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Committee on Petitions

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MISSION REPORT

following the fact-finding visit to Catalonia (Spain) from 18 to 20 December 2023 with the aim of assessing in situ the language immersion model in Catalonia, its impact on families moving to and residing in the region as well as on multilingualism and non-discrimination and the principle of the Rule of Law, based on petitions n°0858/2017, 0650/2022 and 0826/2022

Committee on Petitions

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Introduction

The objective of this fact-finding visit, as stated in article 228.1 of the Rules of Procedure, was to investigate the claims made in the petitions, establish facts, seek solutions, meet with petitioners of petitions 0858/2017, 0650/2022 and 0826/2022 on the ground, and establish a dialogue with regional authorities to obtain a better insight into various aspects concerning the language immersion model in Catalonia. The mission has enabled the Committee to gain a better understanding of the model's impact on families moving to and residing in the region as well as on multilingualism, non-discrimination and compliance with international and EU law.

Summary account of meetings

Monday 18 December 2023

Meeting with petitioners - Barcelona

On 18 December, the delegation met the petitioners: Ana Losada Petitioner of 0858/2017 - "Asamblea por una Escuela Bilingüe" and Jordi López Gil Petitioner of 0650/2022:

- Ana Losada gave her views about the educational system in Catalonia: the system is monolingual in Catalan. From the age of three to seven, the teaching is only in Catalan and the school introduces the Spanish language in the second year of primary school, at the age of seven. Children, who are between three and seven years old, can study English but not Spanish. The teachers speak only in Catalan, which is not the mother tongue of many pupils. The School recommends that parents read stories, watch TV and speak with the kids in Catalan. They cannot learn to read and write in their mother tongue, Spanish. They will not study any subject in Spanish and only have two or three hours of Spanish language classes per week. That puts pupils whose mother tongue is Spanish in a difficult situation, where they are more likely to fail, since their mother tongue is not welcomed at school, as it is not considered by the regional government the language of the Catalans. For children with special needs the situation is even worst, as the Catalan Department of Education does not take into account their Spanish mother tongue, despite their difficulties. For the students joining the Catalan school from another part of Spain or the world, the system puts them in a "host classroom" for one year with the sole purpose of learning Catalan. They lose at least one year until they can speak and write Catalan correctly. They lose the right to study in Spanish. The Catalan education system is, in her view, detrimental to Spanish speakers, especially to students with special needs, and impedes the mobility of families from other parts of Spain.
- Jordi López Gil explained his personal situation as a father of two children studying in 5th grade of primary and 3rd grade of secondary education. The elder son was diagnosed with Asperger's Syndrome and after 7 years of struggle, the family asked the Department of Education to comply with the law so his son could also study some subjects in Spanish. The school rejected his request to study at least one subject in Spanish. He decided to go to the courts, which ruled in his favour in December 2021. Six months later, the Administration took a unilateral decision and refused to apply the court ruling of a minimum of 25% teaching in Spanish (for his son the subject, which was supposed to be in Spanish, was mathematics). The regional educational authorities

disregarded the court ruling. He denounced the non-compliance before the High Court of Justice of Catalonia, which immediately ordered to re-apply it by the end of September 2022. The petitioner thinks that it is unfair and inhumane that a pupil with special needs is forced to study in a language, which is not his mother tongue in his own country.

After the interventions by the petitioners, MEPs Ms. Jana Toom, Mr. Peter Jahr, Mr. Kosma Zlotowski and Ms. Maria Angela Danzi took the floor for a question and answer session. They asked if the situation had evolved since 2021 and if teaching in Spanish 25% of the time was enough for learning proper Spanish. They asked why the schools did not follow the court rulings, were they not legally binding or final? Do the rulings apply "erga homnes" or to specific cases?

Ms. Losada explained that the situation has worsened; the pressure in the classrooms, in the hallways, playgrounds, and during extracurricular activities is higher. There had been some progress after the 2021 ruling that required 25% of the subjects to be taught in Spanish in all the schools, but the Catalan Educational administration, made a decree that blocked this ruling. This decree is now before the Constitutional Court, who has to resolve the legal situation. Ms Losada explained that the basic law in linguistic matters in the Spanish educational system, and therefore in the Catalan system, is Article 3 of the Constitution, which establishes the official status of Castilian in all Spain and the possibility that the autonomous communities establish other languages as official languages in their territory. Catalonia, has decided to introduce Catalan and Aranese as official languages, in addition to Spanish. With regard to its use in the educational system, the official status of Spanish implies that there is a right to receive education in Spanish (STJ 31/2010). It is also indicated that Spanish and the co-official language in the Autonomous Community must be vehicular and learning languages "with the same level", which means that the preference of one of them over the other cannot be established. Following the Constitution and the constitutional doctrine that has interpreted it, Spanish must be a language generally used by the administration (including the educational administration) and there is a right to receive classes in Spanish, and one cannot exclude this language as a vehicular and learning language.

The Statute of Autonomy of Catalonia establishes the official status of Catalan (art.6) and Aranese (art.6.5), while art.6.2 indicates that Spanish is also official in Catalonia. The Education Law of Catalonia (Law 12/2009), in art.11 establishes that Catalan, Catalonia's own language, is the language normally used as a vehicular language and learning language. It does not mention Spanish, but in accordance with the requirements of art.3 of the Constitution, this should not prevent the use of Spanish as a normal language in teaching. The practical exclusion of Spanish from the educational system was achieved in Catalonia and supported with public funds, which led the National Ministry of Education to appeal the courts in order to get a minimum presence of Spanish in education. Following that appeal, the Superior Court of Justice of Catalonia ordered measures to be enforced, so that all students of the public educational system receive at least 25% of teaching in each of the official languages (STSJ of Catalonia of December 16, 2020). The Court considered that the presence of Spanish in the educational system was "residual". The Generalitat openly refused to comply with the court ruling and even requested that the schools not to carry out the decision. The Department of Education disobeyed the terms of the Court ruling. The Generalitat chose to promulgate a decree law (Decree Law 6/2022) and a law (Law 8/2022) to prevent the execution of the aforementioned ruling of the Superior Court of Justice of Catalonia. The Superior Court of Justice of Catalonia raised the

question of unconstitutionality in relation to these laws and for the moment, the Constitutional Court has not ruled on this question. In the meantime, the Superior Court of Justice of Catalonia, who has refused to adopt measures of forced execution of the ruling of December 16, 2020, continues to grant individual rulings for bilingual teaching to the families affected. In the views of the petitioner, a gap is opened in the strict imposition of a monolingual school in Catalan, wanted by the nationalists.

Meeting with representatives of parents affected by the language immersion model - Barcelona

- Javier Pulido, presented his case. He is the father of a student from Canet de Mar (Barcelona), who judicially requested 25% of classes in Spanish for his daughter (aged 4) in 2019 and was subsequently harassed receiving messages on social networks insulting the family. Mr. Pulido denounced the complicity of school and regional authorities in the harassment. Mr. Pulido testified as a witness in front of the Barcelona judges who investigated several tweeters who published messages on social networks insulting the family and calling for the isolation of the pupil. They published "humiliating and hurtful expressions" against the student's parents. As detailed by the Prosecutor's Office in its complaint, one of the messages called the family "non-integrated settlers and terrorists", while another of the accused attributed the status of "fascist". The request for the Turó del Drac school in Canet de Mar to teach 25% of the classes in Spanish in the daughter's class-group was granted, and the court approved precautionary measures to enforce the ruling.
- Agustín Fernández, presented his case. He is the father of a student from Mataro, who also judicially requested 25% of classes in Spanish for his son in 2015. The same scenario as in the previous example unfolded, with demonstrations against the 25% of teaching in Spanish in front of the school, bullying of the student, and teachers calling for not implementing the ruling. At the end, the school granted one more hour of teaching mathematics in Spanish, but with the book in Catalan. He explained that asking for his constitutional right, came at a high cost for the family. The hostile attitude of the teachers, the refusal of the school to fulfil the court ruling, and the political pressure, forced them to change schools.
- Dafne Ungerer presented her case. She is the mother of two kids. She requested to have more hours of Spanish and English at a school in Castelldefels, but the director opposed it. One hundred parents supported the change of the linguistic project to include more hours of Spanish and English. They wrote a linguistic project proposal, ultimately signed by 30 families, in which they asked to be able to study in Catalan, Spanish and English. They experienced harassment from other families and the hostile attitude from the teachers and the principal. The Castelldefels City Council issued an official statement and accused them of breaking peaceful coexistence by asking for more hours taught in Spanish. In a plenary session, the City Council asked the Generalitat not to comply with the rulings of the Court. Under the pressure of the political groups and the media, the families have either dropped out of the school or left Catalonia.

After the interventions by the parents, MEPs **Ms. Jana Toom**, **Mr. Peter Jahr**, took the floor for question and answer session.

They asked about the atmosphere in the schools, how the Covid-19 crisis affected the students, and what was behind the exclusion of the Spanish teaching.

The parents replied that the problem is nationalism, which aims to achieve independence in the next generation and the language is the corner stone for indoctrination, even the history is being changed. There is no pedagogical reason behind the exclusion of the Spanish language, there is ideology. The Generalitat does not know what the mother tongue of the pupils is. The linguistic projects of the schools, which normally would have been based on these statistics do not analyse them, and there is no pedagogical approach for determining the teaching of the languages. The only objective is to create a monolingual school in Catalan and exclude Spanish. Parents explained that the authorities want to eradicate Spanish from the public life, and the only culture that receive subsidies from the public sector is the Catalan one. If you oppose to the linguistic nationalism you are out of society. The parents think that it is against the mobility of the officials in the public sector and creates an endogenous society.

Meeting with the representatives of teachers - Barcelona

Ms. Iolanda Segura is the representative of USTEC-STEs. This trade union represents the majority of the teachers in the education system in Catalonia. They defend the current system of full immersion in Catalan, as they think that it is an integrative model, because students are not segregated on a language basis. It has proven to be a model of success and social cohesion. She states that 54% of the students do not have Catalan as their mother tongue and therefore, since it is a minority language, its teaching must be prioritized. She based her opinion on the conclusions of the UN Special Rapporteur for Minority Affairs, Fernand de Varennes. In his report on his official visit to Spain in 2019, the question of the language of instruction and judicial pronouncements was raised and the rapporteur was concerned that the decisions of the Superior Court of Justice of Catalonia against the immersion model in Catalan implies less exposure to the Catalan language. She explained that the data provided indicate that the children in the Catalan immersion program have the same proficiency in Spanish, mathematics and other academic subjects as children schooled in Spanish, in addition to achieving competence in Catalan. In her views if there were less exposure to Catalan, many children from Spanishspeaking backgrounds would not learn Catalan correctly, since it is a minority language, while Spanish continues to be a majority language in the country. Furthermore, given that Spanish is the majority language in the country, its daily use and exposure is already guaranteed and privileged.

After the intervention, MEPs Ms. Jana Toom, Mr. Peter Jahr, Mr. Kosma Zlotowski and Ms. Maria Angela Danzi took the floor for question and answer session.

Ms. Jana Toom asked about the results of the last PISA report, released in 2023, which highlighted the poor academic results of pupils in Catalonia on reading comprehension and Mathematics. Ms Segura said that this is the result of bad neoliberal educational policies, financial cuts and relaxation in the process of linguistic immersion; she said they have to proceed with the full immersion to achieve their goals. She explains that the schools do not discriminate or segregate on the base of language and if some children ask to have 25% of the subjects in Spanish it violates the rights of the majority of the classmates who did not ask for it. In her view, this is against the rights of the majority.

Mr. Kosma Zlotowski said there are two official languages in Catalonia and both have to be

respected. For him the current education system is a clear model for one language to dominate the other.

Ms. Maria Angela Danzi said that court rulings must be respected and the National Government must establish a law to clarify the situation and wonders if the teaching hours are enough to reach a proper level of Spanish. Ms Segura replied that one or two hours are sufficient to master Spanish, as it is the language of the majority.

Ms. Jana Toom asked about a practical solution for the petitioners, *Ms Segura* replied that they had to learn Catalan.

Mr. Peter Jahr said that the judicial rulings must be implemented and that he does not understand why teaching a second "main subject" in the Spanish language, in addition to the Language subject itself will ruin the Catalan system of linguistic immersion. *Ms Segura* replied that they would continue to fight for not implementing the court rulings and that the teachers have the support of the majority of the Catalan society and will continue with the full immersion model.

Tuesday 19 December 2023

Meeting with members of the judiciary: Tribunal Superior de Justicia de Cataluña - Barcelona

• Jesús María Barrientos Pacho - President of the TSJC

The President of the TSJC thanked the delegation for the visit, as the TJSC is the competent jurisdictional body for judicial procedures concerning the issue of linguistic immersion in Catalonia. This court has three chambers, the civil-criminal, the social and the contentious-administrative. Since 2019, Mr. Javier Aguayo Mejía has been the President of the Contentious-Administrative Chamber, which is the one that issued the ruling on linguistic immersion: TSJC ruling of December 20, 2020.

He explained his vision of the conflict. Since 1994, there have been conflicts in relation to the language immersion model and countless appeals from parents who wanted a greater presence of Spanish in education. The Constitutional Court established that Catalan has to be prioritized due to recent history, but Spanish also has to be relevant and the two languages are co-official. Faced with the inactivity of the Generalitat in not establishing a "reasonable use" of the two languages in the educational system, the Ministry of Education made an appeal and the Supreme Court confirmed the sentence on 12/20/2020.

The Generalitat had to give its administration rules to execute the sentence and the High Educational Inspection had to monitor its execution. The High Educational Inspection failed in its duty to collaborate. The Catalan Parliament enacted a law and a decree law to hinder the execution of the ruling. Consequently, this court raised a question of constitutionality to the Constitutional Court, which has yet to resolve the issue.

In parallel, the legal demands of the parents are attended to and a reasonable percentage of Spanish is established in their children's classroom, which is a minimum of 25% of the curriculum (Spanish language and literature, and another core subject). This creates great social conflict, demonstrations in front of the Court, but also harassment of parents and students, by asking them to leave, to adapt, or ignoring them. In his view, there is xenophobia. The regional education administration do not provide facilities and the families who exercise their rights have problems due to harassment.

• Javier Aguayo Mejía - President of the Sala Contencioso administrativa

He states that the judicial situation is not worse, but the political reaction is, since two laws have been issued (Decree Law 6/2022 and a Law 8/2022) to hinder the execution of the ruling (STSJ of Catalonia of December 16, 2020). For this reason, this Court has raised a question of constitutionality about these two laws and is waiting for this question of constitutionality to be resolved.

However, the citizens' particular issues are taken into consideration and rulings are issued guaranteeing the presence of Spanish, along with Catalan, in the educational process of students who complain. He admits the criticism and the disaffection suffered by the judiciary, but not the so-called "Lawfare". He states that you cannot ask the citizens to be heroes for exercising their rights, for asking for 25% of the core subjects to be taught in Spanish. The law and judicial resolutions must be complied with, and minorities defended. He explains that, to resolve the conflict, he wanted to make an agreement between the two parties: but the regional administration could not assume the commitment of teaching two core subjects in Spanish. In his view, there is a political problem.

He explained that the Court decide on the 25% of education as a minimum proportion of Spanish education after a study of similar situations around Europe and in particular in Belgium.

Ms. Jana Toom asked whether hate speech is prosecuted. The President answered that the Prosecutor's Office has taken action against hate speech after the harassment actions against the pupils. She asked how the current situation was, the President answered that the judicial daily activity is normal, but when a sensitive matter is judged, there is a reaffirmation of identity, but citizens trust justice. The conflict in linguistic matters has not worsened; the situation is stable, pending the decision of the Constitutional Court.

Mr. Peter Jahr asked how the judges are appointed and the President explained the mechanism for appointing them. The President described that positions are accessed through competition and the "Consejo General del Poder Judicial" appoints them. He asked about the consequences of the lack of respect of judicial decisions, the President answered that it has devastating effects, as there is a lack of respect for the separation of powers, but Catalan society wants to live without conflicts and return to harmony. The President explained that politicians have used the language issue in their political agenda, but citizens have linguistic rights and since both languages are co-official, both must be vehicular, privileging Catalan, but without excluding Spanish. The problem is the lack of collaboration of the Catalan administration, the interference in the judicial affairs and the problems with the separation of powers.

Mr. Kosma Zlotowski said that the decision of the Constitutional Court will be decisive.

Ms. Maria Angela Danzi pointed out that the co-official status of languages must be respected (art. 35 of the Statute of Catalonia).

Visit to the school: Centro de Educación Especial Can Rigol - El Prat de Llobregat

The delegation was welcomed by *Rodrigo Fafian Amado* the director of Can Rigol, special education school for children, adolescents and young adults aged 3 to 21. The school has 109 students with different disabilities, the majority on the autism spectrum (60%). Children with a certified disability, arrive at this special school from other primary schools. The diploma they obtain is a primary education diploma and they are oriented towards different work areas, occupational therapies or special workshops (such as gardening or work in an adapted

environment). Education is individualized and there is an individual support plan for each student. The cognitive language of the students is respected, although, there is priority to the Catalan language, since it is the learning language. Based on their school project and linguistic project, the special schools have a specific language of communication with the students, which is Catalan. However, most of the students are autistic and will never develop the ability to speak. Therefore, the appropriate communication is an image-based system. Families and the teaching team do not impose languages; they are a community that fights for social inclusion and for their students to be competent in Catalan in order to find a job in the future.

Ms. Maria Angela Danzi congratulated the director for his educational work.

Mr. Kosma Zlotowski and Mr. Peter Jahr asked what the mother tongue of the majority of the students is and why all the information about the school is in Catalan. Furthermore, Mr Zlotowski inquired why the website is not bilingual (Spanish/Catalan) in order for Spanish-speaking families to understand the school's project (the website is in English and Catalan). The director explained that the majority of the students have Spanish as their mother tongue, but that the families understand Catalan. He added that the school was ready to translate its communication in Spanish but that the communications were not supposed to be sent in Spanish.

Mr. Albert Grau Montero, Director of the Territorials services of Education in el Baix Llobregat, intervened to point out that the Catalan Law 8/2022 has to be applied.

Visit of the school: Instituto Salvador Dalí - El Prat de Llobregat

The director of Instituto Salvador Dalí, *Marcel Roda Panades* welcomed the delegation. This secondary public education school has 38 years of history. It has around 700 students. The municipality of El Prat de Llobregat has a large immigrant population, most of whom speak Spanish. This poses a challenge for the teachers, since the school's objective is to normalize Catalan among students. On the playground, they are allowed to speak Spanish, but with the teachers the students have to speak in Catalan, the objective is to master both languages. The school's linguistic project is in Catalan.

Mr. Albert Grau Montero, Director of the Territorials services of Education in el Baix Llobregat and Ms Ana Martin Cuello Teniente de Alcalde de Educación y Cultura del Ayuntamiento del Prat de Llobregat participated in the meeting as the relevant authorities in the area, although they were not initially invited to attend.

Ms. Jana Toom started by asking Mr Grau Montero and Ms Martin Cuello to introduce themselves. She then asked how linguistic immersion works in practice and the director answered that only the Spanish language subject is taught in Spanish, all other subjects are taught in Catalan. Only a group of students (30 out of 700), in application of a final court ruling, has 25% of their classes in Spanish (in this case physical education and mathematics in addition to Spanish language classes). A particular court ruling that concerns one student also applies to all the classmates. It is not the decision of the school, it is a court mandate. The school website is exclusively in Catalan, as it is the language of communication with families, although they are mostly Spanish speaking.

The director explained that the final objective is that at the end of schooling both languages are mastered and to achieve this, he prefers not to talk about percentages. He explained that, in the

external tests for university access, the school obtains good results, better than the average in Catalonia, which proves that the system works.

Mr. Peter Jahr asked why the other students do not have more hours of Spanish class, to which the director answered that the school's linguistic project applies and only one group, the one affected by the court ruling, has been having more hours of Spanish since 2022.

Ms. Maria Angela Danzi stated that, it is not normal for a judge to decide the pedagogical situation of the students, she asked what the mother tongue of the majority of the students is, how the gaps of Spanish speakers are filled and if in the future the students of the school will be able to participate in the national administrations exams.

Mr. Grau Montero, insisted that the Catalan Law 8/2022 has to be applied and as he is the highest authority on education in the district, this law is respected. *Ms Martin Cuello* shares this idea.

Meeting with associations / civil society and with teachers – Barcelona

• Elena Sintes, "Fundació Bofill"

The goal of Catalan schools is to ensure that students acquire a high competence level in the Catalan and Spanish language. The aim is for the students to be able to communicate fully and fluently in Catalan and Spanish. To attain these language skills, Catalonia has, since the 1980s, adopted a unified model of non-separation of classmates for reasons of language. Students are not separated according to origin or family language. All students are together in the same classroom to avoid the division of the Catalan society into separate linguistic communities. In many cases, students would not otherwise be able to acquire such skills, having no access to the Catalan language and no relationship to habitual Catalan speakers in their family or neighbourhood contexts. Due to the minority status of Catalan, many children have no other place to learn and speak Catalan in a habitual, daily manner, other than school. Current legislation obliges the educational system to ensure that all students acquire a full skill set in oral and written Catalan and Spanish. All students are further required to learn a foreign language, regardless of the language spoken at home at the start of their educational process.

The linguistic reality in educational centres is highly diverse. Catalan is not always, nor everywhere, the dominant language. According to a study carried out in 2022 by the office of the Ombudsperson in Catalonia, Catalan is the habitual language for 62.1% of elementary schools (with Spanish at 33.1%) and for 60.6% of secondary schools (with Spanish at 32.9%).

She explains that in her view, differences in school results are not related to the language of the schools, but to other factors: the PISA test provides data on the relationship between family language and results in skills tests in mathematics, science and reading comprehension. These studies corroborate that the student's school language and family language do not determine the student's possibilities to attain strong results in reading comprehension, mathematics and science. The main variables influencing results in skills tests are the social, economic and cultural index of students and their foreign origin. The results of PISA 2022 point out the clear impact of the Covid-19 pandemic in the dramatic drop in performance for the great majority of countries in the OECD, with a particularly sharp decline in Catalonia. There has been a substantial increase of student vulnerability in Catalonia. The proportion of students of immigrant origin has increased sharply in the last four years, reaching 24% of the student

population. There has also been an increase of students with special educational needs (SEN) and socio-economically vulnerable students. The social diversity faced by Catalan schools requires Catalan to be at the centre of the learning experience, thus upholding its function as a compensatory factor to inequalities based on origin, ensuring that all students will reach a high level of competence in both Catalan and Spanish. One of the advantages of knowing Catalan is access to the job market and finding work. In her view, it is good for social mobility and the presence of Catalan at school ensures social inclusion.

• Carlos Silva Compañón and Sonia Sierra, "Docentes Libres"

Docentes Libres (Free Teachers) is an action group of teachers based in Catalonia, fighting for the fundamental rights of the teachers who suffer the nationalist policies of the Catalan governments and their political use of the schools and education.

Spain is one of the world's most decentralised countries. Regional governments have control over education, health, social services and the administration. Catalonia's regional Government has one of the highest levels of self-governance in Europe. Despite this fact, the nationalist Governments, which have ruled Catalonia since the beginnings of the Spanish democracy, portray themselves as victims and dress up this victimization with a specific speech. Their permanent call for the protection of Catalan as a minority language is a political strategy to build an exclusive national identity with the independence of Catalonia as their final goal. The victims of this political strategy are, on the one side, the students and their right to a beneficial education in their best interest and, on the other side, the teachers' fundamental rights. In Catalonia's education system, the model of universal and compulsory linguistic immersion in Catalan is the alibi to exclude Spanish, to reduce it to the category of a family language, and to develop an exclusive Catalan identity. In his views, Catalan is not a minority language. According to the Generalitat's latest language usage survey, published in 2018, 36% of Catalans identify themselves as Catalan speakers and 46% as Spanish speakers, with a 7% identifying themselves as bilingual. The rate of understanding of both languages is close to 100%. From a linguistic point of view, Catalonia is a bilingual society.

Mr. Silva Compañón criticised the ideas on which compulsory linguistic immersion is founded:

- 1. The objective of immersion is to achieve an equivalent knowledge of the two official languages by the end of the compulsory education stage. The concept of "linguistic immersion" is erroneous and misleading. For more than 30% of Catalan pupils whose mother tongue is Catalan, it is not a model of immersion, but a monolingual system in their mother tongue. Thus, Catalan speaking students have an advantageous learning situation throughout all the educational stages. The School Language Projects, which are supposedly designed to balance the linguistic situation, apply the same model of universal and compulsory exclusive immersion in Catalan, regardless of the social and linguistic context of the school.
- 2. Immersion guarantees social cohesion: all the international indicators demonstrate that this is not true. The latest PISA 2022 report shows that immersion in bilingual communities is detrimental to learning in general and to the learning of migrant students in particular. Catalonia is the region of Spain where foreign pupils feel the least integrated. The school failure rate of foreign pupils in Catalonia is higher than that of the majority of Spanish students of foreign origin. With similar percentages of immigrant pupils, Catalonia is almost one school year behind Madrid in terms of results.

3. That immersion is a model of success is, in his view, one of the most repeated lies of the nationalist governments of Catalonia. There is not a single piece of data that supports this claim. The latest PISA 2022 confirms that Catalonia's results have plummeted, falling below the Spanish, OECD and EU average in all subjects. In Mathematics, Catalonia has lost 31 points, which is the equivalent to being a year and a half behind in schooling, and being the sixth worst performing of the 17 Spanish regions. The reaction of the regional educational authorities to this data has been a mix of denial and xenophobia, blaming it on the pandemics and the number of immigrant students.

Regarding students and teachers there is a permanent attempt on the Generalitat's side to develop new repressive systems to complement the only-in-Catalan basis of the immersion model. The latest plan for the promotion of the use of the Catalan language, launched in 2021, has as one of its goals, the creation of what they call a Driving Group on Language Uses in Education in every single school in Catalonia, creating a language observation network coordinated with the educational authorities to make sure that everybody speaks only in Catalan at school, violating the freedom and privacy of students and teachers. Many teachers consider the plan for the promotion of the use of the Catalan language, as an everyday threat and a permanent source of personal stress and uncertainty.

Mr. Kosma Zlotowski and Ms. Maria Angela Danzi asked about the high levels at which schools in Catalonia dropped in the PISA rankings and Ms Sintes replied that it is the consequence of the importance of the service sector and tourism economy. She pointed out that the bad last PISA results were due to the lack of investments, resources, and a clear and sustained education policy, the problem is not the language. Mr. Silva Compañón said that Catalan language is not at risk, which is clearly expressed by UNESCO. He states that teaching one more "main subject" in Spanish, in addition to the Language subject itself, will not make the Catalan language disappear.

Meeting with representatives of the competent regional authorities: Conselleria d'Educació de la Generalitat – Barcelona

• Anna Simó i Castelló, Consejera de Educación de la Generalitat

She explained that she could not receive the delegation for as long as had been planned, because she had to attend an appointment with the President of the Generalitat about the latest results of the PISA report and a future educational Pact. Due to lack of time, the delegation proceeded directly to the questions:

Ms. Jana Toom asked why the ruling of the Supreme Court of Catalonia is not applied (STSJ of Catalonia of December 16, 2020).

Ms. Anna Simó i Castelló responded that the position of her ministry is in line with the legal framework that emanates from the Constitution and the Statute of Autonomy of Catalonia, its Laws and Decrees, as well as Law 12/2009, of 10 July, on Education in Catalonia, for everything that concerns the use of languages in schools in Catalonia. The autonomous regions deploy their powers, in line with the organic Law of Education. Since the organic Law 8/2013, of December 9, for the improvement of educational quality (LOMCE), popularly known as the "Wert law", which called for 25% in Spanish, has been repealed; it does not apply any more. Organic Law 3/2020, of December 29, which modifies the LOE of 2006 (LOMLOE), also known as the Celaá Law, applies. This law does not determine that Spanish is the vehicular

language in education, unlike the LOMCE that established it for the first time in the history of the democratic period. In the organic Law 3/2020, of December 29, it states: "Educational Administrations will guarantee the right of students to receive education in Spanish and the other co-official languages in their respective territories, in accordance with the Spanish Constitution, the Statutes of Autonomy and the applicable regulations". On the other hand, the Law guarantees that students upon completing compulsory education will have "full mastery" of Spanish and the co-official languages where they exist.

What does exist are judicial rulings and precautionary measures that, at the request of a family, the class group has one more core subject taught in Spanish (percentages are not applied). The objective is "full mastery" of Catalan and Spanish (as well as English and Aranese in the Aran Valley).

Mr. Peter Jahr asked why it is not necessary to teach more hours of Spanish. The answer is that Spanish is spoken by 100% of the population and that in the last 10 years the arrival of immigrants has decreased the use of Catalan in certain territories to 20 or 30% of the population. For this reason, Law 12/2009, of July 10, on Education of Catalonia and Law 8/2022, of June 9, on the use and learning of official languages in non-university education, guarantee the autonomy of the schools in planning the educational and linguistic plans of the schools. These plans are adapted to the sociolinguistic reality of the population and aim to guarantee equal opportunities for all students, as well as ensuring that they all end up speaking three languages at the end of schooling.

Mr. Peter Jahr insisted on not understanding the refusal to teach more hours of Spanish despite the explanations.

Mr. Kosma Zlotowski inquired how the objective of achieving bilingualism by the end of schooling is met, without classes in Spanish, given that the system is currently monolingual in Catalan.

Ms. Anna Simó i Castelló replied that the high degree of inter comprehension between Catalan and Spanish makes things easier, because due to both languages having similar linguistic structures, it is easy to learn Spanish, with the help of, for example, television or social networks. Ms. Simó i Castelló was also asked about bilingual communication on the school websites and she replied that communication and websites were compatible with the law.

Ms. Maria Angela Danzi said that the politicians of the Catalan Parliament support the immersion system by 85%. She thinks that judges cannot tell the educational community what to do and that the conflict should not be fueled.

Ms. Anna Simó i Castelló replied that Law 8/2022 guarantees competence in Catalan, Spanish and English. The centers can, depending on their autonomy, put compensatory measures in place to achieve their pedagogical objectives, which are never political. She believes that the linguistic immersion method is the one that gives the best results and that Spanish is not side lined. She attributes the low results in the latest PISA report, which according to her are common throughout Europe, to the socioeconomic situation of the students and the increase in child poverty. It is therefore not a question of language.

Mr. Jesús Viñas i Cirera, president of the School Council of Catalonia, intervened on behalf of the educational community, explaining that the system has never been attacked, that the

linguistic conflict does not exist, that the situation is normalized. Children must learn two languages plus English. He emphasizes that Catalan is declining and being threatened, which is why a greater effort must be made to defend it.

Meeting with representatives of the High Educational Inspection - Ministry of Education - Barcelona

• Josefina Beltrán - Director of the High Inspection in Catalonia of the Ministry of Education from 2018-2023.

Explained the functions of the High Educational Inspection in the different autonomous communities. The High Inspection was created in 1985 when the central government transferred educational powers to the CC.AA, who have the competencies on the matter. The High Inspection checks the educational system in relation to the cycles and levels, the curriculum, and the conditions for obtaining titles, scholarships and subsidies. The activities of the High Inspection in terms of being aware of the situation are limited "to the request for information and documentation" since the power of surveillance cannot place the autonomous communities in a situation of hierarchical dependence on the State Administration, as such situation is not compatible with the principle of autonomy. Thus, when the High Inspection receives a complaint from a citizen, it limits itself to ask the education department of the Generalitat if these complaints are founded. It has no possibility of inspecting by itself. Relations with the Generalitat are based on mutual respect.

Mr. Peter Jahr asked her what they are really inspecting. The Director answered that they inspect the curriculum, since it is decided 40% by the central state and 60% by the autonomous community. They inspect that students have the minimum basic skills.

Mr. Peter Jahr asked her what level of action the High Inspection has to reply to citizens' complaints about linguistic immersion in Catalan. The Director answered that there are personal rulings. These rulings since 2011 have affected 36 schools and have established one more core subject to be taught in Spanish in the students' curriculum. They are a judicial lever for parents who want to complain. The High Inspection has to verify that the regional regulations comply with Spanish legislation. The Catalan Education Law of 2022 states that students must be competent in Catalan and Spanish by the end of their studies. The Generalitat's tests demonstrate this with similar results being achieved in Spanish and Catalan at the end of the studies. The High Inspection cannot inspect in situ, only the Generalitat can inspect; the High Inspection only request information and transmit complaints.

Ms. Maria Angela Danzi tells her that the High Inspection that does not go into the substance. The citizens' appeals to justice show that the process does not work; they should verify linguistic competencies, make reports to the government, and give proposals for solutions to existing conflicts. She asked if there are minimum standards throughout Spain, such as required compulsory reading.

The Director answered that the High Inspection does not have to enforce the ruling of the Supreme Court of Catalonia that request the 25% of Spanish teaching of the curriculum: STSJ of Catalonia of December 16, 2020.

Wednesday 20 December 2023

Meeting with the regional Ombudsman - Sindic de Greuges - Barcelona

• Esther Giménez-Salinas, Ombudsperson since 2022

The Sindic's role is to handle the complaints of anyone who feels unprotected by the administrations' actions or omissions. He seeks to ensure the proper working of the Catalan Government (Generalitat) and local administrations, like local councils, provincial governments or county councils. Thus, he works as a supervisor and collaborator of the Catalan Administration, with the aim of improving its standards. In addition to working with the administrations, the Sindic is also beginning its supervision of the private companies that provide services of public interest, such as electricity, telephony, water, gas, the post, etc. Elected by a majority vote of the Catalan Parliament, the Sindic is politically independent. The Sindic does not appertain to any government and acts with objectivity, freedom of criteria and independence. Its role is to deal with everything that has to do with conflicts between citizens and the administration. The recommendations are not mandatory, but they are 80% followed by the Catalan administration. Last year they dealt with 23,000 actions, of which 200 were ex officio. Citizens have made 12,000 queries. The topics are mainly about social policies and citizen security. Culture and language, represent only 0.5% of the total.

• Jaume Saura, General deputy to the Catalan Ombudsman

He explained that in Spain the co-official languages have different educational models according to the different regions. In the Basque Country, for example, students are segregated depending on the school model that parents choose. In Catalonia there is a unique model, since Catalan is the schools' language. Two vehicular languages are guaranteed, but with a predominance of Catalan due to its historical minority status. The educational powers are the Government of the Generalitat and the central State simply establishes the bases. Schools establish their core language plans based on the socio-linguistic needs of their students.

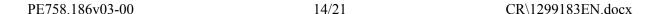
In 2023, they have had two complaints related to this issue. One complaint referred to a school where the students received too much Spanish classes and they were against reinforcement in the Spanish language, since it was a predominantly Catalan-speaking school.

The Ombudsman does not agree that a homogeneous percentage should be imposed without taking into account the sociolinguistic context of each school. The objective should be to master Spanish and Catalan with a level of C1 at the end of the school.

Mr. Peter Jahr stated that the fact that complaints exist is a symptom that something is not right. There is conflict between institutions with the law having been changed by the Catalan Parliament to avoid having to execute the ruling of the TSJC.

Mr. Jaume Saura indicated that the law says "reasonable use" of the two languages, both are vehicular and the presence of Spanish is relevant in education. He indicates that the fact that there are complaints, or that the citizen feels aggrieved, does not mean that the citizen is right. His institution has to better explain this problem. He also explained that many complaints about the use of Catalan in school are sent to the national ombudsman.

Ms. Maria Angela Danzi indicated that the conflict exists, and has been instrumentalized. She





asked that the Constitutional Court intervene to clarify the situation as soon as possible. She asked what solutions or recommendations have been taken against hate speech at school.

Mr. Jaume Saura indicated that the Catalan educational model was a model of consensus from the 80s to the 90s, but from the 90s onwards the consensus broke down and there is a minority against it, since the vast majority of Catalan society wants a single language in school. He believes that the problem of the percentage has been taken out of context, and what needs to be done is to teach Spanish language, literature, and grammar and to put the emphasis on reading. The latest PISA results showed that reading comprehension has decreased throughout Spain. The school's linguistic project must be modulated so that the objective is to have a good knowledge of Catalan and Spanish by the age of 16.

Mr. Peter Jahr explained that during the visits to the schools, the delegation has seen that the parents' questions were not answered, that their rights were not respected. Minorities are not taken into consideration, which is not democratically acceptable, as minorities must be protected from discrimination. He asked if the institution of the Ombudsman is going to attempt a dialogue between the parties and if they are going to protect the petitioners from hate speech. He states that the school websites have to be bilingual Spanish/Catalan, as it would send a positive message to citizens and contribute to reduce tensions.

Mr. Kosma Zlotowski indicated that the Catalan administrations think that everything works perfectly, but there are complaints from parents, situations of harassment of families, bullying of students, who defend their linguistic rights, and this is unacceptable.

Mr. Jaume Saura indicated that the Ombudsman has acted ex officio against cases of harassment in classrooms, but families should know that in Catalonia there is no right to choose the language at school.

Ms. Maria Angela Danzi asked if Catalan immersion applies to all schools, the answer given is that it affects all those that receive public subsidies but it does not affect private schools.

Mr. Peter Jahr answered that this conflict should be resolved by seeking consensus with empathy, trying to understand the other, with dialogue, and by respecting the rights of children.

Mr. Jaume Saura indicated that the Ombudsman wants to incorporate the idea of restorative justice to reduce tensions and seek consensus. In this sense, he also wants to incorporate the idea of reparation for damage as a response to conflict and to prevent punishment being the first reaction. Reparation is good and useful for the people who suffer harm and at the same time promotes genuine accountability for those who caused it. He thinks it is important to move towards a culture of 'dejudicialisation' of conflicts, and stop turning to the legal system to resolve situations that could easily be addressed through agreed solutions. The ability to listen, friendliness, restorative justice, should be the keystones of all actions of a useful institution for citizens.

Conclusions

During the visit, the delegation noted a high level of polarisation regarding the educational model and a lack of communication between authorities and petitioners. In particular it heard the specificities of the language immersion model applied in Catalonia from the former, and the arguments denouncing the discrimination of Spanish in schools from the latter.

The delegation noted the concrete cases in which schools excluded Spanish from the educational model, whereby Spanish was considered as a foreign language. Petitioners documented that Spanish-speaking students with special needs do not study in their mother tongue and that Spanish students from other Autonomous Communities lose their language rights when they move to Catalonia. The delegation also noted that the Catalan authorities insisted the language immersion model is based on need to preserve the Catalan language, which they claimed would otherwise be lost as Spanish is the most spoken language in the region and they say enjoys a more prominent status in the legal, social and cultural domains. The Catalan authorities explained that there is a high-level of competency in both Spanish and Catalan at the end of the educational cycle.

The delegation noted with concern that several families that intended to request additional courses in Spanish faced difficulties and resistance that raises concerns of hate speech. In particular, there seemed to be a lack of genuine willingness to engage in dialogue between the regional authorities and the families affected, which resulted in mistrust between the parties.

The delegation noted that the Decree Law 6/2022 and Law 8/2022 adopted by the Catalan Parliament prevent the application of the judicial ruling mandating 25% of classes to be taught in Spanish and learnt that a question of constitutionality about this issue is pending beforethe Constitutional Court.

The delegation regretted that the visit authorised by the highest instance of the European Parliament has been received with offensive protests and demonstrations, in front of the official premises of the European Parliament in Barcelona, and that the presence of the police was required to ensure the safety of the Members of this Delegation.

Recommendations

The Committee on Petitions:

- 1. Underlines that, the objective of the mission was to assess in situ the language immersion model in Catalonia, its impact on families moving to and residing in the region as well as on multilingualism, non-discrimination and compliance with international and EU law;
- 2. Considers that equal learning opportunities and the inclusion of all pupils in education should be the fundamental principles of every education system;
- 3. Recalls that the duty to know Spanish and the right to use Spanish are enshrined in the Spanish Constitution in its Article 3, which establishes the official status of Castilian in all Spain and the possibility for the Autonomous Communities to establish other languages as official within their territory; recalls that the Statute of Catalonia used this possibility to establishes Catalan as co-official within its territory; considers that the education system in Catalonia should give equal treatment to both Spanish and Catalan as language of education in curricular or teaching hours and that the education system must take the necessary measures to compensate the deficiencies in any of the languages as stated by the Spanish organic law on education (Articles 79 and 121) but in no case can these measures imply the exclusion of any of the official languages as a vehicular language; considers that teaching non-core subjects such as physical education or extracurricular activities cannot be equated or

computed in identical terms to the teaching of core subjects such as mathematics or history; considers that schools in Catalonia should provide students with adequate opportunities to acquire a high level of knowledge of both Catalan and Spanish and to acquire the language skills necessary to have full access to all employment, social and cultural opportunities;

- 4. Recalls that respect for linguistic and cultural diversity is one of the cornerstones of the EU enshrined in Article 3 of the Treaty on European Union and any discrimination based on language is explicitly prohibited under Article 21 of the Charter of Fundamental Rights of the European Union; calls on the competent regional and national authorities to ensure that children are not being discriminated against on any grounds, including on the grounds of being Spanish-speaking; considers it essential to ensure equal opportunities and inclusiveness in learning for all students;
- 5. Points out that linguistic rights must be respected in communities where there is more than one official language, without limiting the rights of one group compared with another, in line with the constitutional order of each Member State and its national law¹; in this regard, calls on the competent regional and national authorities to ensure that the promotion of regional languages and the protection of linguistic communities respect the fundamental rights of all individuals;
- 6. Highlights that learning needs have their own specificities, varying from one educational reality to another, and that this cannot in any case justify the exclusion of learning in one of the languages; Believes that the education system should take into account the best interests of the child in language policies and develop tailor made solutions whenever possible to address any deficiencies in the learning path of children and economic vulnerabilities experienced by students and their families;
- 7. Is concerned that the language immersion model in Catalonia generates serious dysfunctions for pupils with special needs whose mother tongue is Spanish; recalls that Education authorities should ensure that pupils with special needs are able to study in their mother tongue, when such language is an official language, if their families so wish, in accordance with the Council's recommendations on mother-tongue education and the integration of children with disabilities into education systems and with the resolution adopted by the European Parliament on the Situation of Fundamental Rights in the European Union: Annual Report for the years 2018 and 2019²;
- 8. Requests that the Commission reports on the latest developments with regard to the petitions 0858/2017, 0650/2022 and 0826/2022 concerning the respect to language regimes and the organisation of educational system in Catalonia;
- 9. Condemns the fact that the language regime in Catalonia effectively restricts freedom of movement, as it prevents families moving to Catalonia from studying in the official Spanish language, affecting their rights and restricting their job-seeking options within their own country and thus within the EU; strongly believes that the free movement of workers within the European Union as provided for in Article 45 of the Charter of Fundamental Rights of the European Union must be guaranteed;

https://www.europarl.europa.eu/doceo/document/TA-9-2020-0370 EN.html .

¹ Minority Safepack, approved in December 2019 by the EP:

² https://www.europarl.europa.eu/doceo/document/TA-9-2020-0328 EN.html

- 10. Recalls that the Council Recommendation of 22 May 2018 on key competences for lifelong learning³ recommends that Member States 'increase the level of language competences in both official and other languages and support learners to learn different languages relevant to their working and living situation and that may contribute to crossborder communication and mobility';
- Requests that the Commission closely monitor the way EU Article 165 of the Treaty 11. on the Functioning of the European Union is applied in Catalonia, especially in relation with the regional authorities' respect for cultural and linguistic diversity, and to take these results into consideration in its next report on the rule of law; further calls on the Commission to establish a dialogue with the Member State and offer technical assistance to address fundamental rights issues and to take action to ensure that Spain enforces the rights of Spanish-speaking children in bilingual communities;
- Requests regional and national authorities to collaborate in putting an end to the violation of fundamental rights of parents, children, and families and safeguarding them as outlined in Article 21 of the European Charter of Fundamental Rights;
- 13. Requests the regional authorities to adopt the appropriate legal or administrative measures to ensure that communication and websites from the educational public administration, including schools, to students and families are done in both Spanish and Catalan, ex officio, without the need for student or families to request it individually;
- 14. Requests that the Spanish national and regional authorities closely monitor if, in the organisation of education systems in Catalonia, a balanced content of teaching languages is respected and an equal treatment to co-officials languages is given, and if the education objectives in both co-official languages are achieved;
- 15. Suggests the Spanish national authorities to review the way the National High Education Inspection Authority monitors in Catalonia the minimum standards for a balanced content of teaching languages;
- Recommends that a quantitative and qualitative independent in-depth analysis that evaluates the language immersion model in Catalan schools of the equal treatment of the coofficials languages in education, carried out by independent experts, with the aim of providing recommendations to lawmakers and stakeholders on how to establish a balanced content of teaching languages;
- Suggests the Regional Government of Catalonia to improve communication and trust 17. with the aim of building a constructive dialogue with the families affected;
- 18. Observes that the ruling of 16 December 2020, established by High Court of Justice of Catalonia about obligation to guarantee 25% of teaching in Spanish in the Catalan education system, is not currently applied by the Regional Administration; recalls that the respect for the rule of law is one of the cornerstones of the EU and is enshrined in Article 2 of the Treaty on the European Union; considers that non-compliance with judicial decisions by the Spanish and Catalan public administration is in breach of this fundamental principle; is concerned by the fact, that citizens due to the lack of action to implement this judicial ruling, have to seek

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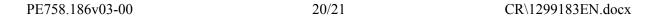
³ https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32018H0604(01)

for judicial redress for their own case individually; calls on the Catalonian authorities not to hinder the execution of this ruling;

- 19. Is concerned about the breakdown in the separation of powers, and the unacceptable pressure on and criticism of judges, including direct attacks;
- 20. Is concerned about exclusion, controversies and reactions in the public that this issue is provoking in the Catalan society including cases of social exclusion, intimidation and bullying against children and parents; condemns any form of hate speech; requests the Regional Authorities to closely monitor this unacceptable behaviour and to sanction any perpetrators; requests the regional and national authorities to establish a defence and protection protocol for those at risk, including families that turn to the judiciary system to enforce the ruling of 16 December 2020;
- 21. Suggests the Spanish authorities to establish one university admission test for all students studying in Spain with identical exams as a tool for assessment and transparency, in order to ensure real equality of opportunities for all students regardless of their origin, sex, territory or mother tongue, while respecting the current regional competence in education;
- 22. Requests to keep open petitions No. 0858/2017, 0650/2022, and 0826/2022 regarding respect for language regimes and the organization of the educational system in Catalonia;
- 23. Recommends sending this report and its recommendations to the Regional Government of Catalonia, Spanish national authorities, including the Ministry of Education, the Spanish Ombudsman, the Catalan Ombudsman to the High Court of Justice of Catalonia and to the Spanish Constitutional Court while waiting for the ruling; also recommends that this report be sent to the LIBE committee's Rule of Law and Fundamental Rights Monitoring Group.

INFORMATION ON ADOPTION IN COMMITTEE RESPONSIBLE

Date adopted	19.03.2024
Result of final vote	+: 19 -: 6 0: 0
Members present for the final vote	Margrete Auken, Francesca Donato, Alexis Georgoulis, Vlad Gheorghe, Peter Jahr, Stelios Kympouropoulos, Cristina Maestre Martín De Almagro, Dolors Montserrat, Emil Radev, Esther Sanz Selva, Jana Toom, Michal Wiezik, Kosma Złotowski, Tatjana Ždanoka
Substitutes present for the final vote	Isabel Benjumea Benjumea, Rosa Estaràs Ferragut, Virginie Joron, Maite Pagazaurtundúa, Andrey Slabakov
Substitutes under Rule 209(7) present for the final vote	Jorge Buxadé Villalba, Ana Collado Jiménez, Gabriel Mato, Andrey Novakov, Diana Riba i Giner, Susana Solís Pérez



FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

19	+
ECR	Jorge Buxadé Villalba, Kosma Złotowski, Margarita de la Pisa Carrión
ID	Virginie Joron
NI	Francesca Donato
PPE	Isabel Benjumea Benjumea, Ana Collado Jiménez, Rosa Estaràs Ferragut, Peter Jahr, Stelios Kympouropoulos, Gabriel Mato, Dolors Montserrat, Andrey Novakov, Emil Radev
Renew	Vlad Gheorghe, Maite Pagazaurtundúa, Susana Solís Pérez, Jana Toom, Michal Wiezik

6	-
NI	Alexis Georgoulis, Tatjana Ždanoka
S&D	Cristina Maestre Martín De Almagro
The Left	Esther Sanz Selva
Verts/ALE	Margrete Auken, Diana Riba i Giner

0	0

Key to symbols: + : in favour - : against 0 : abstention