to gradually fulfilling the undertakings entered into. Furthermore, a system based on education essentially in the language is supposed to be available to those who request it but not compulsory for all children.

I. **Catalan** is the most widely used language in public life in accordance with many undertakings of the Charter. The use of Catalan in **Catalonia** will even increase with the implementation of Organic Law 6/2006 reforming the Statute of Autonomy of Catalonia.

J. The use of the **Basque** language in the **Basque country** areas covered by the Charter has increased considerably in recent decades. The Basque authorities have shown a strong commitment towards the linguistic development of Basque through the adoption of policies and concrete measures and notably the recent setting up of ELEBIDE to protect the rights of Basque speakers. A positive trend is noticeable in the education sector where the model of education in Basque is increasing, although the Committee of Experts considers that there is room for improvement regarding in particular technical and vocational education. In some cases however, the Basque authorities still need to implement legislation in force and adopt the relevant decrees, such as Law 6/2003 on the status of consumers and users. The autonomy police force (Ertzaintza) and the health service (Osakidetza) remain sectors of concern.

K. As far as **Navarra** is concerned, the problems identified concerning the presence of the **Basque** language in the media in the first monitoring round still prevail, due to the lack of a structured approach on broadcasting. The forthcoming digitalisation might create problems for the continuous broadcasting of the two existing local channels in Basque. The relevant authorities should take measures to overcome this problematic situation. As regards education, the authorities of Navarra have strengthened the offer of education in the "Mixed zone" and in the non Basque speaking zone for the benefit of Basque. However, problems still persist notably in the field of technical and vocational education, including in the "Basque-speaking zone". The provision of services in Basque by the regional Administration located in Pamplona/Iruna is not ensured. Positive steps have recently been made by the authorities with the setting up of an Office of the Basque language and the conclusion of a cooperation agreement with the Basque authorities.

L. According to the new Statute of Autonomy of Valencia approved by Organic Law 1/2006 of 10 April 2006, the proper language of the community is **Valencian** and is on the same footing as Castilian. The Committee of Experts regrets that the Spanish authorities failed to provide information on the formal or practical repercussions of the linguistic zoning on the fulfilment of articles 8 and 10. Regarding education, a model essentially in Valencian still needs to be developed in Valencian at all levels of education throughout the territory.

M. An impact resulting from the action plan adopted in 2004 by the **Galician** authorities has been noticed in the field of regional and local administration. However, it has not produced all its effects in other fields. In the education sector in particular, despite the interesting initiatives carried out by the authorities, the number of pupils who receive tuition in Galician at school remains very low.

N. As far as the **Balearic Islands** are concerned, the Committee of Experts found out that a "substantial part" of teaching in Catalan is still not available. The situation is also worrying due to the implementation of the Decree on trilingual education. The Committee of Experts regrets that the Spanish authorities have not sent sufficient information for many undertakings.

Concerning the languages that are only covered by Part II of the Charter,

O. The Committee of Experts notes that the obstacles to the promotion of the use of **Asturian** in particular in the field of education still exist in Asturias. The language is not recognised as a co-official language although it has been standardised now by the Academy of Asturian Language.

P. Regarding **Aragonese** and **Catalan** in Aragon, the language law has still not yet been adopted. The lack of a legal framework and of practical measures hampers the promotion and protection of Aragonese and Catalan in Aragon. The Committee of Experts notes however, that efforts are being carried out in the field of education.

Q. As regards **Asturian Galician** very little seems to have been done in favour of this language since the last monitoring round. This language still suffers from a lack of clear recognition of its specific identity as a variety of Galician.

R. The Spanish authorities have not reported at all concerning the situation of languages that the Committee of Experts considers to fall under Part II which are not mentioned in the instrument of ratification, namely **Galician in Castile and León, Portuguese in the town of Olivenza, Berber in the Autonomous City of Melilla and Arabic in the Autonomous City of Ceuta**. Due to the lack of information from the Spanish

authorities in the second periodical report, it has been difficult for the Committee of Experts to properly assess their situation.

S. As far as **Romani and Caló** are concerned, the Committee of Experts regrets that the Spanish authorities have not provided any information. The authorities should investigate the situation of Romani and Caló, in cooperation with the speakers. The setting up of the new Institute of Roma Culture whose competences will include, *inter alia*, conducting research in the field of the Roma language, culture and history as well as raising awareness of these issues among non-Roma is an encouraging development. However, this Institute has not yet been established.

T. Finally, very little attention is devoted to linguistic diversity in the national Spanish media, and there still seems to be a lack of awareness among the Castilian-speaking majority population that Spain is a multilingual country. There is also a need to promote the virtues of multilingualism and linguistic diversity in both majority and minority language groups.

The Spanish government was invited to comment on the content of this report in accordance with Article 16.3 of the Charter. The comments received are attached in Appendix II.

On the basis of this report and its findings the Committee of Experts submitted its proposals to the Committee of Ministers for recommendations to be addressed to Spain. At the same time it emphasised the need for the Spanish authorities to take into account, in addition to these general recommendations, the more detailed observations contained in the body of the report.

At its 1044th meeting on 10 December 2008, the Committee of Ministers adopted its Recommendation addressed to Spain, which is set out in Part B of this document.

## 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

MINISTERIO  
DE ADMINISTRACIONES  
PÚBLICAS

### NON-OFFICIAL TRANSLATION

Comments of the Spanish Ministry of Public Administration<sup>27</sup> on the *report of the Committee of Experts presented to the Committee of Ministers of the Council of Europe in accordance with Article 16 of the European Charter for Regional or Minority Languages* [MIN-LANG(2008)2, 3 June 2008]

- ✓ General comments
- ✓ Observations on specific aspects of the report:
  - 1) Web pages of the General State Administration
  - 2) Training in co-official languages given to civil servants of the General State Administration posted in Autonomous Communities with an official language of their own other than Castilian.
  - 3) General recommendation made by the Committee of Experts on the need to “*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 in this field posted in the autonomous communities has a working knowledge of the relevant languages*”.
  - 4) *Services provided by the Central Government Delegations and sub-delegations.*

Madrid, 13 October 2008

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<sup>27</sup> The following comments relate exclusively to matters falling within the competence of the Ministry of Public Administration.



Having read the *report of the Committee of Experts presented to the Committee of Ministers of the Council of Europe in accordance with Article 16 of the European Charter for Regional or Minority Languages* [document MIN-LANG(2008)2 of 3 June 2008], the Ministry of Public Administration wishes to make the following general comments relating exclusively to its own sphere of competence:

Since the European Charter for Regional or Minority Languages came into force in Spain on 1 August 2001, and following the two reports on our country by the Committee of Experts, a particularly important step has been taken in Spain, namely the bringing into operation of the Council of Official Languages in the General State Administration and the Bureau for Official Languages.

Following various studies on the languages with co-official status, the Government of Spain deemed it necessary to set up a Council of Official Languages in the General State Administration to promote systematic and coherent administrative action in this area.

The setting up of this council reflects a desire to develop, promote and co-ordinate measures making it possible to resolve the problems identified in the application of Article 3.2 of the Constitution, which recognises the official status of the languages of the Autonomous Communities, together with Castilian, in their respective territories, in accordance with the relevant case-law of the Constitutional Court.

Royal Decree 905/2007 of 6 July 2007 established the Council of Official Languages in the General State Administration and the Bureau for Official Languages in the General State Administration, the role of the latter being to assist and support the former.

The council held its constituent session and first meeting on 28 January 2008 with the main aim of analysing the activities of the ministerial departments of the State administration and their subordinate bodies from the standpoint of the use of the official languages of the Autonomous Communities, in order to guarantee the citizens' right to use them.

At its constituent session the council made a careful examination of the report drawn up by the Ministry of Public Administration on the basis of the answers to a questionnaire sent to the Central Government Delegations concerning the General State Administration's compliance with the provisions on official languages contained in the following pieces of legislation:

- ✓ Law 30/1992 of 26 November 1992 on the legal regime of public administration and the common administrative procedure (Article 36)
- ✓ Royal Decree 1.465/1999 of 17 September 1999 laying down institutional image criteria and regulating the document production and printed material of the General State Administration
- ✓ Royal Decree 1.428/2003 of 21 November 2003 approving the General Traffic Regulation (Article 138), amendments to the General Drivers' Regulation (Royal Decree 1.598/2004), and the Road Safety Law (Law 17/2005).
- ✓ Law 11/2007 of 22 June 2007 on electronic access for citizens to public services (Sixth Additional Provision).

On the basis of this report, the council considered the degree to which the above-mentioned State legislation is complied with as regards the following aspects: language training of staff dealing with members of the public, availability of standardised forms, bilingual printed matter, information and advertising posters, and signposting.

Hence, with reference to the application of Law 11/2007 of 22 June 2007 on electronic access for citizens to public services (Sixth Additional Provision), and following the monitoring conducted by the Ministry of Public Administration, the council considered the degree to which ministerial departments' web pages are available in the different co-official languages, particularly as regards citizens' relations with the public authorities through electronic media, and observed certain differences between ministerial departments in the treatment of this topic and the need to continue monitoring this area with the aim of improving services.

The council also analysed reports presented by the representatives of the State Agency of the Official State Gazette, the Ministry of Justice and the National Institute of Public Administration on, respectively, the publication of State legal provisions in co-official languages (co-operation agreements have been signed with Catalonia, Galicia and the Community of Valencia), the use of co-official languages in civil registers, property registers and business registers, and language training given to staff of the General State Administration (19,154 civil servants attended classes in the previous legislature).

After conducting this analysis, "the council reached a satisfactory overall assessment of the degree of compliance with State legislation relating to co-official languages, observing that significant progress was made in 2007 both in promoting plurilingualism and in guaranteeing the rights of citizens residing in Autonomous Communities with co-official languages", and positively highlighting the actions undertaken by the State Agency of the Official State Gazette, by the Ministry of Justice through its Directorate General of Registry and Notary Offices, and by the National Institute of Public Administration, while at the same time recognising the need to improve results and resolve the difficulties identified.

From the outset the Council of Official Languages set itself, among others, the following objectives:

- ✓ To continue working to promote and improve accessibility and the degree of multilingualism in e-administration.
- ✓ To continue working to fulfil its statutory mandate (Law 11/2007 of 21 July 2007 on electronic access for citizens to public services, Third Final Provision) of guaranteeing, by 31 December 2009, the use of all the State's official languages in citizen's relations with the public authorities through electronic media.
- ✓ To complete and update the diagnosis of the current situation with regard to co-official languages, and to entrust the Bureau for Official Languages with annual monitoring of the General State Administration's compliance with the applicable legislation, focusing essentially on the following two aspects:
  - The ability of staff to meet the right of citizens to communicate with State bodies based in their Autonomous Community in the respective co-official language.
  - Bilingual drafting of standardised forms, printed matter, notices, signs and advertising posters.
- ✓ Analysis by the Bureau for Official Languages of answers to the questionnaire sent to the Central Government Delegations and drafting by that bureau of a report which will be analysed at the next meeting of the Council of Languages.
- ✓ To urge all Ministries to speed up the establishment within them in 2008 of a platform to aid translation in order to comply fully with Law 11/2007 as regards the use of co-official languages; all this in compliance with the Council of Ministers decision of 28 December 2007 approving the implementing arrangements for Law 11/2007, in which the establishment of such platforms is envisaged. The Bureau for Languages has undertaken to monitor this measure.
- ✓ Maintenance by the Bureau for Languages of a web page on the website of the Ministry of Public Administration for the purpose of collecting and exchanging the information available on this subject. This page is already operational.
- ✓ Improvement and, where appropriate, refocusing of training provision in co-official languages for staff of the General State Administration. The Ministry's National Institute of Public Administration is already working on this.
- ✓ Support, in line with its Chair's suggestion, for the calling in the near future of another meeting of the Council of Official Languages in the General State Administration.

In conclusion, it may be said that, with the setting up of the Council of Official Languages in the General State Administration and the Bureau for Official Languages, Spain has acquired a very useful tool for adapting the State to the existence of official languages other than Castilian, especially as regards the organisation and functioning of the General State Administration. This will make it possible, in particular, to act appropriately on recommendations made to it in the sphere of its international commitments, such as those relating to the European Charter for Regional or Minority Languages.

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Observations relating to specific aspects of the *report of the Committee of Experts* are set out below:

### **1) Web pages of the General State Administration**

Article 3.2 of the Constitution recognises Spanish languages other than Castilian as official in the respective Autonomous Communities. In this way an obligation is established to respect and protect linguistic diversity as a cultural heritage.

Promotion of the use of the official languages recognised in the different Statutes of Autonomy is seen as a priority objective within the General State Administration.

This objective, which is particularly important in the context created by the new information and communication technologies, has given rise to a series of initiatives related to the web pages of the General State Administration, with the result that those responsible for the content of these portals are now required to take account of the fact that Spain is a multilingual country and that globalisation processes demand an effort to ensure that language is not a barrier to the accessibility of the information content of the General State Administration's public websites.

In this connection, the "Handbook for publication of the web pages of the General State Administration", approved by the Resolution of 9 March 2005 of the General Secretariat for Public Administration, makes it a mandatory requirement for navigation menus to be available in the different languages enjoying official recognition in Spain. It also states that every reasonable effort should be made to ensure that the different language versions are published and updated at the same time.

Furthermore, Law 11/2007 on electronic access for citizens to public services stipulates in the Sixth Additional Provision that the use of the State's official languages must be guaranteed in citizens' relations with the public authorities through electronic media and that web portals whose operator holds responsibilities in a region where there is a co-official language must allow access to their content and services in the corresponding language.

For this purpose, the implementing arrangements adopted in December 2007 include, as a specific measure for facilitating compliance with the obligation to translate content into co-official languages, the establishment of a platform for aid to translation making it possible to re-use previous translations and incorporate them into the content publishing process.

Of the 17 official websites operated by Ministries, ie falling within the sphere of the General State Administration, 16 currently display navigation menus in the co-official languages, which means nearly 94% implementation. In addition to the menu, some portals of State institutions such as social security also have a great deal of content translated into the different languages enjoying official recognition.

As regards specifically the web page of the Ministry of Public Administration, a major translation effort has been undertaken to ensure that navigation is possible in the different co-official languages, at least as far as the third level of navigation. The navigation pages of the Ministry's website have been translated, with the exception of so-called non-translatable elements such as external documents, images, animations, latest news and the like.

The goal of the General State Administration – and work is in progress on this – is to increase the number of bilingual forms available to members of the public, in line with the provisions of Law 11/2007, and to rectify any linguistic errors which may occur as a result of the incorporation of official languages into the web pages of the various ministerial departments.

## ***2) Training in co-official languages given to civil servants of the General State Administration posted in Autonomous Communities with an official language other than Castilian***

- I -

The Government is working actively to guarantee the right of citizens to use the official languages of the Autonomous Communities. For this purpose, as mentioned above, it has set up, under Royal Decree 905/2007 of 6 July 2007, the Council of Official Languages in the General State Administration and the Bureau for Official Languages. This council held its constituent meeting on 28 January 2008. It will co-ordinate the efforts of the different bodies in order to facilitate the use of the official languages of the Autonomous Communities in the General State Administration.

Furthermore, to guarantee the right of citizens under Law 30/1992 of 26 November 1992 on the legal regime of public administration and the common administrative procedure to use the official languages in their relations with the public authorities, it is working, via the National Institute of Public Administration (INAP), to develop training for public employees, mainly in peripheral agencies of the General State Administration, but also in the central services, as will presently be explained.

The activities promoted as part of the In-Service Training Programme for Public Employees include the teaching of co-official languages to civil servants of the State administration posted in the bilingual

Autonomous Communities, specifically in the Basque Country, Catalonia, Galicia, the Community of Valencia, the “Foral” Community of Navarre and the Balearic Islands. Details are set out below.

#### **BASQUE COUNTRY:**

In the Autonomous Community of the Basque Country these training activities are carried out by the INAP, with funds from the In-Service Training Programme, following proposals from the Central Government Delegation in the Basque Country, which participates in the selection of students and proposes the “euskalteguis” (centre for the teaching of Basque) in which the Basque language classes are to be given.

#### **CATALONIA:**

In the Autonomous Community of Catalonia, proposals for training are the responsibility of the Central Government Delegation in Catalonia, which co-ordinates Catalan classes and participates in the selection of students and teachers.

#### **OTHER BILINGUAL AUTONOMOUS COMMUNITIES:**

In the other bilingual Autonomous Communities, training in co-official languages is regulated by means of specific co-operation agreements signed via the INAP.

In the Autonomous Community of Galicia, an agreement has been signed each year since 2000 pursuant to the outline agreement signed by the INAP and the Galician School of Public Administration on 4 July 1998, express mention being made of the participation of the Central Government Delegation in Galicia in selecting the students and managing the classes.

In the Community of Valencia, an annual agreement has been signed each year since 1995 with the Secretariat for Culture and Language Policy of the Valencian Government’s Department of Culture, Education and Sport (Secretaría Autonómica de Cultura i Política Lingüística de la Conselleria de Cultura, Educació i Esport de la Generalitat Valenciana), pursuant to the outline co-operation agreement signed on 28 December 1995 between the INASP and the Valencian Government.

As regards Navarre, a specific agreement has been signed each year since 1995 with the Navarre Institute of Public Administration pursuant to the outline agreement of 20 May 1992 between the INAP and the Navarre Government’s Directorate General of Language Policy.

Language training in the Autonomous Community of the Balearic Islands is regulated by a specific co-operation agreement signed each year since 1996 with the Department of the Interior of the Government of the Balearic Islands, pursuant to the corresponding outline agreement signed on 5 April 1989.

- II -

It should be noted that, during the previous legislature (2004-2008), 19,154 civil servants attended language training classes, representing 67,179 hours of teaching and a total cost of 1.84 million euros.

In 2008, the sum earmarked for this purpose has risen by 12%, to over 450,000 euros, which means that the commitment to expand training provision, with a corresponding increase in funding, has been honoured. All this is detailed in the tables set out in section IV below.

- III -

In the next few months, and it is important to point this out as it may affect civil servants working not only in peripheral agencies but also in central services, an agreement is expected to be signed between the National Institute of Public Administration (INAP) and the National Distance Learning University (UNED) under which training in the co-official languages will be offered to public employees independently of their place of residence. The INAP will fund and manage the courses and the UNED will be responsible for methodological and teaching issues.

- IV -

Figures for the bilingual Autonomous Communities in 2007 and 2008:

YEAR 2007	HOURS OF TEACHING	NUMBER OF STUDENTS	COST
Basque classes – Autonomous Community of the Basque Country	3,011	1,260	€84,097.50
Catalan classes – Autonomous Community of Catalonia	1,254	525	€84,999.92
Galician classes – Autonomous Community of Galicia	836	391	€68,731.50
Valencian classes – Community of Valencia	3,927	1,225	€75,705.00
Basque classes – “Foral” Community of Navarre	2,907	226	€31,752.00
Catalan classes – Autonomous Community of the Balearic Islands	1,377	556	€61,094.40
TOTAL	13,312	4,183	€406,380.32

YEAR 2008	HOURS OF TEACHING	NUMBER OF STUDENTS	COST
Basque classes – Autonomous Community of the Basque Country	3,071	1,297	€84,097.50
Catalan classes – Autonomous Community of Catalonia	1,040	260	€46,800.00
Galician classes – Autonomous Community of Galicia	852	402	€76,133.88
Valencian classes – Community of Valencia	4,005	1,261	€83,858.43
Basque classes – “Foral” Community of Navarre	2,965	232	€35,171.69
Catalan classes – Autonomous Community of the Balearic Islands	1,404	572	€128,768.67
TOTAL	13,337	4,024	€454,830.17

**3) General recommendation made by the Committee of Experts on the need to “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 in this field posted in the autonomous communities has a working knowledge of the relevant languages”.**

As mentioned above, significant progress has been made as regards training provision in co-official languages for staff working for the General State Administration.

Furthermore, in vacancy notices for posts in the Central Government Delegations in bilingual Autonomous Communities, the possibility exists, if the Central Government Delegation itself so requests, of including a knowledge of languages either as a requirement or as an advantage, depending on the characteristics of the post.

**4) Services provided by Central Government Delegations and sub-delegations**

These services are provided in accordance with the provisions of Article 36 of Law 30/1992 of 26 November 1992 on the legal regime of public administration and the common administrative procedure.

Under these provisions, when applications are made to these bodies in the co-official language of the region, the procedure is conducted in that language. Similarly, in information and registry offices, people's requests are dealt with in the language which they used when making the request.

To this end, with the assistance of the Central Government Delegations in the respective Autonomous Communities, classes in the various co-official languages are generally organised at different levels for staff of the delegations or sub-delegations who require such training, under co-operation agreements between the INAP and the governments of the Autonomous Communities, as mentioned above.

## **B. Recommendation of the Committee of Ministers of the Council of Europe on the application of the Charter by Spain**

### **COUNCIL OF EUROPE** **COMMITTEE OF MINISTERS**

#### **Recommendation RecChL(2008)5 of the Committee of Ministers on the application of the European Charter for Regional or Minority Languages by Spain**

*(Adopted by the Committee of Ministers on 10 December 2008  
at the 1044th meeting of the Ministers' Deputies)*

The Committee of Ministers,

In accordance with Article 16 of the European Charter for Regional or Minority Languages;

Having regard to the declarations submitted 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;

Having taken note of the comments made by the Spanish authorities on the contents of the Committee of Experts' report;

Bearing in mind that this evaluation is based on information submitted by Spain in its second periodical 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;

Recommends that the authorities of Spain take account of all the observations of the Committee of Experts and, as a matter of priority:

1. 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;
2. 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;
3. ensure the presence of all regional or minority languages in state owned public services;
4. consider in collaboration with the Asturian speakers, the possibilities of improving the current level of protection provided by the Statute of Autonomy to Asturian;
5. take steps to adopt a specific legal framework for protecting and promoting Aragonese and Catalan in Aragon;
6. clarify the status of, and where appropriate adopt measures, in co-operation with the speakers, to protect and promote the following languages: Galician in Castile and León, Portuguese in the town of Olivenza, Berber in the Autonomous City of Melilla and Arabic in the Autonomous City of Ceuta.