



**THIRD REPORT ON THE APPLICATION BY THE
SPANISH STATE OF THE EUROPEAN CHARTER
FOR REGIONAL OR MINORITY LANGUAGES, WITH
REGARD TO THE CATALAN LANGUAGE**

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"There are people who do not like other people speaking, writing or thinking in Catalan. They are the same people who do not like other people speaking, writing or thinking."

Ovidi Montllor

Singer, theatre, cinema and television actor, poet.

(Alcoi 4-2-1942-Barcelona 10-3-1995)



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1. Presentation: Is multilingualism impossible?

For the third time, the Observatory of the Catalan Language, whose members include different organisations that defend Catalan language in all the territories where it is spoken, and academic experts in these matters, is presenting a report on Spain's application of the European Charter with regard to Catalan Language.

This third report coincides with the monitoring visit due to be made by the Committee of Experts on the occasion of the third State report corresponding to the application of the Charter between 2006 and 2009.

The hopes for multilingualism arising from Spain's ratification of the European Charter, which accompanied the constitution of the Catalan Language Observatory by a very broad range of non-governmental and expert organisations, seem to be fading in the face of the harsh arguments of reality:

- The scant headway made towards multilingualism in the State overall, and the barely concealed persistence of myriad regulations imposed by Spanish language, lead the single-language models of the official majority language in the State to persist or prevail;
- The lack of reaction, and systematic and permanent non-fulfilment by the central administration of the State and by the Governments of sub-state organisations (as is the case, among others, of the Autonomous Government of Valencia) of the precepts of the European Charter and of the



recommendations of the Committee of Experts and the Committee of Ministers of the Council of Europe;

- The creation of a social and political climate contrary to the linguistic diversity of the State, which seeks short-term yields, at the ballot boxes, from the confrontation between linguistic communities and the conflictive presentation of linguistic coexistence in territories which have two official languages;
- Finally, due to the limits imposed by the Declaration made by the Spanish State on ratifying the European Charter, on the treatment of the Catalan language – whatever its specific name may be in a concrete territorial and political reality -, reinforcing an unjustifiable linguistic secessionism between "Catalan" and "Valencian". This secessionism is indirectly endorsed by the presentation as two different languages, on the website of the Council of Europe, and by the zero response by the Committee of Experts to the repeated petitions pertaining to the fact that the administrative divisions of the State are used for secessionist policies contrary to Catalan Language and the principles of the Charter.

This third Report – or counter-report - on the report presented by the Spanish State with regard to Catalan Language, shows yet again - and after years of repeated calls to the Committee of Experts of the Council of Europe-, that Spain, after Franco's dictatorship and the transition to democracy, chose to uphold a single-language model of Spanish,



without the territories with two official languages having been able to develop their linguistic policies with any kind of normality. Justice, the administration of the state, the public services, commercial services and trade activities, among others, are still islands outside the State's linguistic plurality.

The hope that dawned, on August 1, 2001, of making the European Charter of regional or minority languages an instrument to dynamise the necessary transition from the old monolingualism imposed by Franco to a diverse and plurilingual democratic reality, now, 10 years on, is beginning to fade in the face of the inactivity and lack of reaction by the Spanish State, which has failed to apply the European Charter and simulates a certain fulfilment on paper, and the lack of clout of the institutions of the Charter to go beyond partial recommendations, reiterated report after report.

2. The construction of a social and political climate contrary to diversity and multilingualism

The third Report of the Spanish State seeks to present a non-existent reality, camouflage the clear inadequacy of the legal ordinance regarding the spirit and provisions of the Charter, grounding it on the sadly false idea that:

“Multilingualism is one of the essential traits of autonomous Spain”.

In seeking to provide a response and to debate, in the text of this third report, the recommendations made by the Council of Ministers at the



proposal of the Committee of Experts, the Spanish State is acknowledging the scant attention it has paid to them, and which three years on it seeks to justify.

On February 6, 2004, the *Presència* weekly, distributed at the weekends by the *Diari d'Andorra*, *El Punt*, *Regió 7*, *Diari de Balears*, *El 3 de Vuit*, *Segre*, *El 9 Nou* and *Diari de Sant Cugat* dailies, already devoted an extensive report on the latest aggressions against Catalan Language throughout the territory, with the intervention of some forty political, civil and cultural celebrities from all the Catalan-speaking territories.

On June 23, 2008, a new media offensive against the linguistic pluralism of the State and against the language policies in territories with two official languages was initiated, in the form of a very harsh Manifesto in the *Ateneo de Madrid*, titled: “*Manifiesto por una lengua común*” (Manifesto for a Common Language) stated “For some years now there have been growing reasons for concern in our country about the institutional situation of Spanish, the only jointly official and common language of all Spanish citizens.” Despite acknowledging the excellent health of Spanish language, the signatories called upon the Spanish Parliament to implement “a legal regulation of suitable rank (which in this case may require a modification of the constitution and of some autonomous statutes) to unequivocally establish (that...) the Spanish language as COMMON and OFFICIAL throughout the national territory, the only one which may be assumed to be understood by all Spanish citizens”. This document, which was widely disseminated in the press, enjoyed great political support and was presented by outstanding cultural celebrities, capturing the political debate for weeks, and generating a



climate contrary to linguistic policies and calling for regulatory changes directly contrary to the European Charter.

On April 19, 2009, a concentration calling for the removal of the statue commemorating the victory of Franco's armies in the Spanish Civil War and the restitution of the monument of the intellectual and federalist politician, Pi i Margall, marched under the slogan: *"70 years against Catalan: We denounce the continued attacks on our language"*, organised by the Commission of Dignity, the Association of Catalan Language Writers and the Association of Professional Actors and Directors of Catalonia. A clear example of how important sectors of Catalan civil society and the world of culture perceive the situation, which clashes with the false self-satisfaction of the Report produced by the Spanish State. The organisers of the demonstration claim that the persecution of the Catalan Language did not end with the advent of democracy in Spain, and state that: *"This situation has by no means been remedied with current democracy, as is corroborated by the effective exclusion of Catalan from numerous areas of modern life, such as the courts of justice, the cinema, sports, the world of the big companies, TV, etc. It need only be remembered that no Catalan has been able to watch the latest "Champions" matches in Catalan or that the State is currently dismantling TV3 in the Valencian Community... These events are tantamount to cultural genocide."*

At the end of 2010, on the occasion of the traditional annual match of the Catalan Football Federation, in this case against Honduras in the Lluís Companys Olympic Stadium (Barcelona), Plataforma Pro Seleccions Catalanes, a private organization which promotes the international recognition of Catalan national sports teams, called upon the public to



evinced their discontent on account of the latest attacks on the vehicular teaching of the Catalan language in the Supreme Court judgments after the Constitutional Court had taken scissors to the Statute of Autonomy of Catalonia. The slogan of this campaign could hardly be more explicit, addressing Catalan speakers by asking them “*Are you a hero?*”

The genuine indignation at the aggressions suffered by the Catalan language in the State overall – and particularly in the Valencian Community, the Balearic Islands and eastern Aragon, where it is the territorial language -, the general consensus that the State, far from moving towards a model of linguistic pluralism, maintains policies, regulations and attitudes committed to the imposition of Spanish, is so patent and shared by broad sectors of Catalan society, with political and social positions that cover the whole possible sector, that the assertions of multilingualism, tolerance and normality only hold up on the paper the Report by the Spanish State is written on, but are far from being a reality.

The aggressions suffered by the Catalan language in the State overall – and particularly in the Valencian Community, the Balearic Islands and eastern Aragon, where it is the territorial language – provoke a sense of indignation. The impression that the State, far from moving towards a model of linguistic pluralism, maintains policies, regulations and attitudes committed to the imposition of Spanish, is clear and is shared by broad sectors of Catalan society, with political and social positions that cover the whole possible sector. For these reasons, the assertions of multilingualism, tolerance and normality only hold on the paper the Report by the Spanish State is written on, but are far from the real state of affairs.



Finally, and as the clearest expression of the perception of the scientific community, the Institute of Catalan Studies (IEC), the Academy of sciences and humanities, founded in 1907, and which is the premier academic corporation in the lands of Catalan language and culture, and a member of the International Union of Academies since 1922, stated, on February 3, 2011, that:

“We are dealing with exceptional circumstances, in which the tendencies of the process of globalisation and pressure from state majorities — and more particularly the Kingdom of Spain — towards a linguistic and cultural homogenisation completely contrary to the principles of sustainable cultural diversity called for by the general interest of the languages and cultures of the world, and which are advocated by the international treaties and declarations of the European Union and the United Nations.

The political involution of the Spanish autonomous state is exhibiting increasingly more adverse tendencies to equality, both in the political considerations of nationalities and the respect for linguistic and cultural plurality, as well as in its funding system or state investments. Numerous media foster anti-Catalan feeling, and we have only just seen how a Constitutional Court overruled the precepts of a Statute of Autonomy not only approved by the Parliament of Catalonia and by the General Parliament of Spain, but which also obtained the favourable plebiscite of the people of Catalonia.

This situation jeopardises our future as a community and the effort for cohesion made by our society, and very particularly the



educational system, with a view to integrating millions of people from other lands with different languages and culture inclusively in Catalan and Spanish. More than 40% of foreigners in Spain live in the Catalan-speaking area.

Our claim is detached from any party politics option, as an institution like our own cannot have such inclinations. It is born of the awareness that it constitutes a legitimate and responsible intervention in public affairs, and not in defence of any particularism which seeks to exclude, but rather quite the opposite, to assert the most fairest, most equal and democratic universal principles for coexistence in diversity, as did the Universal Declaration of Linguistic Rights proclaimed in Barcelona in 1996.

We wish to contribute to a favourable international context for all the languages and cultures of the world, in the knowledge that our community is an indicator of the credibility of policies that pursue respect for diversity.”

3. Towards a third recommendation by the Council of Europe in the Spanish State following the instances of non-fulfilment of the European Charter in the sphere of the administration of justice?

In its first Assessment Report, the Committee of Experts already pointed to the distance between the plurilingual framework permitted and protected by the Spanish Constitution of 1978 and the existing regulatory and practical reality, affirming:



“There still exists a clear gap between some of the undertakings chosen and the level of protection offered by the domestic legal framework and/or practice” (Conclusions, Page 159 , section C).

At that time, on April 8, 2005, it made clear, blunt and concrete references to the Administration of Justice:

“The Committee of Experts finds that there is a need to re-think the training and career structure of the judicial administration so that an adequate proportion of the judicial staff posted in the autonomous communities concerned has the required command of the regional or minority languages covered by Part III.” (Conclusions, Page 159, section D). Conclusions, Page 159, section D). And in a similar sense regarding the public function of the State in territories with two official languages (Conclusions, Page 159 , section E).

In the sphere of education, the highly-positive rating of the language immersion model such as Catalonia's versus the cases of non-fulfilment of the Charter involved in the bilingualism models of Valencia and the Balearic Islands was clear:

“Education in Catalan in the Balearic Islands, and in Galician and Valencian is based on a structured bilingual model. However, this does not correspond to the undertakings chosen, which imply an offer also of models of education given essentially in the regional or minority languages. (...) A systematic offer of a “full-immersion” model alongside the bilingual one is the objective



towards which all three autonomous communities concerned should aim with a view to gradually fulfilling the undertakings entered into.” (Conclusions, Page 160, section L).

Concluding its reflections, on the need to create a climate of mutual tolerance and understanding as the basis for a multilingual legal framework, on asserting that:

“More efforts therefore seem to be needed in education for the majority Castilian-speaking population and in the national media with a view to fostering a greater acceptance and respect by the majority vis-à-vis the specificities of regional identities as an integral part of the Spanish heritage. There is also a need to improve mutual understanding, with a view to promoting the virtues of plurilingualism and linguistic diversity and, in both majority and minority language groups, the fundamental idea of peaceful and harmonious co-existence.” (Conclusions, Page 161, section T, in fine).

The rigorous and complex Report of the Committee of Experts met with a clear response, and despite the intergovernmental and international diplomacy-driven nature of the Council of Europe, the Committee of Ministers of this Organisation took the philosophy of the Assessment Report on board, making up to six recommendations to the Spanish State.

Years later, with the second monitoring process, on April 4, 2008, history repeated itself. Effectively in its second Assessment Report, the Committee of Experts stated irremediably that:



“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” (Conclusions, page 149, section D).

On the verge of the third monitoring round by the Committee of Experts, which on its *in loco* visit will meet authorities, organisations and personalities in Valencia and Jaca, and will address the question of Justice, we believe that 10 years on from Spain's ratification, this is the opportunity *par excellence* to record the degree of non-fulfilment and the international responsibility that this involves on paper. The situation of Valencian language in this Autonomous Community – particularly with regard to teaching-, that of Catalan in la Franja de Poniente (Aragon), and the use of official languages before the Administration of Justice, are, in all likelihood, the three clearest expressions of the non-obligatory character which the Spanish State attaches to the European Charter, which it sees as a reference text and not as a legal regulation.

Proof of this paradoxical reality is that the actual State affirms, in response to the conclusions of the First Assessment Report, that:



“The Committee of Experts has been informed that the content of the Recommendation has been conveyed by 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” (Second Assessment Report, page 138, section 1202).

It should be remembered, perhaps, that the European Charter is an international treaty, and that it is therefore above all the internal legislation of the State, and any regulation contrary to it is inapplicable, and ALL the public powers are bound to fulfil it, and may, in the case of doubt of constitutionality, undertake the relevant actions.

Can one State calmly allege, as if nothing were amiss, before an international organisation, that failure to fulfil a treaty in force is because a main organ of the State does not wish to apply it? What value can a Recommendation by the Committee of Ministers of the Council of Europe have in this sphere? We understand that, as provided for by international public Law, the Committee of Experts and the Committee of Ministers are authentic and privileged interpreters of the Treaty – the European Charter -, that theirs is no mere interpretation, and that in any event it must prevail over unilateral interpretations of the party States. Therefore, non-fulfilment by the Committee of Ministers and its recommendation means that the State is not fulfilling the treaty, hence incurring in international responsibility, causing objective damage to the International Community overall and particularly of the rest of the Member states and which must correct its action without delay, rectifying the non-fulfilment.



4. The requirement of language skills in the State Administration and in the Administration of Justice in territories with several official languages

The Statute of Autonomy of Catalonia of 2006 recognises citizens' right to choose the language they wish to use in their dealings with “the institutions, organisations and public administrations in Catalonia [...], including the electoral Administration in Catalonia, and, in general, any private organisations that depend on it when they are engaged in public functions” (art. 33.1), the Administration of Justice (art. 33.2); and regulates the use of language in Catalan administrations and institutions (art. 50.5), and, at the same time, for this right to be effective, it establishes different provisions pertaining to the need for suitable and sufficient knowledge of two state languages by the state civil servants or public servants employed in Catalonia (art. 33.4, 102.1 and 3, and 102. However, the Judgement issued by the Constitutional Court (STC 31/2010, of June 28) leaves regulatory development, and therefore the effective implementation of these provisions, up to the State, a situation which is similar to that of 2001.

We understand that it would be absurd for the committee of Experts to be blinded by the provisions of the Statute without heeding the 2010 Constitutional Court Judgement and the latter's subsequent jurisprudential repercussions, claiming that the Judgement was issued at a time that falls outside the period of analysis of the Committee (2006-2009). The Statute was threatened and came under suspicion from the moment it took effect and was finally reinterpreted by the Constitutional Court.



In the matter in hand, academics who have addressed the question believe that it may even herald a step back with regard to the pre-statute situation, stating that “All in all, the most controversial aspect of the Judgement is the emphatic assertion of the “exclusive and *excluding* competence” of the State in defining statutory provisions, at odds with previous pronouncements in which a certain collaboration or regulatory concurrence of the state-wide and autonomous legislators was admitted in the regulation of the linguistic aspects of the Administration of Justice (STC 56/1990). (...) So that the statutory provisions pertaining to the language skills of public servants are conceived as principles that the state legislator will define with greater leeway (vid. PONS PARERA 2011)¹.

The situation is therefore in a similar to the one of ten years ago, in which all attempts at pushing through regulations have run into problems and been stymied. And the reality continues to be that many citizens have to relinquish their linguistic rights, since, even though they are protected by the European Charter, they are unable to use their own language in their dealings with the state administration or in the administration of justice.

¹ PONS PARERA, Eva: The effects of STC 31/2010, of June 28, on the linguistic system of the Statute of Autonomy of Catalonia, *Revista d'Estudis Autònoms i Federals*, issue number 12, March 2011, p. 120-152.



5. A cohesive teaching model under threat?

The Committee of Experts of the European Charter has made repeated statements on the excellence and effectiveness of the immersion model of the Autonomous Community of Catalonia:

“Remarkable progress in the use of Catalan in Catalonia has been made over the last decades. It has now become the most widely used language in a number of domains covered by the Charter. It can rely in particular on an impressive educational system” (First Assessment Report, page 169, section G)

They are the other side of the coin of the rejection caused by the Balearic and Valencian educational models, patently contrary to article 8 of Part III of the European Charter:

“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 under-takings chosen by Spain, which imply an offer also of models of education given essentially in the regional 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 under-takings 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” (Second Assessment Report, page 140, section H).



However, doubt has now been cast on this model of linguistic immersion, which is in jeopardy. Since the judgement of the Constitutional Court reinterpreting the Statute of Autonomy of Catalonia, the Supreme Court has opened up a new line of jurisprudence by means of which appeals by mothers and fathers against their children being taught according to the immersion model are accepted, with the Government of Catalonia being ordered to adapt the teaching system to the Constitutional Court judgement² on the Statute and that Spanish is introduced as a vehicular language “*proportionally and equally to Catalan in all years*”. The three first Judgements were issued at the end of 2010:

1. Supreme Court, Contentious-Administrative Court, Section: FOURTH, Judgement: 09/12/2010, Appeal to the Supreme Court no.: 793/2009, “*Appeal against the Judgement that rejects the aspirations of a parent of pupils attending a teaching centre in Catalonia for Spanish to be reintroduced as vehicular language in education together with Catalan and that the centre should send the parent any applicable communications in Spanish*”;
2. Supreme Court, Contentious-Administrative Court, Section: FOURTH, Judgement: 13/12/2010, Appeal to the Supreme Court no.: 796/2009, “*Be taught in Spanish together with Catalan in Catalonia, both are vehicular languages*”.
3. Supreme Court, Contentious-Administrative Court, Section: FOURTH, Judgement: 16/12/2010, Appeal to the Supreme Court no.: 1839/2009, “*Education. Teaching in Spanish together with Catalan. Pre-school education. Pupil's vehicular language*”;

² <http://www.vilaweb.cat/media/continguts/000/019/705/705.pdf>



At the moment there are five judgements in this line, which has left the Catalan educational world somewhat perplexed. The Supreme Court, ignoring the European Charter, makes a specific, restrictive and closed interpretation of the regulatory framework which leaves the legislator with their hands tied for developing linguistic policies, on stating that:

“For this purpose, and in accordance with the foregoing, the contentious-administrative appeal initially brought must be upheld, as must the right of the appellant for Spanish to be used as vehicular language in the educational system of the Autonomous Community of Catalonia in the relevant proportion in view of the linguistic harmonisation status reached by Catalan society so that it will not be reduced to being used for the study of just another subject, but rather that it be used as a teaching and vehicular language in education”.

The clarity and forcefulness of these five judgements coincides with the maintenance of the linguistic segregation models of the Valencian Community and the Balearic Islands, despite the repeated recommendations made by the Committee of Experts and the Committee of Ministers of the Council of Europe, leaving us with a scenario that is worse than before the European Charter came into force.

Catalan civil society, under the initiative of the UNESCO Centre of Catalonia, PEN Català, Ciemen, Linguapax, Òmnium Cultural, Federació de Moviments de Renovació Pedagògica de Catalunya, Associació de Mestres Rosa Sensat and Plataforma per la Llengua [Pro-Language Platform], joined by the Institute of Catalan Studies and different civil and cultural organisations-, presented the **“Institutional declaration of**



organised Catalan civil society organisations regarding the judgement of the Supreme Court on the linguistic model in Catalan schools”, which states that

“In our opinion, it is an absurd and disproportionate judgement, as it is not the result of a linguistic conflict and nor was it requested by any social group, but rather solely by three private parties, taking into account the history and the positive results of immersion in Catalan schools over the last three decades. There is no doubt that it is a political, rather than a legal judgement, and becomes yet another example of a string of similar aggressions, born of the restrictive interpretation of the judgement of the Constitutional Court on the Statute. (...) We wish to express our very great concern and warn of the pernicious consequences which the application of this judgement may entail: school segregation according to choice of language and consequently the rupture of social cohesion. Also the limitation of the opportunities of non Catalan-speaking citizens living and working in Catalonia, since lack of knowledge of Catalan will hamper their full social inclusion (...).”

6. The (lack of) protection of the Catalan language in eastern Aragon (Franja d’Aragó)

Back in its first Report, the Committee echoed the oft-forgotten linguistic situation of eastern Aragon:



“...Catalan is also spoken in a region of Aragon bordering Catalonia known as “Franja de Poniente”. It is spoken in all or parts of the following six areas: Ribagorza, la Litera and Bajo Cinca in the Province of Huesca, Caspe in the Province of Saragossa, and Bajo Aragon and Matarranya in the Province of Teruel. It is calculated that 83 out of the 107 municipalities located in the mentioned areas are Catalan-speaking. The Catalan speakers appear to amount to 40,000 out of 65,000 inhabitants.” Concluding that: “Aragonese (“Fabra”) and Catalan in Aragon are officially recognised in the legislation of the Autonomous Community of Aragon, but a language law is yet to be adopted. Very few measures have been taken so far in favour of the Aragonese language (“Fabra”), in spite of the fact that a will to revive it has recently appeared among the younger generations. The situation of Catalan in Aragon appears to be even worse: the Committee of Experts has not been made aware of any concrete measures in favour of Catalan in Aragon and the situation of this language in this territory was described to the Committee of Experts as being critical.” (First Assessment Report, Conclusions, section R.)

Three years later, the Committee of Experts again talked about the need for language regulation in Aragon to afford the necessary protection to Catalan, and was optimistic about the reform of the Statute of Autonomy of Aragon.

The situation, far from the fulfilment of the Charter, led the Committee to travel to Fraga to address the question. Aragon’s 2009 Language Act, far from living up to the expectations created in 1999 by Aragon’s Law of Cultural Heritage Act, - which left making Catalan and Aragonese being



declared official up to a later law -, failed to grant them official language status, declaring them “original and historic languages of Aragon” in a patently folkloristic approach far removed from the rights-driven spirit of the European Charter.

The shortcomings of the regulatory framework, the absence of official status and difficulties in schools, are patent in the current situation, which is clearly worse than in the two previous reports. Anti-Catalan segregationism, which seeks to see the Catalan spoken in Aragon as a language that is different to Catalan, has been greatly stimulated by its capacity to mobilise, at election time, and in favour of certain positions, the anti-Catalan feeling which has been nurtured for a long time by the state media and parties. At the same time, the new governing Partido Popular in Aragon focused part of its campaign, and announced in its election ,manifesto, the partial repeal of the as-yet undeveloped Language Law.

7. Valencia: from segregation to persecution

However, perhaps the most serious situation is to be found in the Valencian Community. The Committee of Experts should be congratulated for organising its visit there on the occasion of the third Report presented by the Spanish State. In the Valencian community, linguistic secessionism, which has encountered unexpected support, has acted as a strong instrument of mobilisation, feeding the deep-rooted anti-Catalan feeling among politicians and the media, and spawning, around the reality of a language, an anti-academic secessionist discourse with absurd practical consequences: Catalan teachers cannot



give classes in Valencian, people who speak Catalan and Valencian enjoy a kind of double recognition in the administration, regulations are published in two linguistic versions of the same language, generating legal uncertainty...

The reality of the attacks on Catalan Language in the Valencian Community now go beyond the sphere of language policy and interact with the deterioration of democracy, the abusive use of public powers and the loss of individual and collective freedoms.

Attention needs to be drawn to the educational model, repeatedly criticised by the Committee of Experts, and the progressive cornering of teaching in Valencian, the difficulty of using Valencian in dealings with the public administrations, the use of police force and administrative penalties for the social use of the language... The shutting-down of the TV3 booster station and the economic strangling of Acció Cultural del País Valencià (ACPV) with disproportionate fines for maintaining the signal of the television of Catalonia are but symbols of a fractured and deteriorated political reality.

Besides the closing down of the TV3 booster stations, the Valencian government has slapped three consecutive fines on Acció Cultural del País Valencià: one of €126,943.90, which was paid, and a further two amounting to €300,000 in each case. Not only has the Valencian Government not heeded the repeated calls made by the Government of Catalonia to reach a reciprocity agreement between Canal 9 and TV3, not only has it paid no attention to the 651,650 signatories of a Popular Legislative Initiative called "Television without Frontiers", but moreover it has pursued its legal offensive and economic punishment of ACPV. It



appears that in the case of television the demands of the European Charter are clearer if there is an international border, but the Committee has not applied the principle that internal administrative divisions within a State cannot be an obstacle to the normal use of languages.

8. Conclusions: Towards a multilingual state?

The first Assessment Report of the Committee of Experts and the Recommendations of the Committee of Ministers on the first Report of the Spanish State were received with criticism and hope by the Catalan Language Observatory. A document titled “Towards a multilingual state?” conveyed our optimism in the face of an international instrument – based in the Council of Europe - capable of stimulating the Spanish linguistic transition.

Ten years on we can still ask whether we are moving “Towards a multilingual state?”, although today the reality is tougher and the single-language reason of state illegally prevails over the international commitments that configure Europe’s public order. Now, with language immersion in the Principality of Catalonia falling under suspicion, the commitment to repeal the Language Law in Aragon, TV3 shut down in the Valencian Community and ACPV outlawed and bereft of resources, a single-language administration of justice and a discourse of would-be linguistic business efficacy that acts against minority languages in a global context ... right now everything seems too uphill.

Barcelona, July 1, 2011



9. Annexes

Annex 1

Manifiesto por una lengua común [Manifesto for a common language] (June 4, 2008), signed by Mario Vargas Llosa, José Antonio Marina, Aurelio Arteta, Félix de Azúa, Albert Boadella, Carlos Castilla del Pino, Luis Alberto de Cuenca, Arcadi Espada, Alberto González Troyano, Antonio Lastra, Carmen Iglesias, Carlos Martínez Gorriarán, José Luis Pardo, Alvaro Pombo, Ramón Rodríguez, José M^a Ruiz Soroa, Fernando Savater and Fernando Sosa Wagner.

'Manifiesto por una lengua común'

Documento presentado en el Ateneo de Madrid

ELPAÍS.com - Madrid - 23/06/2008

Desde hace algunos años hay crecientes razones para preocuparse en nuestro país por la situación institucional de la lengua castellana, la única lengua juntamente oficial y común de todos los ciudadanos españoles. Desde luego, no se trata de una desazón meramente cultural -nuestro idioma goza de una pujanza envidiable y creciente en el mundo entero, sólo superada por el chino y el inglés- sino de una inquietud estrictamente política: se refiere a su papel como lengua principal de comunicación democrática en este país, así como de los derechos educativos y cívicos de quienes la tienen como lengua materna o la eligen con todo derecho como vehículo preferente de expresión, comprensión y comunicación.

Como punto de partida, establezcamos una serie de premisas:

1. Todas las lenguas oficiales en el Estado son igualmente españolas y merecedoras de protección institucional como patrimonio compartido, pero sólo una de ellas es común a todos, oficial en todo el territorio nacional y por tanto sólo una de ellas -el castellano- goza del deber constitucional de ser conocida y de la presunción



consecuente de que todos la conocen. Es decir, hay una asimetría entre las lenguas españolas oficiales, lo cual no implica injusticia (?) de ningún tipo porque en España hay diversas realidades culturales pero sólo una de ellas es universalmente oficial en nuestro Estado democrático. Y contar con una lengua política común es una enorme riqueza para la democracia, aún más si se trata de una lengua de tanto arraigo histórico en todo el país y de tanta vigencia en el mundo entero como el castellano.

2. Son los ciudadanos quienes tienen derechos lingüísticos, no los territorios ni mucho menos las lenguas mismas. O sea: los ciudadanos que hablan cualquiera de las lenguas cooficiales tienen derecho a recibir educación y ser atendidos por la administración en ella, pero las lenguas no tienen el derecho de conseguir coactivamente hablantes ni a imponerse como prioritarias en educación, información, rotulación, instituciones, etc... en detrimento del castellano (y mucho menos se puede llamar a semejante atropello «normalización lingüística»).

3. En las comunidades bilingües es un deseo encomiable aspirar a que todos los ciudadanos lleguen a conocer bien la lengua cooficial, junto a la obligación de conocer la común del país (que también es la común dentro de esa comunidad, no lo olvidemos). Pero tal aspiración puede ser solamente estimulada, no impuesta. Es lógico suponer que siempre habrá muchos ciudadanos que prefieran desarrollar su vida cotidiana y profesional en castellano, conociendo sólo de la lengua autonómica lo suficiente para convivir cortésmente con los demás y disfrutar en lo posible de las manifestaciones culturales en ella. Que ciertas autoridades autonómicas anhelan como ideal lograr un máximo techo competencial bilingüe no justifica decretar la lengua autonómica como vehículo exclusivo ni primordial de educación o de relaciones con la Administración pública. Conviene recordar que este tipo de imposiciones abusivas daña especialmente las posibilidades laborales o sociales de los más desfavorecidos, recortando sus alternativas y su movilidad.

4. Ciertamente, el artículo tercero, apartado 3, de la Constitución establece que «las distintas modalidades lingüísticas de España son un patrimonio cultural que será objeto de especial respeto y protección». Nada cabe objetar a esta disposición tan generosa como justa, proclamada para acabar con las prohibiciones y restricciones que padecían esas lenguas. Cumplido sobradamente hoy tal objetivo, sería un



fraude constitucional y una auténtica felonía utilizar tal artículo para justificar la discriminación, marginación o minusvaloración de los ciudadanos monolingües en castellano en alguna de las formas antes indicadas.

Por consiguiente los abajo firmantes solicitamos del Parlamento español una normativa legal del rango adecuado (que en su caso puede exigir una modificación constitucional y de algunos estatutos autonómicos) para fijar inequívocamente los siguientes puntos:

- 1.** La lengua castellana es COMUN Y OFICIAL a todo el territorio nacional, siendo la única cuya comprensión puede serle supuesta a cualquier efecto a todos los ciudadanos españoles.
- 2.** Todos los ciudadanos que lo deseen tienen DERECHO A SER EDUCADOS en lengua castellana, sea cual fuere su lengua materna. Las lenguas cooficiales autonómicas deben figurar en los planes de estudio de sus respectivas comunidades en diversos grados de oferta, pero nunca como lengua vehicular exclusiva. En cualquier caso, siempre debe quedar garantizado a todos los alumnos el conocimiento final de la lengua común.
- 3.** En las autonomías bilingües, cualquier ciudadano español tiene derecho a ser ATENDIDO INSTITUCIONALMENTE EN LAS DOS LENGUAS OFICIALES. Lo cual implica que en los centros oficiales habrá siempre personal capacitado para ello, no que todo funcionario deba tener tal capacitación. En locales y negocios públicos no oficiales, la relación con la clientela en una o ambas lenguas será discrecional.
- 4.** LA ROTULACION DE LOS EDIFICIOS OFICIALES Y DE LAS VIAS PUBLICAS, las comunicaciones administrativas, la información a la ciudadanía, etc... en dichas comunidades (o en sus zonas calificadas de bilingües) es recomendable que sean bilingües pero en todo caso nunca podrán expresarse únicamente en la lengua autonómica.
- 5.** LOS REPRESENTANTES POLITICOS, tanto de la administración central como de las autonómicas, utilizarán habitualmente en sus funciones institucionales de alcance estatal la lengua castellana lo mismo dentro de España que en el extranjero,



salvo en determinadas ocasiones características. En los parlamentos autonómicos bilingües podrán emplear indistintamente, como es natural, cualquiera de las dos lenguas oficiales.

Firmado por Mario Vargas Llosa, José Antonio Marina, Aurelio Arteta, Félix de Azúa, Albert Boadella, Carlos Castilla del Pino, Luis Alberto de Cuenca, Arcadi Espada, Alberto González Troyano, Antonio Lastra, Carmen Iglesias, Carlos Martínez Gorriarán, José Luis Pardo, Alvaro Pombo, Ramón Rodríguez, José M^a Ruiz Soroa, Fernando Savater y Fernando Sosa Wagner.



Annex 2

Press Dossier on the Supreme Court Judgment (December 2010 – January 2011)

Selection of articles that can be read at the “Centre de Documentació” of the “Direcció General de Política Lingüística” (Barcelona).

Summary of the thematic dossier:

La Sentència del Tribunal Suprem sobre la immersió lingüística (December 2010 – January 2011)

AUTHOR	TITLE	NEWSPAPER	DATE
NEWS AND INFORMATION ARTICLES ABOUT THE JUDGEMENT			
Sastre, D.G.	CiU defiende la inmersión pese a la sentencia.	Mundo, El	22.12.2010
	El TS obliga a igualar catalán y castellano en las escuelas.	20 Minutos	23.12.2010
Rodríguez, M.	Revés del TS al català.	ADN Barcelona	23.12.2010



			0
March, O.	CiU i PSC minimitzen la sentència.	Ara	23.12.2010
	Crides a la unitat, eufòria i proclames independentistes.	Ara	23.12.2010
Aragay, I.	El Suprem obre una nova via d'aigua a la immersió.	Ara	23.12.2010
	El TS ordena a la Generalitat que l'espanyol sigui llengua vehicular.	Diari d'Andorra	23.12.2010
	El Tribunal Suprem diu que el castellà ha de ser vehicular a l'escola.	Diari de Girona	23.12.2010
	La denuncia de una madre de TGN dinamita la immersió lingüística.	Diari de Tarragona	23.12.2010
	PSC y CiU no ven cuestionado el modelo.	Diari de Tarragona	23.12.2010
	El TS falla que el castellano debe ser lengua vehicular en la enseñanza.	Diari de Terrassa	23.12.2010
Grau, X.	El Supremo anula la inmersión lingüística en Cataluña.	Gaceta de los Negocios, La	23.12.2010
Díaz, M.	El TS obliga a la Generalitat a usar el castellano como lengua vehicular.	Gara	23.12.2010



	El Supremo ordena a Cataluña que el castellano sea lengua vehicular en los colegios.	Heraldo de Aragón	23.12.2010
	El Supremo ordena equiparar el castellano al catalán en las escuelas.	Levante	23.12.2010
	El Supremo "castellaniza" la escuela.	Mañana, La	23.12.2010
Sastre, D.G. Mayor, L.	CiU y PSC pactan incumplir la sentencia sobre el español. CiU mantendrá y preservará la inmersión.	Mundo, El	23.12.2010
Mayor, L.	El PP propondrá una ley de bilingüismo en las aulas.	Mundo, El	23.12.2010
Peral, M.	El TS rechaza la "exclusión de hecho" del castellano como vehicular en Cataluña.	Mundo, El	23.12.2010
	El Supremo obliga a equiparar en la educación el castellano y el catalán.	Nueva España, La	23.12.2010
Ríos, P. Maiol, R.	El Supremo reabre el debate del catalán.	País, El	23.12.2010
Rico, J.	El Suprem sacseja la negociació amb una sentència sobre el català.	Periódico, El	23.12.2010



Vázquez, A.	El Suprem imposa a Catalunya el castellà en l'ensenyament.	Públic	23.12.2010
Bella, E.	CiU relativitza l'abast del revés judicial del Suprem.	Punt, El	23.12.2010
Serrano, A.	Cop a la immersió.	Punt, El	23.12.2010
Nicolás, L.	Maragall assegura que les sentències no afecten "ni una sola coma" de la llei.	Punt, El	23.12.2010
	El TS ordena que el castellà sigui també llengua vehicular al "cole".	Què! Barcelona	23.12.2010
Domingo, A.	El Supremo obliga al Govern a que el castellano sea lengua vehicular.	Razón, La	23.12.2010
	El Suprem ordena a la Generalitat que el castellà sigui llengua vehicular a les escoles.	Regió 7	23.12.2010
	CiU afirma que la immersió lingüística no perilla perquè la norma continua vigent.	Segre	23.12.2010
	El Suprem ordena al Govern que equipari el castellà amb el català en el sistema educatiu.	Segre	23.12.2010
Gutiérrez, M. Gisbert, J.	La Generalitat garanteix que la immersió lingüística no està en perill.	Vanguardia, La	23.12.2010



Brunet, J.M.	El Supremo obliga a que el castellano sea lengua vehicular en la enseñanza.	Vanguardia, La	23.12.2010
Arbolí, C.	Escolarització en castellà: 20 nens entre 1,2 milions.	Ara	24.12.2010
	Mas assegura que la decisió no invalida la immersió perquè respon a casos concrets.	Diari de Girona	24.12.2010
Puig, O.	Una ponent de la sentència va avalar el model d'immersió lingüística fa 16 anys.	Diari de Girona	24.12.2010
Mayor, L.	Mas afirma que "casi nadie pide clase en castellano".	Mundo, El	24.12.2010
Blanchar, C.	CiU se compromete a mantener el modelo de inmersión lingüística.	País, El	24.12.2010
Rico, J.	Camacho i Rivera coincideixen en les andanades contra el president electe.	Periódico, El	24.12.2010
Rico, J.	La sentència sobre la immersió fragmenta en tres el Parlament.	Periódico, El	24.12.2010
Panyella, J.	La Generalitat explora la via del recurs a les tres sentències de la immersió.	Punt, El	24.12.2010
Espanyol, M.	El PP exige que se acate el fallo sobre el castellano que Mas	Razón, La	24.12.2010



	desprecia.		
	Artur Mas no veu en qüestió la immersió i el PPC li exigeix que compleixi les sentències.	Regió 7	24.12.2010
Armora, E.	Doscientos padres, dispuestos a pedir la enseñanza en castellano para sus hijos.	ABC	25.12.2010
	De Gispert: "La inmersión ha sido un éxito rotundo".	Mundo, El	25.12.2010
	C,s amaga con llevar al "president" a los tribunales por desacato al TC.	ABC	10.01.2011
	C's amenaza con llevar a Mas ante la Justicia por desacatar al Supremo.	Razón, La	10.01.2011
Cañizares, M.J.	El PP presenta una alternativa bilingüe a la ley de educación.	ABC	11.01.2011
	C's agotará la vía política antes de recurrir a la Justicia.	Mundo, El	11.01.2011
	El PP portarà al Parlament la sentència del TS.	Punt, El	11.01.2011
Salvatierra, I.	Gabilondo trenca el silenci i defensa l'escola en català.	Ara	12.01.2011
	El ministre d'Educació defensa la immersió.	Punt, El	12.01.2011



	El Gobierno defiende el sistema de inmersión lingüística en Catalunya.	Vanguardia, La	12.01.2011
	Ni una palabra ante el anuncio de desacato del PSC.	Gaceta de los Negocios, La	15.01.2011
	Rubalcaba avala el plan lingüístico de la Generalitat.	Mundo, El	15.01.2011
Planas, J.	El vía crucis de Cataluña.	Razón, La	17.01.2011
NEWSPAPER EDITORIALS			
9 Nou, El	Les batalles del castellà a Catalunya.	9 Nou, El	23.12.2010
Ara	L'èxit de la immersió.	Ara	23.12.2010
Avui	Andanada contra Catalunya.	Avui	23.12.2010
Mañana, La	Artificios educativos y políticos.	Mañana, La	23.12.2010
Mundo, El	CiU y PSC se rebelan contra el Supremo.	Mundo, El	23.12.2010
Periódico, El	La llengua i les lluites partidistes.	Periódico, El	23.12.2010



Regió 7	El català a l'Escola.	Regió 7	23.12.2010
Segre	Una sentència política.	Segre	23.12.2010
Diari de Tarragona	El "problema" lingüístic.	Diari de Tarragona	24.12.2010
País, El	Presidente Mas	País, El	24.12.2010
Vanguardia, La	El Supremo avala la normalización.	Vanguardia, La	24.12.2010
Diari de Girona	Un sistema lingüístic imprescindible.	Diari de Girona	25.12.2010
Gaceta de los Negocios, La	Golpe al estado de derecho.	Gaceta de los Negocios, La	20.01.2011
OPINION ARTICLES			
Cañizares, M.J.; Villanueva, N.	CiU Y PSC blindan la inmersión lingüística y desafían al Supremo.	ABC	23.12.2010
Jou, Ll.	El Suprem no pot fer política.	Ara	23.12.2010
Xirgo, X.	I l'aigua que baixa.	Avui	23.12.2010



Marzoa, R.	Suprem, per a qui?	Avui	23.12.201 0
Cal, J.	Estropell lingüístic.	Segre	23.12.201 0
Aunió, J.A.	Antes problema político que educativo.	País, El	23.12.201 0
Delclós, T.	El catalán, "centro de gravedad" del sistema.	País, El	23.12.201 0
Casabella, J.	El TS discuteix el model lingüístic però n'avalua en el fons la vigència.	Periódico, El	23.12.201 0
Subirats, J.	Atac a la línia de flotació de la convivència.	Público	23.12.201 0
	El Tribunal Suprem i la llengua catalana.	Punt, El	23.12.201 0
Serrano, A.	Un regal del Suprem.	Punt, El	23.12.201 0
Armora, E.	La inmersión lingüística, en la UCI.	ABC	24.12.201 0
Vila i Moreno, F.X.	Dret a decidir: primer 'round'.	Ara	24.12.201 0
Alzamora, S.	Quin ensurt.	Ara	24.12.201 0
Pairolí, M.	Aigua al foc.	Avui	24.12.201 0



Solé i Sabaté, J.M.	Còmplices genocides.	Avui	24.12.2010
Vera, J.A.	Lengua única.	Razón, La	24.12.2010
Badia i Pujol, J.	Immersió?: on érem? On som?	Regió 7	24.12.2010
Branchadell, A.	El nou Govern i el català.	Público	24.12.2010
Pedrós, R.	La Brunete de Madrid reanuda la batalla.	Mañana, La	25.12.2010
Clotet, J.	La immersió treu un notable.	Público	25.12.2010
García Domínguez, J.	Noticia del apocalipsis.	ABC	27.12.2010
Moreno Cabrera, J.C.	La sobirania sentenciada del poble català.	Ara	27.12.2010
Dedéu, B.	Estudiar en català.	Avui	27.12.2010
Pena, J.M.	És això el que volen?	Punt, El	27.12.2010
Domingo Panella, Q.	Cal que parlin clar.	Punt, El	29.12.2010
Gabriel i Sabaté, A.	"La lengua del imperio".	Regió 7	29.12.2010



Borrell, J.	Gent estranya.	Segre	29.12.2010
Casanova, Ll.	"Inversió" lingüística?	3 de vuit, El	31.12.2010
	Digueu-li sentència, puig que és d'Estat.	Tribuna.cat	05.01.2011
Mena, J.	Contra la cohesió social.	Diari de Sabadell	08.01.2011
Bergés, M.	Subtiletes.	Econòmic, L	08.01.2011.
Sánchez-Camacho, A.	Bilingüismo en la escuela: por derecho y sentido común.	Mundo, El	09.01.2011
Barbal, M.	Noblesa obliga.	Ara	10.01.2011
Agramunt, P.	Submersió.	Punt, El	10.01.2011
Sáez Mateu, F.	Individuals o col·lectius?	Avui	11.01.2011
Garcia Domínguez, J.	Perded toda esperanza.	ABC	17.01.2011
Vidal, C.	El listo, el cejas y el tonto.	Razón, La	17.01.2011

NEWS AND ARTICLES ON CIVIL SOCIETY REACTION



Cardús, S.	Mals auguris per al 2011.	Ara	23.12.201 0
Salvatierra, I.	Mestres i pares demanen que no s'acati la sentència.	Ara	23.12.201 0
Marí, I.	Tribunal, pedagogia i convivència.	Ara	23.12.201 0
Folch, E.	Una pulsó irreprimible.	Ara	23.12.201 0
Giner, S.	Vers la desobediència civil?	Ara	23.12.201 0
Lloveras, P.; Segura, A.	Òmnium rebutja l'"agressió" i la veu una seqüela del TC.	Punt, El	23.12.201 0
	Els sindicats defensen el model d'immersió lingüística actual.	Regió 7	23.12.201 0
	La CUP convoca manifestacions de protesta arreu del país.	Regió 7	23.12.201 0
	Demanen contundència en la defensa del català.	Segre	23.12.201 0
	El Govern central evita pronunciar-se.	Diari de Girona	24.12.201 0
	Rebuig per la sentència del Tribunal Suprem sobre el model lingüístic.	Diari de Sabadell	24.12.201 0



Saumell, O.	La Salle prioritzarà el catalán 'hasta que el Govern no diga lo contrario'.	Diari de Tarragona	24.12.2010
	Concentración por la lengua en el Raval.	Diari de Terrassa.	24.12.2010
Guillaumet, F.	Lleida rechaza el 'revés' al catalán.	Mañana, La	24.12.2010
	La sentència del Tribunal Suprem aplega mig miler de persones a Manresa i Igualada.	Regió 7	24.12.2010
	"La sentència no es carrega la immersió".	Segre	24.12.2010
	Padres, alumnos y asociaciones critican el fallo judicial.	País, El	24.12.2010
	Concentracions a Girona, Olot i Banyoles en defensa del català a l'escola.	Punt, El	24.12.2010
	El Maresme defensa el català a l'escola.	Punt, El	24.12.2010
	Mobilitzacions al Camp i l'Ebre per defensar el català a l'escola i al carrer.	Punt, El	24.12.2010
	Trepment protesta per defensar el català.	Segre	25.12.2010
	Desobediència.	Avui	27.12.2010



			0
	<u>Més de 300 persones es concentren a Vic a favor de la llengua.</u>	9 Nou, El	27.12.2010
	<u>Jaume Gilabert denuncia una ofensiva en contra del catalán.</u>	Mañana, La	27.12.2010
	<u>Palafrugell rebutja les sentències del Suprem sobre el castellà a l'escola.</u>	Diari de Girona	29.12.2010
	<u>Mocions contra les sentències judicials.</u>	Diari de Sabadell	30.12.2010
	<u>La CUP contra la sentència del castellà a l'escola.</u>	Punt, El	30.12.2010
	<u>Moció d'ERC sobre la immersió lingüística.</u>	Punt, El	30.12.2010
	<u>Moció contra la sentència sobre la immersió lingüística.</u>	Segre	30.12.2010
	<u>Immigrants apadrinats per CDC avalen la immersió lingüística.</u>	Ara	31.12.2010
	<u>Vilobí d'Onyar contra el Suprem.</u>	Diari de Girona	31.12.2010
	<u>L'Ajuntament del Vendrell rebutja les sentències contra la immersió lingüística a les escoles.</u>	3 de vuit, El	31.12.2010
	<u>Concentracions a Vilafranca, el</u>	3 de vuit, El	31.12.2010



	Vendrell i l'Arboç.		0
	Quatre municipis aproven mocions de suport a la immersió lingüística.	9 nou, El	31.12.2010
	Unitat política a l'Ametlla contra la sentència.	9 nou, El	31.12.2010
Oliveras, C.	Les escoles de Sallent insten la societat a fer pinya per defensar el català a les aules.	Regió 7	09.01.2011
	Moción para apoyar la inmersión lingüística.	Diari de Tarragona	11.01.2011



Annex 3

Declaration of the Institute of Catalan Studies on the Rights of the Catalan People

(Barcelona, February 3, 2011)



**Institut
d'Estudis
Catalans**

DECLARACIÓ DE L'INSTITUT D'ESTUDIS CATALANS SOBRE ELS DRETS DEL POBLE CATALÀ

L'Institut d'Estudis Catalans

L'Institut d'Estudis Catalans (IEC), acadèmia de les ciències i les humanitats, fundada el 1907, és la primera corporació acadèmica de les terres de llengua i cultura catalanes, membre de ple dret de la Unió Acadèmica Internacional des del 1922.

L'IEC és integrat per 186 membres numeraris o emèrits procedents de tot el territori lingüístic i 70 membres corresponents representatius de les relacions de la nostra institució amb la comunitat científica internacional, i compta amb 28 societats filials de tots els camps de coneixement, amb uns 10.000 associats en el conjunt del territori. Així mateix, té adherits 111 centres d'estudi locals, que mostren l'arrelament de la comunitat investigadora en tots els indrets del nostre àmbit cultural.

La comunitat de llengua i cultura catalanes, subjecte de drets nacionals

La comunitat de llengua catalana ha participat molt significativament al llarg de la història en el desenvolupament de la civilització europea, en tots els aspectes, des dels mateixos orígens dels pobles romànics. Avui, tant per les dimensions —milions de catalanoparlants— com pel dinamisme que té, reclama una consideració igualitària entre les llengües i cultures del món.



Les seves característiques s'adiuen amb els principis de la Carta de les Nacions Unides, que garanteix la igualtat de drets i l'autodeterminació dels pobles (article 1.2), i també, en el cas dels territoris que no han assolit la plena sobirania, el reconeixement dels interessos dels seus habitants, el respecte de la seva cultura i el desenvolupament progressiu del seu autogovern, d'acord amb les aspiracions polítiques que tenen (capítol XI). L'article 1 dels Pactes Internacionals de Drets Civils i Polítics i de Drets Econòmics, Socials i Culturals (1966) estableix que tots els pobles tenen el dret d'autodeterminació i, en virtut d'aquest dret, poden decidir lliurement el seu estatus polític i aspirar lliurement al seu desenvolupament econòmic, social i cultural.

La comunitat de llengua i cultura catalanes constitueix, amb tota evidència, una nació que mereix un reconeixement igualitari en el marc dels estats respectius en què s'inscriu, i també en el marc de la Unió Europea i de les Nacions Unides. Cadascun dels territoris en què es troba actualment fragmentada aquesta nació té el dret legítim i inalienable de decidir de quin estat vol formar part, tant si és l'Estat en què ara s'inscriu com si aspira a la construcció d'un estat específic diferent. Cap acció democràtica legítima no pot contradir i menys encara criminalitzar aquest dret dels ciutadans catalans. Ningú, en un marc polític democràtic, no pot decidir quina ha de ser la nació dels altres.

Per més que el nostre cas no és el d'una minoria nacional, sinó el d'una nació minoritzada, cridem l'atenció de tothom sobre la insuficiència de la protecció de les minories en el sistema polític internacional, que és incapaç d'impedir la greu contradicció que implica el fet que les majories estatals puguin decidir quin és el destí de les minories, i desposseir-les del seu dret a decidir sobre els recursos propis i sobre el futur de les llengües, les cultures i els territoris respectius, i anul·lar, d'aquesta manera, la primacia social que tota llengua i cultura mereix tenir en l'hàbitat propi. És massa limitada l'eficàcia de documents com la Convenció marc per a la protecció de les minories nacionals (1995), la Carta europea de les llengües regionals o minoritàries (1992) o la Recomanació 1735 de l'Assemblea Parlamentària del Consell d'Europa sobre el concepte de nació, del 26 de gener de 2006, el punt 12 de la qual afirma que és necessari adoptar una aproximació més



tolerant en les relacions entre l'Estat i les minories nacionals, que culmini en l'acceptació genuïna del dret de tots els individus de pertànyer a la nació que senten que pertanyen, sigui en termes de ciutadania o en termes de llengua, cultura, tradicions i voluntat de pertinença.

Per què ara aquesta declaració

Ens trobem davant d'una conjuntura excepcional, en la qual coincideixen les tendències pròpies del procés de mundialització i les pressions de les majories estatals —i molt especialment al Regne d'Espanya— envers una homogeneïtzació lingüística i cultural completament contrària als principis de diversitat cultural sostenible que reclama l'interès general de les llengües i cultures de tot el món, i que propugnen els tractats internacionals i declaracions de la Unió Europea i de les Nacions Unides.

La involució política de l'Estat autonòmic espanyol mostra cada vegada tendències més adverses a la igualtat, tant en la consideració política de les nacionalitats i el respecte de la pluralitat lingüística i cultural, com en el sistema de finançament o en les inversions estatals. Nombrosos mitjans de comunicació fomenten la catalanofòbia, i acabem de veure com un Tribunal Constitucional anul·lava preceptes d'un Estatut d'autonomia no solament aprovat pel Parlament de Catalunya i les Corts Generals d'Espanya, sinó que fins i tot ha obtingut el plebiscit favorable del poble de Catalunya.

Aquesta situació posa en perill el nostre futur col·lectiu i l'esforç de cohesió de tota la nostra societat, i molt especialment del sistema educatiu, amb vista a integrar inclusivament en català i castellà milions de persones arribades d'altres terres de llengües i cultures diverses. Més del 40 % dels estrangers d'Espanya viuen a l'àrea de llengua catalana.

La nostra crida és lluny de qualsevol opció política partidista, que no correspon gens a una institució com la nostra. Neix de la consciència que constitueix una legítima intervenció responsable en els afers públics, i no pas en defensa de cap particularisme excloent, sinó ben al contrari, en afirmació dels principis universals



més equitatus, justos i democràtics per a la convivència en la diversitat, com ho va ser la Declaració Universal de Drets Lingüístics proclamada a Barcelona l'any 1996.

Volem contribuir a un context internacional favorable per a totes les llengües i cultures del món, sabent que la nostra comunitat és un indicador de la credibilitat de les polítiques de respecte de la diversitat.

A qui ens adrecem

Ens adrecem, doncs, en primer terme i sobretot, al nostre poble, perquè sàpiga amb tota certesa que l'assisteixen els principis universals de justícia i no dubti a reclamar els seus drets d'autodeterminació i autogovern amb tota l'energia i la constància que calgui dins el marc cívic de la democràcia.

Ens adrecem als nostres representants polítics i a les nostres institucions d'autogovern, perquè assumeixin i mantinguin aquests drets i maldin per la consecució d'un estatus igualitari, dins o fora del marc estatal actual i en el context de la comunitat internacional.

Ens adrecem a la Unió Europea i a les Nacions Unides, perquè es comprometin activament amb els principis que proclamen sobre el respecte igualitari de la diversitat lingüística, cultural i nacional, i no tan sols per als milions d'europes que es consideren de llengua, cultura i nació catalanes.

I ens adrecem a tots els qui aspiren a construir una societat europea i mundial equitativa i sostenible, respectuosa amb la diversitat lingüística, cultural i nacional, perquè compreguin que la societat catalana és tan sols una mostra d'un procés que afecta el conjunt de la humanitat.

Barcelona, 3 de febrer de 2011

English:

DECLARATION BY THE INSTITUT D'ESTUDIS CATALANS ON THE RIGHTS OF THE CATALAN PEOPLE

The Institut d'Estudis Catalans

The [Institut d'Estudis Catalans](#) (IEC), the academy of sciences and humanities, founded in 1907, is the leading academic corporation in the lands of Catalan language and culture, and has been a fully-fledged member of the [International Union of Academies](#) since 1922.

The IEC is comprised of 186 appointed or emeritus members from all over the linguistic territory, and 70 corresponding members that represent the relationships of our institution with the international scientific community, and it has 28 subsidiary societies in all areas of knowledge, with some 10,000 associates all over the territory. Moreover, it has 111 reporting local study centres which endorse the deep-rooted commitment of the research community to all areas of our cultural reality.

The Catalan language and cultural community, the subject of national rights

Throughout history, the Catalan language community has played a significant role in the development of European civilisation, in all regards, from the very origins of Romance peoples. Nowadays, by virtue of its dimensions — millions of Catalan speakers — and dynamics, it seeks equal footing with other world languages and cultures.

Its characteristics fulfil the principles of the Charter of the United Nations, which guarantees equal rights and self-determination of peoples ([article 1.2](#)), and also, in the case of territories that have not achieved full sovereignty, the recognition of their inhabitants' interests, respect for their culture and the progressive development of self-government as befits their political aspirations (chapter XI). Articles 1 of the International Covenants on [Civil and Political Rights](#), and on [Economic, Social and](#)



[Cultural Rights](#) (1966) establish that all peoples have the right to self-determination, by virtue of which they can decide freely on their political status and aspire freely to their economic, social and cultural development.

The Catalan language and cultural community patently constitutes a nation that deserves equal recognition in the framework of the respective states of its immediate reality, as well as in the bosom of the European Union and the United Nations. Each one of the territories into which this nation is currently fragmented have the legitimate and vested right to decide which state they will belong, be it to the current one or else to aspire to building a different and specific state. No legitimate democratic action can contradict and far less criminalise this right of the Catalan citizens. Nobody, in a democratic political framework, can decide what other peoples' nations should do. While our case is not that of a minority nation, but rather a minoritized nation, we wish to draw everybody's attention to the insufficiency of the protection for minorities in the international political system, which is incapable of preventing the serious contradiction whereby state majorities can decide the fate of the minorities, dispossessing them of their right to decide upon their own resources and the future of their respective languages, cultures and territories, thus annulling the social predominance that any language and culture deserves to have in its own setting. The efficacy of documents such as the [Framework Convention for the Protection of National Minorities](#) (1995), [the European Charter for Regional or Minority Languages](#) (1992) or [Recommendation 1735](#) of the Council of Europe Parliamentary Assembly on the concept of nation, of January 26, 2006, whose point 12 states that a more tolerant approach must be taken to the issue of relations between the State and national minorities, culminating in genuine acceptance of the right of all individuals to belong to the nation which they feel they belong to, whether in terms of citizenship or in terms of language, culture and traditions.

Why this declaration now

Current circumstances are exceptional, with the convergence of the trends inherent in the process of globalisation and the pressures of state majorities — and more particularly the Kingdom of Spain — towards a linguistic and cultural homogenisation totally contrary to the principles of sustainable cultural diversity which calls for the



attention of languages and cultures from all over the world, principles which are advocated by international treaties and the declarations of the European Union and the United Nations.

The political regression of the Spanish autonomous State evinces trends which are increasingly more adverse to equality, both in the political consideration of nationalities and respect for linguistic and cultural plurality and in the system of funding or state investments. Numerous media elements are fostering anti-Catalan feeling, and we have only recently witnessed how a Constitutional Court annulled precepts of a Statute of Autonomy which was not only approved by the Parliament of Catalonia and the Parliament of Spain, but moreover secured the favourable plebiscite of the people of Catalonia.

This situation jeopardises our collective future and the effort to secure the cohesion of our entire society, and more particularly the educational system, with a view to integrating, in Catalan and Spanish, millions of people hailing from other lands, of diverse languages and cultures. More than 40% of foreigners in Spain live in the Catalan-speaking area.

Our call is far removed from any party political option, which is not at all the mandate of an institution such as ours. It is born of the realisation that it constitutes a legitimate and responsible intervention in things public, and not to defend any excluding particularism, but rather, and quite the contrary, to assert the fairest, most equitable and democratic universal principles that uphold coexistence in diversity, like the [Universal Declaration of Linguistic Rights](#) proclaimed in Barcelona in 1996. We wish to contribute to an international context that is favourable for all the languages and cultures of the world, in the knowledge that our community is an indicator of the credibility of the policies that foster respect for diversity.

Who we address

We are addressing, first and foremost, our people, for them to realise, with the most absolute certainty, that they are protected by the universal principles of justice and that they should not hesitate to claim their rights to self-determination and self-



government with all the vigour and steadfastness called for within the civic-minded framework of democracy.

We are addressing our political representatives and our institutions of self-government, for them to assume and uphold these rights and to strive to secure equal status, inside or outside the current state framework and in the context of the international community.

We are addressing the European Union and the United Nations for them to actively commit to the principles that they proclaim regarding equal respect for linguistic, cultural and national diversity, and not only for the millions of Europeans who regard themselves as Catalan in language, culture and nation.

And we are addressing anyone who would build a fair and sustainable European and world society, respectful of linguistic, cultural and national diversity, so that they may understand that Catalan society is but one example in a process that affects all humankind.

February 3, 2011



Annex 4

Declaration of the Institute of Catalan Studies On the Name of the Catalan Language

(Barcelona, February 28, of 2006)

DECLARACIÓ SOBRE LA DENOMINACIÓ DE LA LLENGUA CATALANA

(Redactada pel Consell Permanent de l'Institut d'Estudis Catalans el 23 de febrer de 2006, recollint les instruccions del Ple del 30 de gener de 2006)

Llengua catalana o *català* és el nom amb què es coneix l'idioma que es parla a la Catalunya del Nord, a l'Estat d'Andorra, al Principat de Catalunya, a la Franja de Ponent, al País Valencià, a la comarca del Carxe, a les Illes Balears i a l'Alguer.

Tanmateix, al País Valencià, per raons historicolingüístiques, la llengua catalana es denomina també *valencià*, no essent, emperò, aquest terme en cap cas exclouent del nom genèric *llengua catalana* o *català*, nom amb què és coneguda per la romanística internacional i que, així mateix, es recull en els estatuts de les universitats d'Alacant, de València i Jaume I de Castelló de la Plana, i en d'altres institucions valencianes en referir-se a la llengua pròpia.

El Ple de l'Institut d'Estudis Catalans manté invariada aquesta denominació, que és la que es reflecteix en el DIEC (veg. les entrades *català* i *valencià*). Declara, consegüentment, que les solucions que adesiara apareixen en mitjans de comunicació o en l'ús de persones i grups, *català/valencià*, *valencià/català*, *català-valencià*, *valencià-català* i altres similars, no solament no s'adeqüen a allò que l'IEC ha establert, sinó que, endemés, tampoc no s'ajusten a la manera com habitualment es denominen les llengües, amb un sol terme genèric, fins i tot en el cas d'aquelles que tenen més d'una apel·lació per a llur denominació: neerlandès o flamenc, castellà o espanyol, èuscar o basc, entre d'altres.

Barcelona, 28 de febrer de 2006



Annex 5

Manifesto for Catalan in schools (2007), signed by: Coordinadora d'Associacions per la Llengua Catalana, Intersindical, Plataforma per la Llengua, Federació d'Associacions de Pares d'Alumnes de Catalunya, Sindicat d'Estudiants dels Països Catalans, Òmnium Cultural, Centre Internacional Escarré per a les Minories Ètniques i les Nacions, Cercle per a la Defensa i Difusió de la Llengua i Cultura Catalanes-Enllaç, USTEC - Sindicat de treballadors de l'ensenyament, Joves per la Llengua, Obra Cultural Balear, Acció Cultural del País Valencià, Federació Escola Valenciana, Associació Cultural Ateneu, Federació d'Organitzacions de la Llengua Catalana, AVALOT - Joves de la Unió General de Treballadors de Catalunya.

Des que les Corts espanyoles van aprovar la Llei orgànica d'educació el 2006, el Govern de l'Estat treballa en la redacció de diferents decrets que n'han de regular el desplegament mínim a totes les comunitats autònomes. En aquest context, darrerament ha aparegut la publicació del Reial decret d'ensenyaments mínims per a l'educació primària.

Aquest Reial decret ens demostra com, una vegada més, el Govern espanyol no té en compte les diferents realitats lingüístiques i models escolars que hi ha a l'Estat i opta per una política uniformitzadora amb la introducció d'una hora més de llengua castellana. En especial, l'Estat ignora el model d'escola catalana en llengua i continguts adoptat al Principat durant els últims trenta anys, amb el consens i el suport de la societat civil, i la persistència de les dificultats que impedeixen l'extensió de l'ús social del català.

El model d'escola triat per l'Administració de la Generalitat de Catalunya a partir de 1978 -que abraça l'educació infantil, la primària i la secundària- és avalat per tota la comunitat educativa i ben reconegut per diversos organismes internacionals, gràcies als bons resultats assolits. D'aquí que no tingui cap sentit que el decret d'ensenyaments mínims limiti els objectius i els mètodes que aquest model d'educació propugna.



La immersió lingüística és el procediment pedagògic i didàctic que possibilita que els alumnes de llengua familiar altra que la catalana s'incorporin al model educatiu propi per desenvolupar-se amb les mateixes capacitats que la resta i evitar que la llengua sigui motiu de discriminació. En aquest sentit, la normativa ministerial emanada de la LOE afecta negativament els programes d'immersió lingüística, atès que en trenca la coherència pedagògica i social.

Avui, la necessitat de no cedir terreny en la presència i l'ús del català a l'escola és especialment important. D'una banda, l'ús del català com a llengua vehicular d'educació minva considerablement a l'etapa de secundària en relació amb la de primària (només el 51% dels centres del Principat fan totes les classes en català) i, per tant, també en disminueix l'ús en la relació entre els alumnes, les famílies i el professorat. De l'altra, la societat catalana és una comunitat d'acollida que està rebent una gran aflluència d'alumnat nouvingut i necessita, per tant, que l'escola sigui més que mai una eina de cohesió i d'inclusió socials.

Per tot això, les organitzacions sotasignades fem una crida a la comunitat educativa i a tota la societat catalana per:

- Rebutjar el Reial decret d' ensenyaments mínims per a l'educació primària i la imposició d'una tercera hora de castellà.
- Reclamar la capacitat dels representants elegits en els territoris de parla catalana de poder decidir, sense invasions competencials de l'Estat, tot allò que afecta els horaris i currículums en l'aprenentatge de llengües.
- Reclamar al Departament d'Educació de la Generalitat de Catalunya el compliment integral del model d'escola catalana, tant en l'educació infantil com en l'educació primària i secundària.
- Renovar el consens a favor del català com a llengua d'ensenyament i aprenentatge i de cohesió social.
- Donar suport al professorat que ja ha manifestat la seva insubmissió a la normativa.



- Encoratjar a desobeir el Reial decret esmentat i mobilitzar-se fins a la seva derogació.