

THE CASE OF SERIOUS LANGUAGE DISCRIMINATION OF CATALAN-SPEAKING CITIZENS IN SPAIN

Report presented to the Office of the UN High Commissioner for Human Rights for the 3rd cycle of the Universal Periodic Review.

INDEX

Introduction Page 3

Basic data on the Catalan language ... Page 4

Constitutional pattern of language rights Page 5

Language discrimination in the State public authorities ... Page 7

Language discrimination in the justice system ... Page 11

Hate speech against the Catalan language: the case of the Catalan school system ... Page 14

Conclusion Page 15

Introduction

This briefing is a report to the UN Human Rights Council on the serious language discrimination suffered by citizens in the Catalan-speaking regions of Spain.

The account shows that rather than isolated incidents, cases of severe language discrimination are a systematic situation occurring as a consequence of structural discrimination enshrined in the Spanish legal structure. The discriminatory language configuration established by the Spanish Constitution and the legal acts developing it are the origin of this situation. This factor, combined with widespread support for supremacist Spanish nationalism among State civil servants, creates a framework of impunity for public workers who commit serious discrimination. In fact, none of the reported cases of serious language discrimination have ever been prosecuted.

Specific discriminatory legislation from the public authorities and the behaviour of the administration of justice are analysed and a few examples of cases of language discrimination suffered by citizens are explained. Brief mention is also made of the issue of hate speech against Catalan concerning use of the language in the Catalan school system.

The analysis demonstrates that this situation constitutes a breach of the prohibition on language discrimination established in Article 2 and Article 27 of the International Covenant on Civil and Political Rights, and we call on the UN Human Rights Council to recommend a number of measures to end this discrimination.

Basic data on the Catalan language

Catalan is a Western Romance language derived from Vulgar Latin in the 9th century. It is the only official language of Andorra and it is officially recognised alongside Castilian (more widely known as Spanish outside Spain) in the Spanish autonomous regions of Catalonia, the Balearic Islands and Valencia (where it is known as Valencian). It also has semi-official status in the Italian municipality of Alghero and it is spoken, although does not enjoy official status, in the eastern strip of Aragon and in the Pyrénées-Orientales département of France.

Catalan is spoken by more than 10 million people, which makes it the 14th most spoken language in the European Union. However, its legal status in Europe is anomalous: no other language with as many speakers as Catalan does not have official status in the European Union or throughout the State where it is mainly spoken – in this case, Spain, where the language has more than 9 million speakers.

Constitutional pattern of language rights

Language discrimination is a structural problem in the Spanish State and in the ideology that supports it: Spanish-based Spanish nationalism. Over the centuries, the Spanish State and the very idea of Spain have been built exclusively around Castile, its culture, its tradition, its history, its world view, its law, its symbols and, particularly, its language. The Spanish State is neither neutral nor impartial when it comes to the culture and identity of its citizens. In the national and linguistic domain, the elites who control the administrative apparatus and the distribution of resources are totally committed to a Spanish-based Spanish national identity, and more particularly so with regard to language. Spain can only be understood in the context of Spanish identity and language, and it is no coincidence that these have become known as “Spanish”.

Although since the death of the dictator Francisco Franco and the transition towards the current democratic inroads have been made in guaranteeing certain areas of language freedom to the citizens of the State who are part of the historically established national minorities, the nature of the State and its legal configuration continue to be highly adverse to these minorities. Moreover, even the areas of linguistic freedom that have been gradually chiselled out of the heart of this militantly “pro-Castilian” system are often infringed by a corps of civil servants strongly associated with the nationalist and supremacist ideology that underpins the core of the legislation. This situation leads to many violations of the rights of Catalan-speaking citizens by public officials, even in cases involving rights recognised by law. This highly ideologised nature of the public authorities means infringements are tolerated in a climate of impunity that leads Catalan-speaking citizens to feel increasingly insecure.

Article 3 of the Spanish Constitution of 1978 establishes that Castilian (not unintentionally referred to as Spanish in many State legal acts and in the international projection of the language undertaken by the State) is the official language of the whole State and all its authorities, regardless of whether it is the traditional native language of the territories in question or of the number of speakers it has in them. At the same time, the Spanish Constitution limits the possibility of making Catalan official where it is not the native language. That means Castilian-speaking citizens have the right to be understood and attended to in their own language anywhere in the State, even in places where their language has never been spoken or where a different language is spoken in normal, family use. Meanwhile, Catalan-speakers have language rights only in their traditional territories, and only if this is established by specific legislation. On the other hand, the Spanish Constitution imposes on all citizens of the State the duty to know Spanish while, according to the Spanish Constitutional Court in a decision against the Statute of Autonomy of Catalonia, the imposition of any equivalent duty for Catalan, even where it is the native language, is prohibited. In practice, this means that citizens whose family language is Catalan (or Basque, or Galician) have the duty to understand citizens whose family language is Spanish, but those citizens have no equivalent duty to adapt.

This supremacist order imposed on society by the Spanish Constitution has important effects on people's rights. It is unthinkable that civil servants will not understand citizens who address them in Spanish, but it is very common for Catalan-speaking citizens to find difficulties and obstacles when they express themselves in their own language to the authorities and public servants. State civil servants are almost all exempt from knowing any language other than Spanish. Spanish nationalism usually justifies these inequalities by appealing to concepts such as "freedom of movement" and "equality" between all citizens. In fact, assisted by this anti-egalitarian constitutional and legal system, some groups have a duty to adapt to others, and one language community has the right to ignore others, even in a context where public services are being provided.

In practice, the Spanish Constitution and the country's legislation are a translation into law of a distribution of power and an ideology that predate them. This is shown in the structures of the State and it influences the selection of public sector workers and their behaviour. Every year, this situation entails many cases of discrimination against non-Spanish languages speakers by the authorities. Abuses occur even in areas where it has been possible to achieve relatively equal language rights over the last few decades. The fact that the language system is not egalitarian and that exclusive Spanish nationalism has widespread support among State civil servants incentivises xenophobic behaviour and makes it difficult to supervise, monitor and eradicate inequalities properly.

Language discrimination in the State public authorities

According to the abovementioned constitutional framework, the Spanish legal order does not fully recognise the linguistic rights of Catalan-speaking citizens in the State national administration and in the justice administration. Nevertheless, it does establish a number of limited linguistic rights in these fields that are not duly enforced. As a consequence of this, serious, unpunished language discrimination against Catalan-speaking citizens takes place on a regular basis.

Legal framework

Article 15 Common Administrative Procedure Act (Ley 39/2015, de 1 de octubre, del Procedimiento Administrativo Común de las Administraciones Públicas) establishes that Spanish is the preferred language for administrative procedures by the State authorities. However, Article 54.11 of the Basic Civil Service Statute (Real Decreto Legislativo 5/2015, de 30 de octubre, por el que se aprueba el texto refundido de la Ley del Estatuto Básico del Empleado Público) provides that civil servants must ensure that citizens are dealt with in Catalan in regions where this language enjoys official status. Meanwhile, Article 56.2 of this same Act establishes that the State authorities must assure that a sufficient number of civil servants fluent in Catalan are recruited in the regions where this language enjoys official status.

However, the State has never complied with these provisions. *Plataforma per la Llengua* analysed in a recent [report](#) the lists of jobs in the various ministries of the Spanish State in December 2017 and the requirements and valuable skills required of public employees appointed to the Catalan-speaking administrative territories: Catalonia, Valencia and the Balearic Islands. The conclusion was that more than 98% of the jobs in these territories do not list Catalan as a valuable skill, and none of the over 33,000 jobs filled in the territories where Catalan is an official language listed the language as a requirement. The analysis of public posts in all ministries carried out by *Plataforma per la Llengua* shows that the State only considers Catalan to be a valuable skill for obtaining the job in 617 of 33,167 posts, which represents 1.86% of the total. As a result of this situation, a considerable number of civil servants who come from non-Catalan-speaking regions of Spain to work for State administrative bodies located in the Catalan-speaking regions do not have sufficient knowledge of the Catalan language.

Indeed, the Committee of Experts of the European Charter for Regional or Minority Languages pointed out in its last [report](#) on Spain's compliance of with this international treaty that the Spanish State public authorities must guarantee that a sufficient proportion of their staff located in Catalan-speaking regions has proper linguistic capacities in the Catalan language.

Subsequently, in 2016 the [recommendations](#) on the compliance with the Charter issued by the Committee of Ministers of the Council of Europe called on Spain to adopt this measure.

In addition to the lack of legal language requirements for civil servants, the State authorities barely invest in Catalan language courses for public workers. According to the latest data provided by the State in its ECRML compliance [report](#) in 2016, 1.12 euros per civil servant in Catalonia was allocated to learning or improving Catalan (16,924 euros allocated for a total of 14,982 public employees). The budget allocated under this heading is the equivalent of 28 euro cents per worker in the Balearic Islands (1,122 euros among a total of 14,197 public workers) and 0 euros in the case of Valencia.

These facts, combined with widespread support for Spanish nationalism among public employees of the State national administration, make it impossible for Catalan-speaking citizens to exercise their right to use the Catalan language normally before the State authorities, which amounts to cases of serious language discrimination against these citizens. With regards to Spanish nationalist attitudes of civil servants, it is worth mentioning by way of practical illustration that in early 2019 the management of the Spanish tax agency gave explicit [orders](#) to its staff in the Catalan-speaking territories not to deal with citizens in Catalan on the phone.

Case analysis

Plataforma per la Llengua has [reported](#) 99 cases of serious unaddressed language discrimination in the Catalan-speaking territories in the period between 2015 and 2019. The cases reported are just part of all the discrimination that actually occurs, as in many cases the victims of such illegal abuse never report it, nor do they reach the NGOs or the media. 80% of these compiled cases of discrimination were perpetrated by civil servants of the State national authorities, while cases involving the regional or the local public authorities are less common.

Moreover, it is very important to highlight the fact that 43% of all the serious linguistic discrimination has been perpetrated by police officers who abused or fined citizens for the mere fact of addressing them in Catalan. This is an extremely serious situation because discrimination committed by armed public servants leaves citizens in a situation of utter defencelessness.

It should be stressed that the language component is just one part of the human rights violations reported, which could also be fairly considered as acts of xenophobia, physical abuse, humiliation, harassment or violation of legal guarantees. Some cases have even involved the refusal of medical care by doctors or physical aggression by police officers.

To this effect, it is necessary to take into account that none of the reported cases have ever been investigated nor punished by an administrative or judicial body. Catalan-speaking citizens are in an extremely vulnerable position as all they can do is to report the abuse they receive to the very same institutions that are perpetrating the abuse. It must be remembered that the Committee of Experts of the European Charter for Regional or Minority Languages has

expressed its concern for this situation in its abovementioned reports on the compliance of Spain with this international treaty.

In fact, many Catalan-speakers have internalised situations of diglossia and submission to public servants who often impose their will in an arbitrary way (this is particularly clear in the case of the Spanish police, viewed by many Catalan-speakers with suspicion and fear). Cases of explicit discrimination are therefore only the tip of the iceberg of a bigger language exclusion problem where the most important phenomenon is the inhibition and self-censorship of Catalan-speakers. Explicit knowledge of cases of discrimination, if accompanied by information and a consideration of the rights Catalan-speakers have and the ways they can demand them, should raise their awareness and empower them rather than inhibiting them still further.

A few examples of serious linguistic discrimination are given here:

1/ Police force family of senior member of Catalan government, arrested for organising referendum on self-determination on 1 October, to speak Spanish

The Civil Guard, a Spanish militarised police force, arrested Lluís Salvadó, Secretary of the Treasury at the *Generalitat de Catalunya* (the Catalan government), because they linked him to the organisation of the referendum on the self-determination of Catalonia, persecuted by the Spanish institutions. Relatives of Salvadó, who was detained for more than two days in Barcelona and Sant Andreu de la Barca, found various obstacles placed in the way of communicating with him. Miquel Salvadó, his brother, filed a complaint which, among other things, claimed the paramilitary force which had detained Lluís refused to deal with the family if they spoke Catalan, and ordered them to speak Spanish.

Source: <https://www.diaridetarragona.com/ebre/El-germ-de-lebrenc-Lluís-Salvado-lamenta-que-un-home-ple-de-rao-estigui-tancat-ala-presos-20170921-0025.html>

2/ Two Spanish police officers rebuke, harass and refuse attention to a 69-year-old Catalan speaker because she speaks to them in Catalan

Mrs. Cristina Brullet, a retired sociology professor in the Autonomous University of Barcelona, went to a Spanish police station in Carrer de Balmes in Barcelona to renew her passport. When she went in, she asked an officer behind a desk for information. Mrs. Brullet was speaking Catalan, her mother tongue, which the public servant apparently did not like, because he was short and bad-tempered in reply. The police officer then became irate and demanded that she speak to him in Spanish because he “didn’t understand” and “we’re in Spain and Catalonia is Spain”. This demand is absolutely illegal because Article 54.11 of the Basic Public Employees’ Statute Act establishes that public servants must offer “attention to citizens in the language they request provided it is official in the territory” and the internal Spanish police protocols in Catalonia establish that officers who do not understand Catalan must look for a colleague who speaks it when they are dealing with citizens who express themselves in the language.

When Mrs. Brullet carried on speaking Catalan, stating that it was also an official language, the public servant ordered her to identify herself because she had been disrespectful to him. After

identifying herself, Mrs. Brullet asked the police officer, a public servant, to show her his identification number, but he refused, despite the fact that Royal Decree 1484/1987 obliges police officers to identify themselves when a citizen so requests. He repeated that the woman had been disrespectful because she was speaking Catalan. Faced with the harassing attitude of the officer, Mrs. Brullet asked to speak to his superior. The officer ignored her, but, after she insisted, another police officer told her where she had to go to find a more senior officer.

When Mrs. Brullet was able to speak to the “superior”, who turned out to be the administrative manager, she also appeared not to understand. However, she did understand that the citizen was asking her to make the aggressor officer identify himself because she explicitly refused – an entirely illegal attitude. Then, Mrs. Brullet asked for a complaint form, the woman gave her one and she filled it in. Finally, the 69-year-old citizen returned to the first officer’s table to tell him that, if he identified himself, as he was obliged to do, she would not present the complaint form. At this point, the man became angry and, showing her some handcuffs, threatened to arrest her. He desisted, however, when some witnesses protested about his attitude.

Source:<https://www.ccma.cat/324/no-en-passis-ni-una-mes-crida-de-plataforma-per-la-llengua-contra-la-catalanofobia/noticia/2888821/>

3/ Spanish police harass, threaten and give 601-euro fine to university professor for speaking to them in Catalan at El Prat airport

In September 2016, an officer from the Civil Guard, detained Xavier Casanovas, a professor at the Technical University of Catalonia, at passport control at Barcelona-El Prat airport because he spoke to him in Catalan. The officer reprimanded him for this attitude by making several negative comments, such as it being a “lack of respect” and showing “little appreciation for the country”. Later, the police officer, accompanied by another officer, went to find Casanovas in the boarding queue; they took down his details and took his passport to an information point. When it was time to board, they had still not given back the document, and Casanovas approached them to ask why he was being treated in such a way. The officers responded with further comments about his manners and stated that he was “obliged to speak in Spanish”. Amid the pressure and aggressive comments, the citizen eventually decided to ask the police officers for their IDs; they refused with some poor excuses and threatened that they would need a translator, specifically stating that this would cause him to miss the flight. They also threatened him by saying “we know where you live”. Although Casanovas filed a complaint against this treatment, the case was allowed to lie on the file as the officers could not be identified. But the nightmare was still not over for Casanovas. In March 2017, he was informed that disciplinary proceedings had been opened against him “in relation to the regulations regarding the protection of public safety”, a controversial regulation known as the “gag rule” due to its severe restrictions in terms of freedom of expression and civil rights. Apparently, Casanovas had “ignored the orders given by the officers on duty, thereby disrupting their police work and delaying the normal flow of passengers”, and for this reason he deserved a fine of 601 euros.

Source: <https://www.vilaweb.cat/noticies/multat-amb-600-euros-per-haver-parlat-en-catala-a-la-guardia-civil-a-laeroport-del-prat/>

Language discrimination in the justice system

Legal context

According to Article 149.1.5 of the Spanish Constitution, the Spanish State holds exclusive competences with regards to the administration of justice. This means that, unlike the situation with the public authorities, there is no room for self-government in the autonomous regions on matters related to the judiciary. This is extremely important because it involves regular serious language discrimination against Catalan-speaking citizens in every field of the administration of justice.

In matters of court proceedings, Article 231 of the Judiciary Act (Ley Orgánica 6/1985, de 1 de julio, del Poder Judicial) establishes the regulation of the linguistic system and treats Catalan differently, as is also the case in the legal system of the public authorities. The current wording establishes that the default language of court action in all of the Spanish territory is Castilian, thus disregarding the principle of equality of speakers of both official languages in the Catalan-speaking regions. Pursuant to this article, the use of Catalan by civil servants is merely optional. Catalan is not the default language of proceedings and it is only permitted where it is the native and official recognised language, and provided that no party taking part in specific proceedings does not require them to be held in Spanish. If Catalan is used, translations must be provided when documents take effect outside the jurisdiction of the legal bodies of the Autonomous Community in question. The fact that this documentation has to be translated into Spanish discourages legal agents from using Catalan.

Judges, magistrates and public prosecutors working in the Catalan-speaking territories are obliged to understand and speak Spanish, but not Catalan. Catalan, as established in Article 483.2 of the Judiciary Act is “optional and under no event will disqualify the candidate”, and its knowledge “will be considered for the sole purposes of appointment within that Autonomous Region”. Nevertheless, foreign languages such as English and Russian are likely to be valued in these selection procedures.

In similar terms, Royal Decree 1451/2005 on the recruitment of public workers in the service of the Administration of Justice (Real decreto 1451/2005 por el que se aprueba el Reglamento de Ingreso, Provisión de Puestos de Trabajo y Promoción Profesional del Personal Funcionario al Servicio de la Administración de Justicia) also relegates knowledge of Catalan to a simple merit even where it is an official language, whereas Spanish is a State-wide requirement.

Meanwhile, as the possibility of using Catalan is only allowed by the Judiciary Act under the aforementioned restrictions in the regions where this language holds official status, Spanish is the only language in which the central judicial bodies operate. Key jurisdictional bodies such as the Supreme Court, the General Council of the Judicial Power and the National Court operate only in Spanish and deny Catalan-speaking citizens the use of their languages, not even allowing them simultaneous interpretation. Similar central judicial institutions in other countries are language-neutral and hold proceedings in different languages depending on the

languages of the parties involved. However, in Spain the parties are always forced to use Spanish and rulings will always be issued in this language.

We can see that, unlike similar multilingual democratic countries (Canada, Belgium or Switzerland) in Spain citizens do not have the right to choose the language of the proceedings. Given that the legal system provides for the use of Castilian as default language and forbids the use of the Catalan language in central judicial bodies, Castilian enjoys pre-eminent status.

Case analysis

This legal set-up, along with the state-wide structure of the judiciary, has led to many people from outside the Catalan linguistic area moving into Catalan-speaking regions. In many cases, these officials intend to return to their place of origin as soon as possible. This mobility and provisional nature of court officials affects language rights. In many cases, there is language change in court offices when new employees are recruited and Catalan ceases to be used.

As a consequence of this situation, and similarly to what happens in the public authorities, citizens face serious discriminatory actions in courts on a regular basis. In this regard, it is worth highlighting that 21% of all the serious language discrimination reported to Plataforma per la Llengua in the 2007-2018 period took place in the administration of justice. As previously highlighted when we were analysing language discriminations in the public authorities, the reported cases are just a tiny minority of all the situations taking place across the Catalan-speaking regions. In fact, a [survey](#) carried out in 2019 shows that more than 60% of Catalan-speaking citizens think that using Catalan in Court when they are charged with an offence can harm their defence.

The most blatant case of serious language discrimination in the justice system that has recently taken place in Spain is that of the Catalan political and social leaders who were tried in 2019 for rebellion, sedition and mismanagement of public funds before the Spanish Supreme Court. Many concerns have been raised with regard to the upholding of basic legal guarantees in criminal proceedings during this trial, especially concerning the appropriateness of charging peaceful politicians and activists with crimes that entail violence, their long pre-trial imprisonment, the neutrality of the court and its very jurisdiction (the Supreme Court is an appeal court). Nevertheless, language rights are also important and awareness should be raised of the fact that the right of the accused to use their mother tongue, which is the native language in a considerable portion of the Spanish territory, was not acknowledged. Such a prohibition is not only an instance of grave language discrimination but also undermines the accused's right to defend themselves in the best possible way.

Although at the defendants' insistence the president of the court – Mr. Manuel Marchena – offered them the option of speaking Catalan as a gracious concession, he insisted it could only be done using consecutive translation, which made it impracticable because it meant that the accused would need to stop at the end of every sentence for a translator to repeat their words out loud in Spanish. Mr. Marchena refused to allow simultaneous interpretation to be used because those who did not have headphones would not be able to understand what was being said and this would be an "inadmissible violation of the principle that trials should be held in public". However, it is hard to believe that the body, which is at the top of the hierarchy of the Spanish judicial system, did not have the means to ensure that everyone in the courtroom was

given access to headphones in order to listen to simultaneous translation. Claims that the Supreme Court budget is too low to afford simultaneous translation and headphones are simply implausible and unacceptable. The same must be said about Mr. Marchena's concern that Spanish-speaking Spanish citizens watching the trial at home might not be able to understand the defendants, as the Spanish public broadcaster – Televisión Española – has plenty of means to subtitle or dub the broadcast.

The president of the court undermined the right of the accused to use their language in order to exercise their best defence. Mr. Marchena also claimed that the use of Spanish by the defendants during the pre-trial phase of the proceedings was proof enough of their proficiency of the language and he portrayed their petition to speak Catalan as merely "emotional". Nevertheless, the use of Catalan during the pre-trial phase was impossible because the two investigating judges – Ms. Carmen Lamela and Mr. Pablo Llarena – refused to allow the use of Catalan. In any case, using one's mother tongue is not merely "emotional" but rather a right that citizens have to defend themselves, especially when faced with charges that entail very serious penalties: up to 25 years imprisonment in the case of Mr. Oriol Junqueras. Using a language other than one's mother tongue, no matter how proficient one is, is always a handicap for the accused. In addition, the same situation took place with the witnesses, who were explicitly threatened with being charged with an offence of disobedience if they spoke Catalan in Court. Meanwhile, foreign witnesses were allowed to use their own native languages, including English, German and Slovenian, which is proof that the prohibition on witnesses using Catalan was not based on any real impediment.

Language discrimination in the justice system has also been suffered by other citizens during the 2015-2019 period. For instance, Ms. Ana María Caballero, the magistrate of court number 2 of the Catalan town of Olot, and who is well-known for constantly depriving Catalan-speakers of their right to express themselves in their own language, ordered two lawyers to stop speaking Catalan "out of good manners" and because Spanish is a "universal language", branding them as "rude". The Supreme Court of Catalonia, the highest legal authority in the region, disciplined this judge for the language discrimination she had committed. However, in a clear example of how impunity for language discrimination is granted by the Spanish State, the Spanish Constitutional Court subsequently overruled the sanction ([link](#)).

Hate speech against the Catalan language: the case of the Catalan school system

Spanish nationalism has always portrayed the Catalan language as an obstacle to the construction of a Spanish national identity based on the Castilian language and culture. Thus, Catalan is seen by actors who defend Spanish nationalism as a target and they spread hate speech against this language. However, this discourse is not limited to the far right parties: regional prime ministers of the Spanish socialist party and opposition right-wing officials are responsible for the spread of harassment and contempt for the Catalan language in public meetings or on social media.

A very clear target of hate speech against the Catalan language is the Catalan education system. Articles 148 and 149 of the Spanish Constitution allow regions to hold powers over education, and this allows Catalonia to establish Catalan as the language of instruction at school. This situation has never been fully accepted by an important sector of Spanish public opinion, but in the period ranging from 2015 to 2019 it has been more questioned than ever by prime ministers from Spanish-speaking regions, leaders of political parties and Spanish media outlets.

For instance, in February 2018 the socialist regional Prime Ministers of Extremadura (Mr. Guillermo Fernández Vara), Castilla-La Mancha (Mr. Emiliano García-Page) and Aragon (Mr. Javier Lambán) took advantage of the imposition of direct rule on Catalonia to [call](#) on the Spanish government to change the education system there to make sure that Catalan ceased to be the main language of instruction. In line with the mainstream Spanish nationalist discourse, these regional Prime Ministers claimed that the fact that education is delivered in Catalan language is one of the factors that contributes to children's "indoctrination" in favour of Catalan independence.

Moreover, the Aragonese Prime Minister even went on to publicly denigrate the Catalan language in November 2018, [saying](#) on his Twitter account that "almost all great Catalan novelists write in Spanish". Taking into account the importance of the public office held by Mr. Lambán, the impact of such a false statement with the intent to publicly denigrate Catalan-speaking citizens cannot be underestimated.

Meanwhile, right-wing opposition leaders have not missed the opportunity to portray the Catalan language as a threat to Spain. Mr. Albert Rivera, leader of the Ciudadanos party, [stated](#) in February 2019 that if he ever becomes the Spanish Prime Minister he will impose Spanish as the main teaching language of the Catalan education system and that he "will never apologise for it" because, according to him, the use of Catalan language as the main teaching language makes it an "indoctrination tool". In the same month, Mr. Pablo Casado, leader of the Popular Party, [said](#) that, if he became Prime Minister, he would pass a language act that would relegate Catalan to the status of an optional language at school.

Finally, the last two former Foreign Ministers of the central government have also made hate speech statements against the Catalan language and the Catalan school system. Mr. Josep Borrell (2018-2019) [stated](#) in early 2019 that Spain had been "badly put together because it had not eradicated all languages other than Spanish". According to Mr. Borrell, "a strong State imposes its language, its culture and its history". Previously, in 2017, Mr. Alfonso Dastis lied to

a French television, [saying](#) that Spanish was not taught at school and suggesting that the Catalan government was trying to prevent Catalan students from learning Spanish.

Conclusion

The discriminatory Spanish legal system mentioned here, as well as the cases of serious language discrimination, the ensuing lack of response by the State when they occur, and the hate speech against the Catalan language delivered by important public authorities are clearly at odds with the provisions of the International Covenant on Civil and Political Rights, signed in 1976 and ratified by Spain in 1977. Articles 2 and 27 of this international covenant clearly establish that the ratifying states must take suitable measures to guarantee the effective enforcement of the rights of minority linguistic groups to use their language without restriction and not to be discriminated against. They also oblige the public authorities and legal bodies to take prompt action when a person reports discrimination for language reasons.

Given the inaction by the Spanish State in addressing this situation, Plataforma per la Llengua calls on the UN Human Rights Council to recognise Spain's breaches of the commitments it assumed in its ratification of the International Covenant on Civil and Political Rights and to recommend the implementation of the following measures:

- **Equality of rights:** An amendment to Article 3 of the Spanish Constitution to make Catalan an additional official language of the Spanish State and establishing equal rights for speakers of the different languages of the State. The State must also request official status for Catalan in the European Union institutions to avoid the legal discrimination suffered by businesses and individuals due to the lack of recognition at European level.
- **Public servants must be fully skilled in the official language or languages:** Reform of the mechanism for selecting public servants to ensure that everyone who works in Catalan-speaking regions can serve citizens in Catalan.
- **Visible information at public facilities:** Information campaigns on language rights, with visible posters and information, especially in the places where discrimination is often reported: police stations, courts and registry offices.
- **Written communication:** All government services to the public in Catalan-speaking territories must be offered in Catalan, either electronically or in person, and regardless of whether the administrative body concerned has a physical office in the territory.
- **End of impunity:** Protocols must be designed to ensure that citizens have the right to linguistic choice and to impose penalties on public servants who breach them.
- **Stopping hatred:** The Spanish Criminal Code should be amended so that where crimes are committed motivated by hatred for the speakers of the different languages of Spain or opposition to the right to speak these languages in public, this is treated as an aggravating factor.