

Database for the European Charter for Regional or Minority Languages

THE EUROPEAN CHARTER FOR REGIONAL OR MINORITY LANGUAGES¹

– Applied to Basque in Spain –

[...]

PART II

OBJECTIVES AND PRINCIPLES PURSUED IN ACCORDANCE WITH ARTICLE 2, PARAGRAPH 1

Article 7 – Objectives and principles

- 1 In respect of Basque, within the territories in which Basque is used and according to the situation of Basque, Spain shall base its policies, legislation and practice on the following objectives and principles:
 - a the recognition of Basque as an expression of cultural wealth;
 - b the respect of the geographical area of Basque in order to ensure that existing or new administrative divisions do not constitute an obstacle to the promotion of Basque;
 - c the need for resolute action to promote Basque in order to safeguard it;
 - d the facilitation and/or encouragement of the use of Basque, in speech and writing, in public and private life;
 - e the maintenance and development of links, in the fields covered by this Charter, between groups using Basque and other groups in the State employing a language used in identical or similar form, as well as the establishment of cultural relations with other groups in the State using different languages;
 - f the provision of appropriate forms and means for the teaching and study of Basque at all appropriate stages;
 - g the provision of facilities enabling non-speakers of Basque living in the area where it is used to learn it if they so desire;
 - h the promotion of study and research on Basque at universities or equivalent institutions;
 - i the promotion of appropriate types of transnational exchanges, in the fields covered by this Charter, for Basque used in identical or similar form in two or more States.
- 2 Spain undertakes to eliminate, if it has not yet done so, any unjustified distinction, exclusion, restriction or preference relating to the use of Basque and intended to discourage or endanger the maintenance or development of it. The adoption of special measures in favour of Basque aimed at promoting equality between the users of Basque and the rest of the population or which take due account of their specific conditions is not considered to be an act of discrimination against the users of more widely-used languages.
- 3 Spain undertakes to promote, by appropriate measures, mutual understanding between all the linguistic groups of the country and in particular the inclusion of respect, understanding and tolerance in relation to Basque among the objectives of education and training provided within the country and encouragement of the mass media to pursue the same objective.
- 4 In determining its policy with regard to Basque, Spain shall take into consideration the needs and wishes expressed by the groups which use Basque. It is encouraged to establish bodies, if necessary, for the purpose of advising the authorities on all matters pertaining to Basque.

[...]

¹ CETS no. 148. The Charter was adopted by the Committee of Ministers of the Council of Europe in Strasbourg on 5 November 1992. Entry into force for Spain: 1 August 2001. The provisions of the Charter adopted by Spain for Basque are applicable in the Basque Country and Navarra.

PART III
MEASURES TO PROMOTE THE USE OF
Basque
IN PUBLIC LIFE
IN ACCORDANCE WITH THE UNDERTAKINGS
ENTERED INTO UNDER ARTICLE 2, PARAGRAPH 2

Article 8 – Education

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<p>1 With regard to education, Spain undertakes, within the territory in which Basque is used, according to the situation of Basque, and without prejudice to the teaching of the official language(s) of the State:</p> <p>a i to make available pre-school education in Basque; or</p> <p>b i to make available primary education in Basque; or</p> <p>c i to make available secondary education in Basque; or</p>	<p>a ii to make available a substantial part of pre-school education in Basque; or</p> <p>iii to apply one of the measures provided for under i and ii above at least to those pupils whose families so request and whose number is considered sufficient; or</p> <p>iv if the public authorities have no direct competence in the field of pre-school education, to favour and/or encourage the application of the measures referred to under i to iii above;</p> <p>b ii to make available a substantial part of primary education in Basque; or</p> <p>iii to provide, within primary education, for the teaching of Basque as an integral part of the curriculum; or</p> <p>iv to apply one of the measures provided for under i to iii above at least to those pupils whose families so request and whose number is considered sufficient;</p> <p>c ii to make available a substantial part of secondary education in Basque; or</p> <p>iii to provide, within secondary education, for the teaching of Basque as an integral part of the curriculum; or</p> <p>iv to apply one of the measures provided for under i to iii above at least to those pupils who, or where appropriate whose families, so wish in a number considered sufficient;</p>

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NOT ACCEPTED

- d i to make available technical and vocational education in Basque; or
- e iii if, by reason of the role of the State in relation to higher education institutions, sub-paragraphs i and ii cannot be applied, to encourage and/or allow the provision of university or other forms of higher education in Basque or of facilities for the study of Basque as university or higher education subjects;
- f i to arrange for the provision of adult and continuing education courses which are taught mainly or wholly in Basque; or
- g to make arrangements to ensure the teaching of the history and the culture which is reflected by Basque;
- h to provide the basic and further training of the teachers required to implement those of paragraphs a to g accepted by Spain;
- i to set up a supervisory body or bodies responsible for monitoring the measures taken and progress achieved in establishing or developing the teaching of Basque and for drawing up periodic reports of their findings, which will be made public.
- 2 With regard to education and in respect of territories other than those in which Basque is traditionally used, Spain undertakes, if the number of users of Basque justifies it, to allow, encourage or provide teaching in or of Basque at all the appropriate stages of education.

- d ii to make available a substantial part of technical and vocational education in Basque; or
- iii to provide, within technical and vocational education, for the teaching of Basque as an integral part of the curriculum; or
- iv to apply one of the measures provided for under i to iii above at least to those pupils who, or where appropriate whose families, so wish in a number considered sufficient;
- e i to make available university and other higher education in Basque; or
- ii to provide facilities for the study of Basque as university and higher education subjects; or
- f ii to offer Basque as subjects of adult and continuing education; or
- iii if the public authorities have no direct competence in the field of adult education, to favour and/or encourage the offering of Basque as subjects of adult and continuing education;

Article 9 – Judicial authorities

ACCEPTED

NOT ACCEPTED

- 1 Spain undertakes, in respect of those judicial districts in which the number of residents using Basque justifies the measures specified below, according to the situation of Basque and on condition that the use of the facilities afforded by the present paragraph is not considered by the judge to hamper the proper administration of justice:
 - a in criminal proceedings:
 - i to provide that the courts, at the request of one of the parties, shall conduct the proceedings in Basque; and/or
 - ii to guarantee the accused the right to use Basque; and/or
 - iii to provide that requests and evidence, whether written or oral, shall not be considered inadmissible solely because they are formulated in Basque; and/or
 - iv to produce, on request, documents connected with legal proceedings in Basque, if necessary by the use of interpreters and translations involving no extra expense for the persons concerned;
 - b in civil proceedings:
 - i to provide that the courts, at the request of one of the parties, shall conduct the proceedings in Basque; and/or
 - ii to allow, whenever a litigant has to appear in person before a court, that he or she may use Basque without thereby incurring additional expense; and/or
 - iii to allow documents and evidence to be produced in Basque, if necessary by the use of interpreters and translations;
 - c in proceedings before courts concerning administrative matters:
 - i to provide that the courts, at the request of one of the parties, shall conduct the proceedings in Basque; and/or
 - ii to allow, whenever a litigant has to appear in person before a court, that he or she may use Basque without thereby incurring additional expense; and/or
 - iii to allow documents and evidence to be produced in Basque, if necessary by the use of interpreters and translations;
 - d to take steps to ensure that the application of sub-paragraphs i and iii of paragraphs b and c above and any necessary use of interpreters and translations does not involve extra expense for the persons concerned.
- 2 Spain undertakes:
 - a not to deny the validity of legal documents drawn up within the State solely because they are drafted in Basque; or

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- 3 Spain undertakes to make available in Basque the most important national statutory texts and those relating particularly to users of Basque, unless they are otherwise provided.

- b not to deny the validity, as between the parties, of legal documents drawn up within the country solely because they are drafted in Basque, and to provide that they can be invoked against interested third parties who are not users of Basque on condition that the contents of the document are made known to them by the person(s) who invoke(s) it; or
- c not to deny the validity, as between the parties, of legal documents drawn up within the country solely because they are drafted in Basque.

Article 10 – Administrative authorities and public services

ACCEPTED

NOT ACCEPTED

- 1 Within the administrative districts of the State in which the number of residents who are users of Basque justifies the measures specified below and according to the situation of Basque, Spain undertakes, as far as this is reasonably possible:
- a i to ensure that the administrative authorities use Basque; or
- b to make available widely used administrative texts and forms for the population in Basque or in bilingual versions;
- c to allow the administrative authorities to draft documents in Basque.
- 2 In respect of the local and regional authorities on whose territory the number of residents who are users of Basque is such as to justify the measures specified below, Spain undertakes to allow and/or encourage:
- a the use of Basque within the framework of the regional or local authority;
- b the possibility for users of Basque to submit oral or written applications in Basque;

- a ii to ensure that such of its officers as are in contact with the public use Basque in their relations with persons applying to them in Basque; or
- iii to ensure that users of Basque may submit oral or written applications and receive a reply in Basque; or
- iv to ensure that users of Basque may submit oral or written applications in Basque; or
- v to ensure that users of Basque may validly submit a document in Basque;

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- c the publication by regional authorities of their official documents also in Basque;
 - d the publication by local authorities of their official documents also in Basque;
 - e the use by regional authorities of Basque in debates in their assemblies, without excluding, however, the use of the official language(s) of the State;
 - f the use by local authorities of Basque in debates in their assemblies, without excluding, however, the use of the official language(s) of the State;
 - g the use or adoption, if necessary in conjunction with the name in the official language(s), of traditional and correct forms of place-names in Basque.
- 3 With regard to public services provided by the administrative authorities or other persons acting on their behalf, Spain undertakes, within the territory in which Basque is used, in accordance with the situation of Basque and as far as this is reasonably possible:
- a to ensure that Basque is used in the provision of the service; or
 - b to allow users of Basque to submit a request and receive a reply in Basque; or
- 4 With a view to putting into effect those provisions of paragraphs 1, 2 and 3 accepted by them, Spain undertakes to take one or more of the following measures:
- a translation or interpretation as may be required;
 - b recruitment and, where necessary, training of the officials and other public service employees required;
 - c compliance as far as possible with requests from public service employees having a knowledge of Basque to be appointed in the territory in which Basque is used.
- 5 Spain undertakes to allow the use or adoption of family names in Basque, at the request of those concerned.

- c to allow users of Basque to submit a request in Basque.

Article 11 – Media

ACCEPTED

NOT ACCEPTED

- 1 Spain undertakes, for the users of Basque within the territories in which Basque is spoken, according to the situation of Basque, to the extent that the public authorities, directly or indirectly, are competent, have power or play a role in this field, and respecting the principle of the independence and autonomy of the media:
 - a to the extent that radio and television carry out a public service mission:
 - i to ensure the creation of at least one radio station and one television channel in Basque; or
 - b i to encourage and/or facilitate the creation of at least one radio station in Basque; or
 - c i to encourage and/or facilitate the creation of at least one television channel in Basque; or
 - d to encourage and/or facilitate the production and distribution of audio and audiovisual works in Basque;
 - e i to encourage and/or facilitate the creation and/or maintenance of at least one newspaper in Basque; or
 - f ii to apply existing measures for financial assistance also to audiovisual productions in Basque;
 - g to support the training of journalists and other staff for media using Basque.

- a ii to encourage and/or facilitate the creation of at least one radio station and one television channel in Basque; or
- iii to make adequate provision so that broadcasters offer programmes in Basque;
- b ii to encourage and/or facilitate the broadcasting of radio programmes in Basque on a regular basis;
- c ii to encourage and/or facilitate the broadcasting of television programmes in Basque on a regular basis;
- e ii to encourage and/or facilitate the publication of newspaper articles in Basque on a regular basis;
- f i to cover the additional costs of those media which use Basque, wherever the law provides for financial assistance in general for the media; or

ACCEPTED

NOT ACCEPTED

- 2 Spain undertakes to guarantee freedom of direct reception of radio and television broadcasts from neighbouring countries in a language used in identical or similar form to Basque, and not to oppose the retransmission of radio and television broadcasts from neighbouring countries in such a language. It further undertakes to ensure that no restrictions will be placed on the freedom of expression and free circulation of information in the written press in a language used in identical or similar form to Basque. The exercise of the above-mentioned freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.
- 3 Spain undertakes to ensure that the interests of the users of Basque are represented or taken into account within such bodies as may be established in accordance with the law with responsibility for guaranteeing the freedom and pluralism of the media.

Article 12 – Cultural activities and facilities

ACCEPTED

NOT ACCEPTED

- 1 With regard to cultural activities and facilities – especially libraries, video libraries, cultural centres, museums, archives, academies, theatres and cinemas, as well as literary work and film production, vernacular forms of cultural expression, festivals and the culture industries, including inter alia the use of new technologies – Spain undertakes, within the territory in which Basque is used and to the extent that the public authorities are competent, have power or play a role in this field:
 - a to encourage types of expression and initiative specific to Basque and foster the different means of access to works produced in Basque;
 - b to foster the different means of access in other languages to works produced in Basque by aiding and developing translation, dubbing, post-synchronisation and subtitling activities;
 - c to foster access in Basque to works produced in other languages by aiding and developing translation, dubbing, post-synchronisation and subtitling activities;

ACCEPTED

NOT ACCEPTED

- d to ensure that the bodies responsible for organising or supporting cultural activities of various kinds make appropriate allowance for incorporating the knowledge and use of the Basque language and culture in the undertakings which they initiate or for which they provide backing;
 - e to promote measures to ensure that the bodies responsible for organising or supporting cultural activities have at their disposal staff who have a full command of Basque, as well as of the language(s) of the rest of the population;
 - f to encourage direct participation by representatives of the users of Basque in providing facilities and planning cultural activities;
 - g to encourage and/or facilitate the creation of a body or bodies responsible for collecting, keeping a copy of and presenting or publishing works produced in Basque;
 - h if necessary, to create and/or promote and finance translation and terminological research services, particularly with a view to maintaining and developing appropriate administrative, commercial, economic, social, technical or legal terminology in Basque.
- 2 In respect of territories other than those in which Basque is traditionally used, Spain undertakes, if the number of users of Basque justifies it, to allow, encourage and/or provide appropriate cultural activities and facilities in accordance with the preceding paragraph.
- 3 Spain undertakes to make appropriate provision, in pursuing its cultural policy abroad, for Basque and the culture it reflects.

Article 13 – Economic and social life

ACCEPTED

NOT ACCEPTED

- 1 With regard to economic and social activities, Spain undertakes, within the whole country:
- a to eliminate from its legislation any provision prohibiting or limiting without justifiable reasons the use of Basque in documents relating to economic or social life, particularly contracts of employment, and in technical documents such as instructions for the use of products or installations;
 - b to prohibit the insertion in internal regulations of companies and private documents of any clauses excluding or restricting the use of Basque, at least between users of Basque;
 - c to oppose practices designed to discourage the use of Basque in connection with economic or social activities;

ACCEPTED

NOT ACCEPTED

- d to facilitate and/or encourage the use of Basque by means other than those specified in the above sub-paragraphs.
- 2 With regard to economic and social activities, Spain undertakes, in so far as the public authorities are competent, within the territory in which Basque is used, and as far as this is reasonably possible:
- a to include in its financial and banking regulations provisions which allow, by means of procedures compatible with commercial practice, the use of Basque in drawing up payment orders (cheques, drafts, etc.) or other financial documents, or, where appropriate, to ensure the implementation of such provisions;
 - b in the economic and social sectors directly under its control (public sector), to organise activities to promote the use of Basque;
 - c to ensure that social care facilities such as hospitals, retirement homes and hostels offer the possibility of receiving and treating in Basque persons using Basque who are in need of care on grounds of ill-health, old age or for other reasons;
 - d to ensure by appropriate means that safety instructions are also drawn up in Basque;
 - e to arrange for information provided by the competent public authorities concerning the rights of consumers to be made available in Basque.

Article 14 – Transfrontier exchanges

ACCEPTED

NOT ACCEPTED

Spain undertakes:

- a to apply existing bilateral and multilateral agreements which bind them with the States in which Basque is used in identical or similar form, or if necessary to seek to conclude such agreements, in such a way as to foster contacts between the users of Basque in the States concerned in the fields of culture, education, information, vocational training and permanent education;
- b for the benefit of Basque, to facilitate and/or promote co-operation across borders, in particular between regional or local authorities in whose territory Basque is used in identical or similar form.

[...]