

Behatokia presents its annual report for 2003 on the situation of language rights *Analysis of 737 cases*

Throughout 2003, the Basque Language Observatory for Linguistic Rights (Behatokia) processed 727 cases referred to them by members of the public, and 10 more cases which were taken up on their own initiative, two of which came before the courts.

In order for these cases to be referred, Behatokia launched the “Basque telephone” service in 2001. By means of this and based on the experiences of members of the public, it was desired that the situation of the violation of linguistic rights be measured in an objective way and that a solution be provided to the said violations.

<i>Origin of cases</i>	<i>Type of cases</i>	<i>Number</i>
SENT IN BY MEMBERS OF PUBLIC	Complaints	642
	Positive commendations	23
	Consultations	17
	Unable to process	36
	Lacking documentation	9
		727
INICIATIVES FROM BEHATOKIA	Legal court cases	2
	Preventative actions	8
		10
TOTAL No CASES		737

With all this data, Behatokia has published its annual report – a diagnosis of the situation of linguistic rights in Euskal Herria. Based on this data, Behatokia wishes to provide two main contributions:

- *Help the community of Basque speakers to realise or self-perceive the real situation.*
- *Help public institutions to improve their performance.*

CONCLUSIONS OF THE REPORT

1. The report corresponding to 2003 confirms the main conclusions drawn the two previous years' reports

2. Linguistic rights are violated in all the territories of Euskal Herria. In all the territories of this language community, whether in the south (within the Monarchy of Spain) or in the north (within the French Republic), language rights are violated. Some local or regional authorities have offered to elevate this right to official status, but others, nevertheless, have not. It is tremendously important that (local and central) government authorities provide official status to the Basque language and have legislation in place that protects language rights so that these rights are not violated. This is why we consider it fundamental to recognise the official status of the language in all the territories.

3. Linguistic rights are violated at all levels of public administration in Euskal Herria. Public administration in both the French and Spanish states systematically violate language rights, the Government of Navarre are increasingly curtailing the rights of Basque speakers and, in the Basque y en Autonomous Community, there are certain Departments that appear time and time again: Health, Justice and Interior.

4. The violation of linguistic rights does not imply only the violation of the fundamental principle of equality between two different human and linguistic communities based on the **Universal Declaration of Linguistic Rights** and taken up by **Behatokia**. In the great majority of cases, the government administration does not even comply with the linguistic legislation they themselves passed and which is in force in their territory.

5. In some cases, the violations of language rights incur in the negation of other fundamental rights (the right to equality, to information, etc.), and, moreover, in dealings with these public administrations, we find that not a few cases there is evidence of offences being committed (discrimination, breaking of law by the administrations, themselves, etc.)

6. Agreements amongst States are also being negatively affected, as in the case of the European Charter for Regional or Minority Languages (signed by both the Spanish and the French States in 1992 and 1999 respectively, but only ratified by Spain in 2001) or the Framework Agreement for the Protection of National Minorities (signed and ratified by the Spanish State in 1995. The French State has not signed it)

CONCLUSIONS OF THE REPORT

7. Navarre is the counter-model of Europe, taking the road of official reduction of rights. Navarre is the counter-model regarding the defence of a minority language. The Navarre government have imposed restrictions on legally recognised language rights, and these rights are being systematically violated and denied to members of the public.

8. The Republic of France should recognise legal rights for the Basque-speaking community, and likewise recognise their collective rights. Thus, it is necessary to recognise the nature of Basque-speaking community, and likewise the nature of the language itself; to rectify the curtailments in the international minimum standards and ratify those not ratified; to put into place effective policies that guarantee language rights.



Presentation of the annual report by Juan Inazio Hartsuaga, Director of Behatokia and Xabier Mendiguren, President.

9. It behoves us to establish a specific and efficacious judicial-administrative mechanism to guarantee language rights in order to deal with and resolve cases of lawbreaking by the administration

10. The generalised and systematic violation of language rights has consequences for the very perception that speakers have of their right to use their own language. The imposed inferiority and legal subordination suffered by Basque speakers for years has resulted in these anomalous situations being regarded as “normal”.

SPECIALISED ANALYSES CARRIED OUT IN 2003

As has become the norm, Behatokia has introduced into its annual report specialised analysis of a number of aspects, taking into account the seriousness of the complaints sent in by members of the public:

Regarding linguistic rights of Basque citizens and government bodies of the Spanish State, Behatokia has denounced their systematic violations. The main complaint of members of the public is that forms sent to them by the Authorities are exclusively in the Spanish language. Moreover, documents written in the Basque language are not even accepted, despite the fact that Euskara is official. In addition, it is made impossible to have a conversation in Basque.

Thus, apart from violating language rights, the two State Administrations fail to comply with a level of State legislation in force in the Basque Autonomous Community and in the Navarre Foral Community. This leaves it quite clear that the Spanish State does not comply with promises acquired on ratifying the European Charter for Regional or Minority Languages. Finally, we have to say that the violation of language rights means the violation of other fundamental rights, recognised by the Spanish Constitution: equality before the Law and the right to receive adequate protection in the courts of law, etc.



Resolution of Eblul about the Basque language in the Autonomous Community of Navarre

Referring to the Iruñea (Pamplona) City Council, we must point out that it is violating, again and again, their own 1997 bye-law for the regulation of the use of Euskara. According to a number of court rulings in 2003 - the Navarre High Court of Justice or the Navarre Administrative Arbitration Court - and the recommendations of the Navarre ombudsperson, all have overturned the cutting back policy of the Iruñea Council and have demanded that it complies fully with current legislation, as the Council systematically violates the rights of the public and current legislation. Apart from social groups denouncing these policies are, condemnation has come from the Helsinki General Assembly of EBLUL of 13 September 2003 (see above).

SPECIALISED ANALYSES CARRIED OUT IN 2003

Also, the 30 of June 2003 the Spanish President accepted Statute Law 6/2003 to reform Article 56 of the General Statute Law on Prisons. According to the new legislation, in order that prisoners can undertake their university studies, the Prison Service has to sign an agreement with the public university and, not being mobile and unable to have lectures *in situ*, the law provides for agreements to be made with the Madrid University at a Distance (UNED de Madrid). But UNED from Madrid does not offer the option of subjects in the Basque language. This is why the application of this law in practise, perpetuates the violation of the language rights of Basque citizens currently in prisons within the Spanish State – it is made impossible for Basque inmates to take up a university course in their own language. Worse still, the UNED University in Madrid has taken the decision not to validate subjects that have already been taken in Basque – because the official language of the university is Spanish, and only Spanish and subjects studied in any other language are not recognised.

In addition, in the 2003 report of the European Charter for Regional or Minority Languages there appears a commentary in reference to the application of Basque within the Spanish State. It has to be said that the State does not comply at all with the promises adopted on ratifying the agreement. In fact, we will be preparing a special Behatokia Newsletter referring to this question.

CONTINUATION OF THE SPECIALISED ANALYSES OF 2002

Behatokia published the particular analysis carried out in its issue N° 5 of the electronic magazine Behatokia Newsletter. Some were mentioned in the report

The right to speak in Basque and freedom of speech in prisons within the Spanish State. As in 2002, some prisoners were prohibited from speaking in Euskara with their families or with the doctor of their choice.

The situation of language rights of persons with impaired sight. Neither ONCE (Spanish Blind Persons Organisation) nor other bodies have taken steps to guarantee language rights of the visually impaired or of blind persons, and the situation had not improved over the year 2003.

Behatokia concluded in its annual report that no advances had been made as far as language rights were concerned in the area of health over the year 2003 in Hego Euskal Herria (the South Basque Country, within the Spanish State). Despite a decree being published for the normalisation of the Basque language in the Osakidetza (Public Health Service) of the Basque Autonomous Community, there has been no implementation thereof. Behatokia has had a great number of complaints referred to it in this area.

STATISTICS

Complaints to public institutions

ADMINISTRATION	%
Spanish state administration	10,65
French state administration	0,52
Basque Auton. Government	25,97
Government of Navarre	19,22
Diputation of Araba	3,12
Diputation of Bizkaia	2,60
Diputation of Gipuzkoa	7,01
Town councils	30,39
Others	0,52

NEWS

New director

Hizkuntz Eskubideen Behatokiak has had a new director since November 2003. Juan Inazio Hartsuaga from Tolosa in Gipuzkoa took over the reins of *Behatokia* from Ms Paula Kasares



Complaints to private institutions

ACTIVITY	%
Leisure	5,45
Publications	0,78
Insurance agencies	0,78
Food	0,78
Energy suppliers	3,50
Religion	0,78
Finances	10,89
Means of transport	4,67
Mass-media	1,95
Education	2,33
Sports	5,06
Communication enterprises	6,23
Department stores	24,90
Shops	1,17
Associations	6,23
Political Organisations	16,34
Health	2,72
Restaurant, pubs...	1,95
Professionals	0,39
Services	2,79
Others	0,39

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