

Act No. 1, of 7th January 1998, on linguistic policy

(DOGC Nº. 2553, of 9th January 1998)¹

THE PRESIDENT OF THE GENERALITAT² OF CATALONIA

Let it be known to all citizens that the Catalan Parliament has approved, and I, in the name of the King, and as laid down in article 33.2 of the Statute of Autonomy of Catalonia, enact the following

ACT

Introduction

I. The meaningfulness and situation of the Catalan language.

La llengua catalana és un element fonamental de la formació i la personalitat nacional de Catalunya, un instrument bàsic de comunicació, d'integració i de cohesió social dels ciutadans i ciutadanes, amb independència de llur origen geogràfic, i el lligam privilegiat de Catalunya amb les altres terres de parla catalana, amb les quals forma una comunitat lingüística que ha aportat al llarg dels segles, amb veu original, una valuosa contribució a la cultura universal. A més, ha estat el testimoni de fidelitat del poble català envers la seva terra i la seva cultura específica.

The Catalan language is an essential element in the national formation and character of Catalonia, a basic instrument for communication, integration and social cohesion of citizens, regardless of their geographic origin, and a privileged link between Catalonia and the other Catalan-speaking areas, with which it forms a linguistic community which has made a valuable contribution, in its original way, to universal culture over the centuries. Furthermore, it has borne witness to the loyalty of the Catalan people towards their land and their specific culture.

Developed originally within the territory of Catalonia, shared with other areas - where people and even laws have given it different names - it has always been the language of the country and as such it has been negatively affected by certain events in the history of Catalonia which have placed it in a precarious situation. This situation has arisen due to various factors, such as the political persecution it has suffered and the legal imposition of for more than two and a half centuries; the political and socio-economic circumstances in which the demographic changes took place in recent decades and, moreover, the restricted scope that the language has, similar to that of other official languages of Europe, especially in the world of today, where communication, information and the cultural industries are moving towards globalisation.

Thus, as a result of all these circumstances the present sociolinguistic situation of Catalonia is very complex. The situation of a people's language which has not achieved fully normal use and has a relatively small number of speakers in the international context coincides with the fact that the mother tongue of many citizens in the territory of Catalonia is Castilian, which they prefer to speak, and thanks to which they have often contributed significantly to enriching Catalan culture itself, a contribution which has similarly been made by citizens whose mother tongue is another language. This situation therefore requires a language policy which effectively helps to achieve the normal use of Catalonia's own language and which at the same time guarantees a scrupulous respect of the linguistic rights of all citizens.

II. The legal framework

The present legal framework of the Catalan language is defined by the 1978 Spanish Constitution and by the 1979 Statute of Autonomy of Catalonia.

The former, recognising the diversity of peoples within the Spanish State, states in article 3 that "Castilian is the official Spanish language of the State" and that, as the official language "all Spaniards have the duty to learn it and the right to use it". Furthermore, the Constitution states that "the other Spanish languages shall also be official in their respective autonomous communities as laid down in their Statutes".

Article 3 of the Statute of Autonomy states "1. Catalan is Catalonia's own language. 2. Catalan is the official language of Catalonia, as is Castilian, which is official throughout Spain. 3. The Generalitat will guarantee the normal and official use of both languages, will take the appropriate measures in order to ensure that they are learnt and will create the conditions which will allow them to attain full equality with respect to the rights and duties of the citizens of Catalonia. 4. The Aranese³ tongue shall be taught and shall be the object of special respect and protection".

These statutory provisions were further developed by Act No. 7 of 18th April 1983, on normalization linguistic in Catalonia, of great importance in the history of the language, which signalled the end to sanctions against Catalan; the fourteen years it has been in force have made possible the spread of knowledge of the language among most of the population, and a policy agreed by all sectors of society, which has led to a process of normal linguistic use.

During the time the Act has been in force, important changes have taken place: in the technological field, computers and information networks have become of general use; in the cultural and commercial field, free trade has been established, and this has spread to cultural interchanges, especially in the communication and audio-visual world; in the political field, on the one hand Spain has joined the European Economic Community, now called the European Union, governed by a multilingual principle, and on the other hand the Generalitat has taken over responsibility for many of the competencies laid down in the Statute; in the social and sociolinguistic field, proficiency in Catalan has become widespread - though it has not always resulted in a similar increase in public use - and a considerable change in immigration flows has taken place. Furthermore, language law in our country has developed considerably, due partly to the jurisprudence of the Constitutional Tribunal and partly to Catalan legislation and to doctrinal studies. Finally, the contents of various resolutions passed by the European Parliament have to be pointed out: that of 30th November⁴ 1987, on the languages and cultures of regional and ethnic minorities in the European Community; that of 11th December 1990, on the situation of languages in the Community and that of the Catalan language, and that of 9th February 1994, on cultural and linguistic minorities of the European Community. Moreover, the European Charter for Regional or Minority Languages, adopted in the form of a Convention by the Committee of Ministers of the Council of Europe on 5th November 1992, is worth mentioning, as is the Universal Declaration of Linguistic Rights, approved by the World Conference of Linguistic Rights on 6th June 1996 in Barcelona, which received the unanimous support of the Congress of Deputies and the Parliament of Catalonia.

III. The aims of this Act

All these circumstances have made it advisable to amend and update the 1983 Act and to renew the political and social agreement reached at that time, in order to be able to consolidate the process promoted by the Act on linguistic normalization in Catalonia in the fields of government and education, to adapt the media and cultural industries to today's needs and to fix linguistic regulations directed at the socio-economic world; all this with a view to moving towards full and complete proficiency in Catalan and its normal use, which can make a new thrust in the social use of the language feasible.

Amending and updating the 1983 Act also has to make it possible to reaffirm the statutory commitment to achieving full equality regarding linguistic rights and duties, and especially, those of learning both official languages and of using them, which means that, in accordance with the existing statutory framework, the citizens of Catalonia have to have learned Catalan and Castilian and shall be entitled to use them. In order to continue with this drive, it has moreover become essential for changes to be made to State and European law, and to strengthen the policies of support and the relevant budgetary provisions.

IV. The contents and structure of this Act

This Act expresses the legal concepts of a people's own language and that of official language. Thus the concept of Catalonia's own language applied to Catalan commits the public authorities and institutions in Catalonia to safeguard Catalan, to use it in a general manner and to promote its public use at all levels. The concept of official language applied to Catalan and Castilian guarantees all citizens their subjective rights, which are explicitly stated, to learn both languages, to be able to freely use them in all private and public activities, to be served in the language of their choice in their relationships with the authorities and, gradually and progressively, with all social agents who offer services to the public, and to not be discriminated against on the basis of language. Bearing in mind these principles, the Act governs the use of both official languages in Catalonia, and establishes measures to and promote the use of Catalan in order to achieve its normal use and promotional measures to guarantee its presence in all spheres.

In the official and administrative field, this Act stipulates that Catalan authorities and institutions shall generally use Catalan, without affecting the right of citizens to address them in the official language of their choice, and declares the full validity of all public and private documents in either of the two official languages, totally indifferently one from the other, in all spheres, including the State and Judicial Authorities as well as public registries.

As regards education, this Act guarantees to all the population full proficiency in both languages, and at the same time, it guarantees that students shall not be discriminated against, nor separated into different groups, on the grounds of language; all this is stated while maintaining the joint linguistic system applied under the 1983 Act, and in accordance with jurisprudence of the Constitutional Court. Furthermore, it establishes measures to promote university education in Catalan.

In the field of the media, and within the framework of the Generalitat's responsibilities, it governs the use of Catalan in radio and television station broadcasts, so as to guarantee the presence of the Catalan language in radio and television programs, and lays down measures to promote the written press. As regards cultural industries, it maintains and reinforces the promotional measures already established by the Act on linguistic normalization in Catalonia for the cinema, books, music and entertainment, and includes references to computer science, telecommunication networks and linguistic engineering products, which have become the basis for processing information in all fields.

As regards the socio-economic field, it adopts measures to regulate the presence of Catalan and to promote its use in all fields where, for market or other reasons, they are not adequately guaranteed. Thus public companies, licensees and public services shall become active agents in the process of normal linguistic use in order to guarantee consumers' linguistic rights. The aim is to progressively achieve that both languages are treated equally in the economic world as all citizens in Catalonia acquire full knowledge of Catalan, and always by means of social agreements sought by the Generalitat.

Finally, this Act acknowledges, protects and promotes education and the use of Aranese in the Aran valley, with reference to Act 16 of 13th July 1990, concerning the special treatment of the Aran valley, and with full respect for the powers of the institutions of the Aran valley.

This Act offers guidelines for citizens, only creating obligations for the authorities and certain companies, should this be required, due to the nature of their activity being public services and in order to safeguard citizens' linguistic rights. Therefore, only civil servants and the aforementioned companies may become subject to administrative action, according to the sectoral laws in force, should they breach the obligations set forth in this Act.

As regards the structure, this Act consists of thirty-nine articles, and eight additional, three transitory and three final provisions. The articles are distributed in seven chapters, which govern the general principles (preliminary chapter), institutional use (chapter I), place and personal names (chapter II), education (chapter III), the mass media and cultural industries (chapter IV), socio-economic activity (chapter V), and the institutional stimulus (chapter VI). Thus it follows the structure of Act 7 of 1983, to which chapters specifically concerning names and socio-economic activity have been added.

¹ BOE no. 36, of 11th February 1998.

² The Generalitat is the institution through which the self-government of Catalonia is politically organised.

³ Occitan dialect spoken in the Aran valley, a Catalan district (*comarca*) in the Pyrenees.

⁴ The Resolution was voted on the 30 th of october -and not november- 1987.