

European - Central Asia Forum for Minority Issues - May 2nd and 3rd, 2022, Viena

Written statement Plataforma per la Llengua

1. A recent judicial development in relation to the Catalan education system has caused quite a stir. The reason this ruling has brought about such commotion is that, against social and political consensus, it puts an end to the current Catalan language immersion system by preventing Catalan from being the teaching language in the Catalan public education system.
2. Language immersion is a learning method consisting of total or partial exposure to a language and has one primary aim: that students master a language in the shortest possible time. In the case of Catalonia, language immersion is applied at all public schools and private schools that receive public funding. The model takes the form of fixing Catalan as the teaching language for all subjects, except, of course, for Spanish, English or other languages. The Catalan immersion programme is aimed at fostering bilingualism and ensuring both official languages are known by all students – a result it has never ceased to achieve.
3. The Language Immersion Programme (PIL) was first applied in 1983-1984 and from 1992 it became the educational model throughout Catalonia. Nowadays, the system continues to maintain a wide political and social consensus. It should be noted that 85,2% of representatives in the Catalan Parliament are in favour of the current Catalan language immersion system (with only 20 out of 135 being against it). As for the social consensus, a recent survey shows that 82% of Catalan residents support the current linguistic model –support being strongest among young people, with 88,1% being in favour. The language immersion model, thus, is not only a consensus of the past but also one for the future.
4. While the Catalan public education system has remained stable with a solid social and political consensus the last 40 years, it has had several judicial setbacks, which have intensified and worsened during the last years. Specially since 2005, certain political parties have been trying to modify the Catalan education system by means of litigation. This judicial intrusion seeks to tweak the education system not through legislation, but through the courts, by skipping parliamentary channels (where they have never had the necessary votes to form a majority).
5. On December 16th, 2020, the High Court of Justice of Catalonia –an appellate court within Spain's centralised justice system– ruled that a minimum of 25% of classes in the Catalan public education system must be taught in Spanish. The Government of Catalonia appealed and took the case to the Spanish Supreme Court. The latter decided, on November 23rd, 2021, to dismiss the appeal, thus making the decision of the High Court of Justice of Catalonia final.
6. This court ruling goes against articles 7.1 f. and 8.1 a. i., b. i., c. i. and d. i. of the European Charter of Regional or Minority (ECRML). As stated by the Committee of Experts of the ECRML in its Fifth monitoring report, the Spanish instrument of ratification of the Charter mandates that full immersion in Catalan must be available to citizens and does not allow for any mandatory percentage in Spanish to be imposed on all students.
7. After this judgement, criticism by the Catalan-speaking community arose, which was not well received by several Spanish media, politicians, and courts. Ever since, there has been a

constant attempt, through the spread of fake news, hate speech and through court intimidation, to silence dissent and limit free speech.

Two recent examples of fake news and hate speech:

1. The first case involves a Spanish politician, member of Partido Popular (Spain's second biggest party which accounts for over 25% of Congress and 37% of the Senate). On December 17th, 2021, in a discourse available on his Twitter account, this politician falsely claimed that teachers in Catalonia had instructions to not allow children to go to the toilet if they spoke Spanish, and that classmates put stones in Spanish-speaking children's backpacks. You can find the video here:
 - <https://www.elperiodico.com/es/videos/politica/casado-hay-profesores-instrucciones-bano/12998385.shtml> ¹
2. On February 7th, 2022, another very serious episode occurred at the Committee on Petitions at the European Parliament. A Spanish MEP claimed that if there were only 83 cases of families who complained against the Catalan language immersion system, that was because those families were persecuted, and their children *killed*. It goes without saying that this is blatantly false and constitutes a serious attack on democracy. Such a false narrative appears to be more supportive of agitation, confrontation, and divisiveness rather than contributing to social harmony among Catalan citizens. You can find the video and the moment here:
 - https://twitter.com/assemblea_int/status/1491698989267361792 ²

One final example, now on intimidation through penal persecution. It has been common practice to use litigation to derail political claims on issues of social significance, moving a public debate from the political arena to the judicial. A recent example is the collective penal proceeding against many of Twitter³ users who expressed discontent with the court's decision, which negatively affects the Catalan public education system. These Twitter users are now being investigated by the Hate Crimes Unit of the Spanish district attorney's Office. It is worth mentioning that these investigations are based on complaints filed by the far-right Spanish political party VOX.

The effects of such practices are at the very least absolutely alarming and pose a peril to democratic institutions and their legitimacy. These penal proceedings denature the concept and limitations of what constitutes hate speech, since they create such an all-encompassing definition of the term, resulting in a situation in which the expression of political dissent is unjustly seen as an equal to it. Furthermore, persecuting them as hate speech instigators (under article 510.2 of the Spanish Penal Code) may lead to criminalisation as well as stigmatisation, since the punishment for such a crime could result in (a maximum of) 2 years of imprisonment and in being barred from certain professions (teaching, for example).

¹ Original video available here:

<https://twitter.com/populares/status/1471825786814570496?s=20&t=1RbAdHXTDIprQn8pyWgpEA> (minute 5:48)

² Original video available here:

https://www.europarl.europa.eu/meps/en/96811/ROSA_ESTARAS+FERRAGUT/home (minute 15:09:18)

³ See: <https://www.plataforma-llengua.cat/que-fem/noticies/5341/una-cinquantena-dusuaris-de-twitter-declararan-davant-la-fiscalia-de-delictes-dodi-i-discriminacio-per-criticar-la-sentencia-del-25>