



Minority language protection within the Spanish police with special reference to Catalonia

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Abstract

Aim: In Hungary, few studies deal with the structure and functioning of the Spanish police. The present study takes a unique approach to the topic from a minority language perspective, which can serve as a lesson for other minorities, such as those living beyond the Hungarian border.

Methodology: The methodological approach is based on documentary analysis. The study examined the Spanish Constitution, the Statute of Autonomy of Catalonia, and the regulations and laws relevant to the language issue and police force. Part of the study is based on the report of the European Charter for Regional or Minority Languages. Internet resources such as articles and websites are also examined.

Findings: State police forces (Spanish National Police and Civil Guard) often discriminate against Catalan-speaking citizens. In the case of Catalonia's police force, there is no linguistic discrimination against citizens, but officers are obliged to use Catalan within the organization, despite the fact that both Spanish and Catalan are allowed in Catalonia.

Value: The value of the study lies in the fact that it draws attention to a phenomenon that needs to be addressed. By publicizing the problems related to language use, it is an opportunity to improve the situation. The study could raise social awareness of the problem of language discrimination. Awareness could trigger changes in the functioning of police organizations and in the development of mechanisms to regulate language use. There is a paucity of research on the

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subject, so this study will provide new information and fill a research gap that has received little attention. In my future research, I will certainly examine the other autonomous police forces in Spain from the perspective of minority language use.

Keywords: Spain, Catalonia, autonomous communities, police

Introduction

In Hungary, few studies deal with the structure and functioning of Spanish law enforcement. This study takes a unique approach to the topic from a minority language perspective, which can serve as a lesson for other minorities, for example those living beyond the Hungarian border.

In Spain, considering the country's diversity, the autonomous communities may designate so-called co-official languages alongside Castilian. Additionally, in some autonomous communities, autonomous police forces operate under the authority of the regional government. The study describes the Spanish police forces and explores the implementation of language use in multilingual areas.

The importance of minority protection

Languages are part of the cultural heritage (Kardos, 2022). According to Gábor Kardos, the protection of the mother tongue as a human right and as a minority right is equally important. Mother tongue use should be protected as a human right, as it is crucial for human dignity. Language expresses cultural differences and group identity and therefore needs to be protected as a minority right (Kardos, 2022).

The protection of language use as a minority right is a highly complex issue. A language can only be effectively protected if it is officially recognized within a given state. In such cases, the minority language can potentially achieve equality with the majority language. However, in some countries, the prevailing belief is that equality is not achieved by guaranteeing minority language rights, but rather by ensuring equal access to the national (i.e., official) language. This perspective suggests that assimilation is the only effective tool available to minority language speakers, as it is only through assimilation that they can participate in politics and hold office on equal terms. (Kardos, 2022).

Speakers of minority languages can face discrimination on the basis of language in many areas of life, including education, the judiciary, the media, politics,

and public administration. This study focuses on how minority languages are protected in public administration, including the police.

Language rights in Spain

Spain is diverse in many ways. Different nationalities enrich the Mediterranean country with their own history, language, culture and identity. From the perspective of minority language use, it is important to mention the years of General Francisco Franco's dictatorship (1939-1975), during which he was a strong proponent of assimilation in Spain. He established a centralized, officially monolingual state. During the years of Franco's dictatorship, the nationalities living in Spain suffered severe repression (Nagy, 2019).

In 1975, Spain embarked on the path of democratic transition, leading to the adoption of a new constitution. The constitution, enacted in 1978, divided Spain into 17 autonomous communities and delegated significant powers to their respective governments. It recognizes and guarantees the right of autonomous communities to exercise legislative and administrative authority within their territories. The degree of autonomy varies among communities, with Catalonia and the Basque Country enjoying the most extensive powers due to their history, economic development, and stronger nationalism (Győri & Szabó, 2004). Each community defines the scope of its autonomy within the framework of the constitution.

According to Article 3 of the Spanish Constitution, the different minority languages spoken in Spain are part of the country's cultural heritage and their protection is an important task. At the same time, it states that Castilian is the official language of the State and that all Spanish citizens have the duty to know it and the right to use it.¹ The Constitution does not establish any obligations regarding minority language proficiency (Nagy, 2019). Considering the country's diversity, the autonomous communities may designate so-called co-official languages alongside Castilian, allowing minorities to exercise their linguistic rights through territorial autonomy. Catalonia, the Basque Country, Navarre, the Balearic Islands, Galicia and Valencia exercise this right.

In international terms, the European Charter for Regional or Minority Languages, ratified by Spain in 2001, is worth mentioning. Adopted by the Council of Europe in 1992, the Charter entered into force in 1998. Its primary aim is to protect regional or minority languages in the spirit of multilingualism and

1 Constitution of Spain.

multiculturalism. Every three years, state parties submit reports on the progress made. These reports are evaluated by an independent committee of experts. Based on its evaluation, the committee prepares a report for the Committee of Ministers of the Council of Europe, which then makes recommendations to the governments of the signatory states.²

Structure of the police

According to Article 149, section 29 of the Spanish Constitution, the state is responsible for maintaining public security, taking into account the possibility for autonomous communities to create their own police force, as provided for in the relevant organic law³ and within the framework of the provisions of the autonomy statutes.⁴

In Spain, law enforcement is carried out by two main bodies, the National Police and the Civil Guard (Nagy, 2017). In addition, some autonomous communities have autonomous police forces under the supervision of the regional government, which assume the functions of the National Police and the Civil Guard. There are also local police forces at the provincial level. In Spain, local police forces, also known as municipal police, operate within a single municipality, town, or city and are responsible for a significant portion of day-to-day policing. ([URL1](#))

The National Police and the Civil Guard

The National Police is a hierarchical, civilian armed institution whose mission is to protect the free exercise of rights and freedoms and guarantee the security of citizens throughout the country. Its territorial jurisdiction covers all Spanish provincial capitals and urban areas defined by the central government. The National Police is under the authority of the Ministry of Interior.⁵

The Civil Guard, on the other hand, has dual control: it is jointly regulated by the Ministry of Interior and the Ministry of Defense. Its jurisdiction covers the

2 The European Charter for Regional or Minority Languages.

3 Organic laws are constitutionally required to regulate certain aspects of social life and are generally considered a bridge between ordinary laws and the constitution, ensuring the proper functioning of state institutions.

4 Constitution of Spain.

5 Organic Law 9/2015 of 28 July 1992 on the Staff Regulations of the National Police.

entire territory of the country and territorial waters. It performs police duties in all urban areas where there is no National Police presence.⁶

The two organizations operate under different laws. While the National Police is governed by Order INT/28/2013, of 18 January 2013, the Civil Guard is governed by Decree PRE/422/2013 of 15 March 2013. A further difference is that the Civil Guard has central and peripheral units, while the National Police also has specialized units in addition to these (Nagy, 2017).

Law enforcement in the autonomous communities

Some autonomous communities have an autonomous police force under the control of the regional government. Currently, eleven of the seventeen autonomous communities have the possibility of setting up their own police forces: the Balearic Islands, Galicia, Extremadura, the Basque Country, Valencia, Navarre, Catalonia, Castile and Leon, the Canary Islands, Aragon and Andalusia ([URL2](#)). Of the eleven autonomous communities listed, four have created their own police force: the Canary Islands, which created a police force in 2010; Catalonia, which created its own police force in 1983 under the name Mossos d'Esquadra; the Basque Country, which created its police force, Ertzaintza, in 1982; and the Autonomous Community of Navarre, which created its police force in 1928 ([URL3](#)). These police forces can be further subdivided into two groups. The first group includes the Catalan, Basque and Navarre police forces, as they rely more heavily on the regulations approved by the autonomous communities. Organic Act 2/1986 of 13 March on Law Enforcement and Security Agencies defines all the police forces of the Autonomous Communities as civilian armed institutions with a hierarchical structure, dependent on the autonomous government and the bodies designated by it. In the first concluding provision, it makes clear that the autonomous police forces of the Basque Country, Catalonia and Navarre are governed by their own legislation (Díaz, 2016). The second group includes the Canary Islands police, which is more subject to the aforementioned organic law.

About the Catalan language

Catalonia has a population of approximately 7.9 million people. According to 2018 data, 94% of the population understand Catalan, 86% can read it, 81% can

6 Royal Decree 734/2020 of 4 August.

speak it and 65% can write it ([URL4](#)). These figures are remarkably high and demonstrate that Catalan is widely spoken by the people of the region. Spanish state law enforcement officers frequently claim that they do not understand citizens who speak Catalan. However, these high percentages suggest that this is used as an excuse rather than reflecting a genuine inability to comprehend the language. This raises the question of whether the real issue regarding language use lies in a lack of knowledge of Catalan.

Article 3 of the 1979 Statute of Autonomy states that Catalan is the official language of Catalonia, as is Spanish, which is the language of the whole state. In addition to this, Occitan/Aranese is a co-official language under the Statute.⁷

In Catalonia, a Law of Linguistic Normalization, based on the language provisions of the Statute of Autonomy, entered into force in 1983. In 1998, another law was adopted to further strengthen language normalization. This law reflects the political will of the Catalan autonomous government, the Generalitat, to continue promoting the process of revitalization and the presence of Catalan in all areas of social life.⁸ The law states that citizens may use both Catalan and Castilian in all private and public activities without exception. Legal proceedings conducted in either of the two official languages are valid and effective. The law reaffirms the policy adopted by the Generalitat under the 1983 law on public authorities, education and institutional mass media. It enhances the regulation of various areas of the official use of Catalan and recognizes citizens' linguistic rights, ensuring the presence of Catalan in many areas of social and cultural life. A significant change in linguistic rights came with the 2006 Statute, which included a dedicated chapter on language rights and obligations. Article 6 of the Statute designated Catalan as the primary language of use for public institutions and public service media. However, the Constitutional Court, in its ruling 31/2010 dated 28 June 2010, declared this provision unconstitutional and void.⁹ According to the Constitutional Court, Catalan public administration and state authorities in Catalonia cannot favor one of the two official languages over the other.¹⁰ Consequently, the Court invalidated and annulled the article on the grounds of unconstitutionality ([URL5](#)).

The 2010 decision states that, within the framework of the policy for the promotion and dissemination of Catalan, public administrations, institutions, and companies covered by the provision may generally use Catalan in their internal

7 Aranese is a variety of Occitan, spoken in the Aran Valley in Catalonia. Although it has gained official status in Catalonia, most of its speakers live in France. This was a gesture by the Catalan government to show its commitment to linguistic equality, despite decades of severe repression of Catalan.

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

9 Law 6/2006, of July 19, Reform of the Statute of Autonomy of Catalonia.

10 The official languages comprise only Catalan and Castilian, while the Constitutional Court makes no mention of the Aranese/Occitan language.

relations. However, this does not prevent them from also using Spanish in general. They may use Spanish in their relations with each other and in their communications with private individuals (URL5).

The Catalan police: language use within the organization

According to 2022 data, the Catalan police, locally known as the Mossos d'Esquadra, has a staff of 17 881 (URL6). For comparison, the number of National Police officers stationed in Catalonia in 2019 was 3 336, while the number of Civil Guard officers was approximately 3 549 (URL7).

Article 148 of the Spanish Constitution and Article 164 of the Statute of Autonomy of Catalonia grant the Catalan government the competence to organize and regulate the public security system and the police.

The Mossos d'Esquadra was the first institution in Europe to be established as a civilian body distinct from the military functions of the army (URL8). Its main tasks are the protection of people and property, the maintenance of public order, and the supervision and protection of Catalan government buildings and facilities (Herrero, 2006). It operates under Law 10/1994, of 11 July. The operating procedure does not address the issue of which languages officers may use among themselves or in communication with citizens. The issue of language use is not addressed in the Organic Act 2/1986 of 13 March on Law Enforcement and Security Agencies either. A corporal of the Catalan police in Barcelona spoke to *Cronica Global* on condition of anonymity. According to the corporal, there is linguistic discrimination within the organization, with very few people daring to use Spanish in reports and certificates for fear of being seen as problematic by their superiors. Another officer, Marcos García, gave an interview to the newspaper *El Periodico*. He claims that he has been forbidden to express himself in Spanish, stating that if he does so his job and salary could be suspended. This eventually happened (URL9). In 2018, a police officer was fined and suspended for writing a report in Spanish contrary to the orders of his commanders. The pretext for his suspension was that he questioned the authority of his superior. The officer refused to use the Catalan form when writing his certificates as ordered by his superior. As a result, he was suspended from his job for 16 days and sent on unpaid leave (URL10).

The internal functioning of the organization faces challenges regarding language use. An effective mechanism to regulate language use is lacking. There is only a theoretical framework in place, and in practice, it is not applied. There seems to be no established, effective practice for maintaining linguistic balance.

Another issue relating to the use of languages is the accessibility of the official Catalan police website. An article published in 2019 on the online portal *Cronica Global* claimed that the official website of the Catalan police marginalizes Spanish. The Spanish version of the website is an incomplete translation of the Catalan version, lacking relevant content. It does not include, among other things, press releases, service letters and information leaflets, as well as many other aspects of Catalan. In this way, the Spanish site serves as a reduced translation of the Catalan version, very similar to the English version also offered ([URL11](#)). The parliamentary group of the Citizens Party in Spain has referred to the phenomenon as discrimination in Parliament and has raised questions with the government on the matter. The Catalan law enforcement organization pointed out that the editing of the website is ongoing and does not rule out future improvements, including linguistic corrections. The reason given for the de-emphasis of Spanish content was that the most important information is also available in Spanish ([URL11](#)).

A comprehensive study on this issue was conducted by the Catalan Civic Coexistence in 2015. In the report, the organization analyzed the websites of twelve ministries. The Catalan Civic Coexistence is an organization that defends citizens' rights and provides information and analysis on Catalan reality from a perspective independent of the Catalan political authorities. In its report on *The Catalan government's use of languages on the internet*, it concluded that all websites dependent on the Catalan autonomous government offered a Catalan version, but only 14% were available in Spanish. In relation to the availability of public service websites in different languages, it is interesting to note that the Committee of Experts of the European Charter for Regional or Minority Languages stated in its 2021 report that Spanish public institutions only partially offer services in regional or minority languages. The home pages of these institutions' websites provide basic information in regional or minority languages, but additional information is only available in Spanish. Similarly, submission forms are, in many cases, only available in Spanish. The translation of the forms used in public services in regional or minority languages is often inaccurate, leading speakers to prefer filling out the forms in Spanish ([URL12](#)).

Measures should be introduced to improve online access for different language groups and ensure linguistic equality on Spanish and Catalan websites. These measures could ensure that all citizens, regardless of the language they speak, have equal access to information and services in the online space, respecting the rights and identities of regional and minority languages.

Language discrimination within the National Police and the Civil Guard

The NGO Language Platform reported 135 cases of linguistic discrimination in Catalan-speaking areas between 2007 and 2017 ([URL13](#)). The reported cases represent only a fraction of the total number of discriminations that actually occurs, as in many cases the victims of such abuse never report it, and it never reaches NGOs or the media. The majority of cases of discrimination are committed by civil servants of national public authorities, while cases committed by regional or local authorities are less frequent.¹¹ It is important to highlight the fact that 43% of cases of linguistic discrimination were committed by police officers, who assaulted or fined citizens simply for addressing them in Catalan. This is an extremely serious situation, as discrimination by armed public servants leaves citizens in a highly vulnerable position. None of the cases reported to the NGO have been investigated or punished by an administrative or judicial body. Native Catalan-speaking citizens are in a very vulnerable position, as all they can do is report the abuses, they suffer to the same institutions that committed them. The Committee of Experts of the European Charter for Regional or Minority Languages has expressed concern about the situation in its reports on Spain's compliance with this international treaty ([URL14](#)).

International reactions

According to the Language Platform report, it should be emphasized that the structural linguistic discrimination reflected in Spanish legislation violates the obligations Spain has undertaken under the international treaties it has ratified. Specifically, with regard to the European Charter for Regional or Minority Languages, the provisions of Article 9, which guarantees the right to conduct judicial proceedings in Catalan, Article 10, which guarantees the right to use Catalan before public administration bodies, and Article 13, which guarantees the right to be addressed in Catalan in the context of public health services, are clearly not being fulfilled. These provisions also violate several key international treaties. For example, Article 14 of the European Convention on Human Rights and Articles 2 and 27 of the International Covenant on Civil and Political Rights, which prohibit discrimination by public authorities on the basis of language ([URL13](#)).

¹¹ A total of 135 cases occurred, of which 101 were committed by the central government, 24 by the regional government, and 10 at the local level.

The European Language Equality Network (ELEN) is a European NGO whose main objective is to defend minority and endangered languages used within the European Union on various international forums. It represents forty-five languages through one hundred and sixty-four member organizations across twenty-three European countries. Among its activities, the civil organization has also studied minority language use in Spain. In its 2020 report, it found that many public institutions in Spain openly discriminate against Catalan, Galician, Basque as well as the Aragonas and Asturian languages, which do not have co-official status. Civil servants and public authorities often do not speak these languages. The cases listed in the report violate human rights and numerous international treaties and agreements signed and ratified by Spain ([URL15](#)).

ELEN has submitted its report to the UN for periodic review. The Universal Periodic Review is a unique process established by the UN General Assembly in 2006 to review the human rights performance of the 192 UN Member States every four and a half years. The Universal Periodic Review provides States with an opportunity to report on the measures they have taken to promote human rights and to assess whether Member States have fulfilled their human rights commitments and obligations.

Fernand de Varennes, the UN Special Rapporteur on Minority Issues, says Spain must take measures to ensure that minorities can enjoy their human rights. According to the Special Rapporteur, Spain has made significant progress in human rights since its transition to democracy, adopting a legal framework that guarantees many rights for linguistic minorities, Roma communities, and migrants. Nevertheless, he expressed concern about the gap between the recognized status of co-official languages and their actual use, as well as the implementation of related legislation. He noted that judges and law enforcement officers, such as those of the National Police, are generally not required to be familiar with co-official languages. In his view, linguistic minorities have the right to use their language when interacting with state authorities and institutions – provided this is reasonable and justified – proportionally to their population, but this is still not being fulfilled in many regions ([URL14](#)).

Conclusion

Castilian-speaking citizens have the right to exercise their language rights anywhere within the state's territory. Meanwhile, native Catalan speakers have language rights only within the region of Catalonia. The Spanish Constitution mandates the obligation for all citizens to know the Castilian language, while

the Spanish Constitutional Court, in its decision regarding the Statute of Autonomy of Catalonia, ruled that no obligation equivalent to this may be imposed with regard to the Catalan language, even in the region where it is the mother tongue of the majority of the population. In practice, this means that citizens whose mother tongue is Catalan, Basque, or even Galician, are required to understand those whose mother tongue is Castilian. However, citizens whose mother tongue is Castilian have no obligation to adapt to the others.

It is essential that law enforcement authorities have the necessary language skills to work in the languages concerned. The state police forces (National Police and Civil Guard), as reported by the NGO Language Platform, often act discriminatorily against Catalan speakers, do not understand or refuse to understand Catalan and do not allow citizens to communicate with them in Catalan. There are no publicly available complaints of language discrimination against officers of the Catalan police (Mossos d'Esquadra). However, language discrimination is present in the internal structure of the organization. The prohibition on the use of Spanish reflects discriminatory practices. The official website of the Catalan police also discriminates against Spanish. The Spanish version of the website has incomplete translations and does not contain important information, so Spanish-speaking visitors do not have access to all the available content. A study by the Catalan Civic Coexistence shows that the Catalan government's website is predominantly available only in Catalan, which can cause problems for native Spanish-speaking citizens.

It is noteworthy that there is no legislation guaranteeing linguistic equality and freedom in the communication of law enforcement organizations. Theoretically, in Catalonia, both Spanish and Catalan can be used by citizens in police matters, but in practice there is no mechanism to regulate language use. Under these circumstances, measures are needed within law enforcement agencies to ensure linguistic rights and prevent discrimination.

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- URL2: *Los cuerpos de policía de las comunidades autónomas: ¿autonomía y/o asimetría? [The police forces of the autonomous communities: autonomy and/or asymmetry?]* <https://cigg-usal.es/los-cuerpos-de-policia-de-las-comunidades-autonomas-autonomia-y-o-asimetria/>
- URL3: *El modelo policial español. [The Spanish police model.]* https://uvadoc.uva.es/bitstream/handle/10324/36975/TFG-D_00796.pdf?sequence=1&isAllowed=y
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