

Report of the 4th cycle of Spain's Universal Periodic Review

Catalan Language as an Object of Repression



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1. Introduction

The organisations signing this document have created an ad hoc coalition to join their efforts in preparing this report for the 4th cycle of the Universal Periodic Review (UPR) of Spain.

The coalition is composed of the following civil society organisations:



La Intersindical

A trade union confederation made up of professional federations (private sector, public sector and industry), youth wing and regional branches with the aim to organise Catalonia's working people. A class-oriented trade union on the basis of solidarity, independence and internationalism seeking for a truly independent and fair Catalonia.



Language Rights

An organisation working for the promotion and recognition of cultural and linguistic diversity. From Geneva, it encourages cooperation between language communities around the world to protect language and human rights.



Plataforma per la Lengua

The Catalan-language NGO, created in 1993, with 26.000 members, is a non-governmental organisation that works to promote Catalan language as a social cohesion tool.



Sine Qua Non

A human rights organization that focuses on building capacities for civil society organizations and activists and on creating strategies to seek accountability for human rights abuses through international strategic litigation.



USTEC-STEs-IAC

The majority trade union in public education, established in different areas and educational sectors, with forty years of activity and an effective presence throughout Catalonia, defending the improvement of working and professional conditions.

2. Object of the Report and Methodology

This report focuses on the risk situation of Catalan language and, specifically, of the immersion model at schools in Catalonia, drawing on the expertise of the various organisations within this ad hoc coalition.

One of the areas that requires attention is the consideration of languages other than Spanish within Spain. Among them, the Catalan language is the one that receives the most pressure and attacks, probably as a consequence of the historically difficult political relationship between the Spanish state and Catalonia and, as far as the issue at hand is concerned, of the events that have occurred over the last few years. The politicisation of justice and the growth of the extreme right are two key elements in this offensive.

The co-signatories believe that since Spain's 2020 UPR, several relevant issues have arisen regarding the situation of the Catalan language in schools. Although in the 3rd cycle of the UPR Spain received a total of 275 recommendations and accepted 252 of them, none of these recommendations related to language and, more specifically, the situation of Catalan in schools. Due to this lack of information on language in previous cycles, this report cannot assess the degree of implementation of any of the recommendations.

The organisations that form part of the coalition consider it necessary to provide relevant information to the UPR in order to give a complete approach to the actual situation and to try to solve the important problems that target Catalan language and put its future at risk. In addition, we give some recommendations to the state in order to try to stop the current situation where Catalan language is in danger because of the pressure from the judiciary, that also acts in a very clear direction against Catalan regardless of the lack of scientific content of its rulings. We also advocate necessary changes that could help the state to overcome these shortcomings and prevent human rights violations.

All the organisations that are part of the Coalition were consulted in the preparation of this report, each providing information within their areas of expertise.

From the very beginning, the organisations signing this joint report have informed the Special Rapporteur on minority issues, who has issued several communications on the subject. We will take his recommendations to the Spanish state as a starting point when issuing our owns.

3. Overview: the Situation and the Problem

3.1. The Catalan Language as an Object of Repression

Although the Catalan language has been persecuted for centuries by Spanish governments, this report focuses on the recent period and therefore only situations that may have direct consequences on the subject of the report are presented.

After the Spanish Civil War, the Catalan language was subject to intense and systematic persecution under the ensuing dictatorship. This was especially evident in the 1940s and 1950s. The Franco regime banned the use of Catalan in public and private communications. All educational content was taught in Spanish.

During the 1950s and 1960s, there was a significant influx of immigrants from other parts of Spain. They didn't understand Catalan, and the situation provoked by Franco's rules resulted in limited opportunities for them to become acquainted with and learn the Catalan language, aside from some voluntary and semi-clandestine initiatives. This also resulted in an increase of Spanish language use both at immigrants' homes and in public spaces.

Despite the aforementioned circumstances, the Catalan language was maintained as a language of family transmission in Catalonia and other Catalan-speaking areas.

The diglossic situation of the maintenance of Catalan within the home and the use of Spanish in social contexts was questioned when the democratic period arose, leading to the emergence of new initiatives. One of the most significant issues was the choice of language used in schools.

Following the death of Franco in 1975, democratic freedoms were restored and the Constitution of 1978 recognised linguistic plurality. It established that Spanish languages other than Castilian could be official in accordance with the statutes of autonomy for different regions. The Statutes of Catalonia (1979) and the Balearic Islands (1983) recognised Catalan as the language of these areas and declared it the official language, to be used jointly with Spanish. The statute for Valencia also made the language official (1982), with the legal name of Valencian, while Catalan was established as the official language of Andorra in the country's 1993 Constitution.

In accordance with these statutes, the autonomous parliaments of Catalonia, the Balearic Islands and Valencia passed laws supporting the Catalan language, introducing it in schools, government and the media.

But after all these years, and despite the linguistic dynamism of Catalan society, Catalan is still under threat, partly because of the huge demographic changes it is currently facing, and also because of the obstructive attitude of the Spanish state in all Catalan-speaking areas. Besides the issue of language at school addressed in this report, this is evidenced by the fact that Catalan is not yet an official language of the European Union, and that Catalan was used in only 6% of court rulings in 2022. These elements represent just two examples of the ongoing challenges facing Catalan in the Spanish state.

1 <https://www.elpuntavui.cat/societat/article/2370678-nomes-un-6-de-sentencies-en-catala-i-sense-previsio-de-millora.html>

In addition, another worrying fact is language discrimination in public administrations. The Spanish Government routinely dismisses allegations in this regard, as Article 14 of the Spanish Constitution does not include "language" as a ground for discrimination.²

3.2. The Linguistic Immersion System in Catalonia: A Tool to Overcome Language Imbalance

The immersion system in schools developed to compensate the high use of Spanish in Catalonia, because Spanish was the first language of the vast majority of the people who settled in Catalonia in various waves of migration. Its aim is for pupils to master Catalan, which not everyone learns at home, and Spanish, which is widely used both in the media and in the street.

The immersion model's application started in some Spanish speaking schools in Catalonia in 1983, following pressure from several families who wanted their children to be educated in Catalan. Since then, it kept growing, and from the 1992-1993 school year onwards, it became the model for education throughout Catalonia.

The main aim of immersion is to achieve the learning of a language by those students who do not speak it at home in the shortest possible time, and always bearing in mind that it is important to achieve the maximum possible lexical and grammatical knowledge and the maximum possible communicative ability. It is a programme that aims to ensure that, by the end of compulsory schooling, each student has an equivalent command of the two languages (family and school). The results of the application of this model have been very successful, and it has contributed to linguistic normalisation, as it guaranteed the knowledge of a minoritised language, Catalan, for the great majority of the population, regardless of their family language.

One of the characteristics of the immersion system applied in Catalonia is that it is specially designed not only for a linguistic minority, but for the community as a whole, which means that there is no school segregation on the basis of language and that this educational model contributes greatly to social cohesion.

At the academic level, and despite the self-serving and baseless opinions of the right-wing parties, Catalan students' results in terms of knowledge of Catalan and Spanish are similar, and the level of Spanish language is equivalent to those of students from monolingual Spanish-speaking communities.³

As far as knowledge of Spanish is concerned, and even in the case of Catalan-speaking families, the command of Spanish is general, and this is due both to historical reasons and to its absolute majority presence at all levels. The balance between the social presence of Spanish and Catalan in Catalonia is clearly in favour of Spanish. Social life, communication and media, entertainment, etc. are mainly in Spanish. Even being both languages official, the State works as monolingualistic. The weight is highly in favour of the Spanish language.⁴

2. Spanish Constitution, Section 14

Spaniards are equal before the law and may not in any way be discriminated against on account of birth, race, sex, religion, opinion or any other personal or social condition or circumstance.

3. <https://naciodigital.cat/societat/les-dades-avalen-la-immersio-els-nivells-de-catala-i-castella-dels-alumnes-son-quasi-identics-161100-102.html>

4. <https://www.diaridelallengua.cat/els-estudiants-catalans-tenen-mes-dificultats-a-parlar-catala-que-castella/>

3.3. Against Social Cohesion and Linguistic Diversity. The Attacks to Catalan Language at School

Despite the unbalanced situation between Catalan and Spanish and the success of the immersion model both in terms of guaranteeing knowledge of both languages and in terms of contributing to social cohesion by preventing segregation, it has come under attack throughout its implementation in Catalonia. These attacks have deep historical roots and are partly a consequence of the persistence of pre-democratic norms that have not completely disappeared in a transition that was too weak, and of the difficult permanent relationship between the Spanish state and Catalonia.

In the cases that concern us, it is also worth taking into account the fact that this difficult relationship has experienced an increase in conflict in recent years, due to the majority's will in Catalonia to become an independent state and the repressive reaction to this will by the state since 1 October 2017.

In 2020, the High Court of Justice of Catalonia ruled against the Catalan immersion model by imposing a 25% of Spanish in all schools in Catalonia. The ruling partially upholds an appeal filed by the Ministry of Education, with Minister Wert at the head, presented during the PP government of Mariano Rajoy in 2015 against several resolutions of the Department of Education regarding the use of vehicular languages at school. The following Governments, including the PSOE ones, did not withdraw either the appeal to avoid this ruling. Before 2020, there were some specific centers affected by similar rulings since 2015. The Courts were creating jurisprudence in order to this general ruling in 2020.

The court declares the obligation of the Catalan government to adopt the necessary measures to ensure that all students receive "effective and immediate" education through the normal vehicular use of the two official languages in the percentages that are determined, "which cannot be lower than 25% in one case and in the other".⁵

The Government of Catalonia lodged an appeal in order to maintain the successful and cohesive immersion system, which was rejected. Besides, The TSJC did not admit the Catalan-defending organisations Òmnium, USTEC and Plataforma per la Llengua in the 25% case to defend their position, but did allow the Spanish-defending organisations Hablamos Español and Asamblea por una escuela bilingüe to join the case.⁶

Later on, in 2021, the Spanish Supreme Court imposed a 25% of Spanish in all schools in Catalonia. Previously, the Special Rapporteur on minority issues had elaborated a report on Spain following his visit in 2019⁷ where, in paragraphs 65 and 86, asked Spanish authorities, including at the level of autonomous communities, to review any measure that might reduce the proportion of teaching carried out in the Catalan minority language in public schools. As it can be easily inferred, the judiciary did not listen to the recommendations of the Special Rapporteur.

He also pointed out that the issue of the language of education was particularly sensitive and challenging in Spain, due to the judicial pronouncements that have emphasised the prominent constitutional position of the sole national official language, which, in accordance with article 3 of the Constitution,⁸ all Spaniards have the duty to know and the right to use, and what they may imply in relation to the right to be taught in Castilian as opposed to in co-official languages.

5. <https://www.poderjudicial.es/cgpj/es/Poder-Judicial/Tribunales-Superiores-de-Justicia/TSJ-Cataluna/Noticias-Judiciales-TSJ-Cataluna/El-TSJC-obliga-a-un-minimo-del-25-de-ensenanza-en-castellano-dentro-del-sistema-educativo-de-Catalunya>

6. <https://www.larepublica.cat/noticies/politica/nacional/el-tsja-no-admet-omnium-ustec-i-plataforma-per-la-llengua-en-la-cause-del-25-pero-si-a-hablamos-espanol/>

7. <https://www.ohchr.org/en/documents/country-reports/ahrc4347add1-visit-spain-report-special-rapporteur-minority-issues>

8. Spanish Constitution, Section 3.

(1) Castilian is the official Spanish language of the State. All Spaniards have the duty to know it and the right to use it

(2) The other Spanish languages shall also be official in the respective Autonomous Communities in accordance with their Statutes.

(3) The richness of the different linguistic modalities of Spain is a cultural heritage which shall be specially respected and protected.

The Catalan Government appealed against the sentence mandated by the Superior Court of Justice in 2021 with the argument that the Constitution nor any other legislation in education foresees the learning of languages by percentages. It also passed two decrees, approved by the Parliament of Catalonia and pending before the Constitutional Court, since the appeal filed by two parliamentary groups that have only 9 of the 135 seats in the Catalan Parliament. These decrees, despite respecting the vehicular nature of the Spanish language, recall that the Catalan is the language normally used in the educational system in Catalonia and that percentages should not be applied, because the presence of the Spanish language must depend on the results of the students, it should respond exclusively to pedagogical criteria, and it should be decided in accordance with the linguistic project of each school.

Faced with this situation, thousands of people demonstrated in the streets, demanding a return to the linguistic immersion system, which had been so successful in recovering the use of language after the dictatorship and in the knowledge of the two official languages. The Catalan school model has 80% of public support,

The Special Rapporteur on minority issues elaborated another report on 2023 calling for a review of the rulings against immersion made by the High Court of Justice of Catalonia.⁹

On September 24 2024, the Committee of Experts of the European Charter for Regional or Minority Languages of the Council of Europe published the Sixth Evaluation Report on Spain. The document asserted that establishing a minimum percentage of instruction in Castilian is inconsistent with the obligations assumed by Spain under Article 8 of the Charter.¹⁰

3.4. The Null Respect to Experts and Evidence. The Lack of Scientific Bases of the Decisions

This decision to impose 25% Spanish in all schools was taken from a judicial perspective, from a non-linguistic and sociological point of view, with the judiciary taking on the unusual role of deciding on linguistic and educational matters with a high social impact, without being aware of the current realities and without taking into account all the benefits that the immersion model has had for the students, disregarding the damage to linguistic and minority rights, and ignoring the competences of Catalonia in the field of education, as well as the current Spanish law, which abolished Spanish as a working language in schools after the Constitutional Court imposed it in 2010, limiting the Catalan Autonomy Statute.

The linguistic situation in Spain is not ruled considering a scientific perspective, complying with Spanish law on education, and taking care of the linguistic rights of minorities, but it is governed by constitutional jurisprudence or doctrine by the Supreme Court of Justice.

Mixing linguistic and political issues, and using language as a political weapon, right wing parties in Spain accused Catalan schools of “indoctrinating pupils towards separatist sentiment”. This idea was translated into corrective measures in the legislation, which ended up with this imposition of teaching at least a 25% of classes in Spanish in all schools.

9. <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=28240>

10. https://www.coe.int/ca/web/european-charter-regional-or-minority-languages/news/-/asset_publisher/t9sWxmY5eZkv/content/spain-s-system-to-protect-regional-and-minority-languages-is-well-developed-but-gaps-persist-in-justice-healthcare-and-public-administration-1?_com_liferay_asset_publisher_web_portlet_AssetPublisherPortlet_INSTANCE_t9sWxmY5eZkv_assetEntryId=272569763

3.5. Catalan Language in the Balearic Islands and the Valencian Country

The abovementioned report of the Council of Europe also shows great concern about the approval of the educational freedom law from the PP government in the Valencian Country, in which it is stated that a 25% of Spanish is required as Valencia's base language and it also allows that studying Valencian becomes non mandatory in the most Spanish-speaking areas of this autonomous community. In doing so the right to study in Valencia is violated, according to CELROM.

This report also refers to the fact that there is a general lack of data on the use of the language in both the Balearic Islands and the Valencian Country. In the first of the territories, the IAQSE (Institute for Evaluation and Quality of the Educational System) has not published any data on language use and skills since 2018. In the Valencian Country, there is not even an equivalent organism and, therefore, there are no data regarding the sociolinguistic situation. This fact not only contradicts the CELROM, but also the state education law itself, given that the additional provision 38^a states that the educational administrations will apply the instruments of control, evaluation, improvement and analysis needed at the educational centers to correct the linguistic deficiencies that are detected.

4. Recommendations

The fact that students have full access to Spanish language in all spheres of their lives, even in schools, lets Education as the only sphere that can balance the lack of access to Catalan language on the other areas, by guaranteeing, through the immersion model, the knowledge of both languages. Besides, this model of teaching ensures cohesion and non-imposition of a language over the other.

The attack to Catalan language at schools violates rights to education but is evidence of the general situation of risk that Catalan is going through. The lack of use of Catalan in the justice system; the linguistic discrimination in the public administrations, whose allegations the Spanish government routinely dismisses, since Article 14 of the Spanish Constitution does not include “language” as a ground for discrimination; and the linguistic emergency shown by the fast decreasing of the population speaking Catalan and the imposition of the majority language by the state, are examples of the extreme situation that Catalan undergoes and of the necessity of taking effective measures in favour of its surviving. Consequently, as a minoritised language, Catalan should receive protection following the international commitments ratified by Spain, and the Spanish State should keep in mind that any adoption in favour of a minoritised language, as Catalan, must not be considered an act of discrimination against the Spanish language.

Moreover, prohibition of discrimination based on language and protection to the right to education should be strictly complied with, and mandatory percentages of subjects to be taught in Spanish should be banned because they make the immersion model impossible to apply, contributing to the destruction of the improvements the model had achieved and putting under further risk Catalan people and their language, in addition to having a chilling effect upon Catalan speakers and the other minority language groups.

As was stated above, the UN Special Rapporteur on Minority Issues sent a communication to Spanish authorities in 2023 about the compatibility of the rulings of the High Court of Justice of Catalonia (TSJC) against language immersion with international law. We will base our recommendations to the Spanish state on the facts he outlined on his own.

The Forum on minority issues held in 2019 addressed the theme “Education, language and the human rights of minorities” and issued a series of recommendations.¹¹ They will be at the base of the ones we present.

4.1. Recommendations Related to the Use of Catalan Language in Schools

Given that reducing the use of the Catalan language in the successful immersion programme in Catalonia would entail the risk that children of Spanish-speaking origin would not learn Catalan well, as it is a minoritised language, **we recommend that the use of the Catalan language should not be reduced in schools.**

Given that the immersion system has been considered a successful model by UNESCO and several international actors, **we recommend continuing the implementation of the immersion model in schools in Catalonia.**

Given that the Spanish state should act in line with its international human rights obligations and regarding the incompatibilities of the court decisions with international human rights standards, **we recommend eliminating the proposal of teaching in Spanish at least 25% of all teaching in primary and secondary schools in Catalonia.**

Given that states must safeguard mother-tongue education for linguistic minorities at all levels where feasible, **we recommend to avoid increasing the use of Spanish at school.**

11. <https://acrobat.adobe.com/id/urn:aaid:sc:EU:45db6ce1-3910-4b92-9a7d-d8264e6ef693>

4.2. Recommendations Related to the Linguistic Situation in Spain

Given that Spanish is the majority language in the country and one of the most speaking languages worldwide, and its daily use and exposure are already privileged and guaranteed, **we recommend that the state devote its efforts in terms of linguistic issues in Catalonia to the use and survival of the Catalan language.**

Given that, in recent years, judicial interpretation has led to an increase in obstacles to the use of minority languages in a number of public services, **we recommend that all obstacles to the use of Catalan language be removed so it can be used without problems in all situations.**

Given that the Spanish state should act in line with its international human rights obligations, and to avoid possible discriminatory practices against linguistic minorities, **we recommend to include language among the prohibited grounds for discrimination in Article 14 of the Constitution, on equality before the law, as it does in the UN Human Rights treaties.**

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