



EUROPEAN COURT OF HUMAN RIGHTS  
COUR EUROPÉENNE DES DROITS DE L'HOMME

## FIFTH SECTION

### DECISION

Application no. 35788/25  
Stéphanie PÉREZ FARIN and Others  
against Spain

The European Court of Human Rights (Fifth Section), sitting on 28 May 2026 as a Committee composed of:

Andreas Zünd, *President*,

María Elósegui,

Mykola Gnatovskyy, *judges*,

and Martina Keller, *Deputy Section Registrar*,

Having regard to:

the application (no. 35788/25) against the Kingdom of Spain lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”) on 5 November 2025 by the applicants listed in the appended table (“the applicants”), who were represented by Mr B. Salellas i Vilar, a lawyer practising in Girona;

Having deliberated, decides as follows:

### SUBJECT MATTER OF THE CASE

1. The applicants, residents in the Autonomous Community of Catalonia, advocated for the sole use of Catalan in their children’s primary school class. The school’s language policy dictated that the only language of instruction would be Catalan, except in classes for learning Spanish and English. The applicants relied on Article 14 of the Convention, in conjunction with Article 8, and on Article 6 § 1 and Article 13.

2. A parent of a child in the same class as the applicants’ children asked the education authorities to repeal the school’s language policy and ensure that his daughter be taught in both Spanish and Catalan. The education authorities dismissed his request. In the appeal lodged with the High Court of Justice of Catalonia, he sought recognition of his daughter’s right to receive an education in both official languages, with at least 25% of lessons taught in each language (excluding language-learning classes).

3. The applicants and the education authorities sought to have the lawsuit dismissed. The President of the High Court of Justice presided over the Section examining the case, owing to its special relevance. The parties were informed of the composition of the bench. The fifth applicant (see the appended table) challenged the President's participation on the grounds that it was not established by law. That request for recusal was declared inadmissible, given that the President's prerogative to participate in the case stemmed from the court's internal rules (see paragraphs 12 and 13 below).

4. On 14<sup>th</sup> October 2021, the High Court of Justice ruled, as an interim measure, that at least 25% of teaching hours should be conducted in Spanish, including during at least one additional subject other than Spanish. In its final judgment of 26<sup>th</sup> October 2023, the court ordered that Spanish be used as the language of instruction in one or more subjects (other than Spanish-learning class) but dismissed the request for the annulment of the school's language policy. In fact, the court found that the school's practice of teaching solely in Catalan violated the students' dual constitutional right and duty to learn Spanish and hindered their reintegration in the State's education system in case they moved to another region where only Spanish is the official language.

5. The applicants lodged an appeal with the Supreme Court, which was dismissed for failure to justify its objective legal significance.

6. All the applicants except one (the seventeenth applicant – see the appended table) lodged an *amparo* appeal with the Constitutional Court. It was found inadmissible for lack of special constitutional significance. The applicants were notified of the decision on 7 July 2025.

7. The applicants complained under Article 14 of the Convention, in conjunction with Article 8, and under Article 6 § 1 and Article 13.

## RELEVANT LEGAL FRAMEWORK

### A. Domestic law and case-law

8. The relevant provision of the Constitution provides as follows:

#### Article 3

“1. Castilian is the official Spanish language of the State. All Spaniards have a duty to learn it and a right to use it.

2. The other Spanish languages shall also be official in their respective Autonomous Communities in accordance with their Statutes.

3. The richness of Spain's diverse linguistic varieties constitutes a cultural heritage that shall be treated with special respect and protection”.

9. The relevant provisions of the Statute of Autonomy of Catalonia provide as follows:

**Section 6. The native language and the official languages.**

“(...)

2. Catalan is the official language of Catalonia. Spanish is also an official language, being the official language of the Spanish State. Everyone has the right to use both official languages, and the citizens of Catalonia have the right and the duty to know them. The public authorities of Catalonia must establish the necessary measures to facilitate the exercise of these rights and the fulfilment of this duty. In accordance with the provisions of Article 32, there shall be no discrimination on the grounds of the use of one language or the other.

(...)”

**Section 35. Linguistic rights in the field of education.**

“1. Everyone has the right to receive education in Catalan, in accordance with the provisions of this Statute. Catalan must normally be used as the language of instruction and learning in both university and non-university education.

2. Pupils have the right to receive education in Catalan in non-university education. They also have the right and the duty to have a sufficient command of Catalan and Spanish, both spoken and written, by the end of compulsory education, regardless of their usual language upon entering education. The teaching of Catalan and Spanish must be adequately represented in the curricula.

(...)”

10. The relevant provision of Institutional Law no. 2/2006 of 3 May 2006, amended by Institutional Law no. 3/2020 of 29 December 2020 on Education, provides as follows:

**Additional Provision 38. Spanish, co-official languages and languages enjoying legal protection.**

“1. The education authorities shall guarantee the right of pupils to receive instruction in Spanish and in the other co-official languages within their respective territories, in accordance with the Spanish Constitution, the Statutes of Autonomy and the applicable regulations.

2. Upon completion of basic education, all pupils must have attained full and equivalent proficiency in the Spanish language and, where applicable, in the corresponding co-official language.

(...)”

11. The relevant provision of Law no. 12/2009 of 10 July 2009 on Education in Catalonia provides as follows:

**Section 10. The right and duty to learn the official languages.**

“1. Curricula must ensure full proficiency in the official languages, Catalan and Spanish, by the end of compulsory education, in accordance with the Common European Framework of Reference for Languages: Learning, Teaching and Assessment.

(...)”

12. The relevant provisions of Institutional Law no. 6/85 of 1 July 1985 on the Judiciary provide as follows:

**Section 152.**

“1. The Governing Chambers, including those constituted as committees, shall exercise governing functions over their respective courts, and in particular shall be responsible for:

1º. Approving the rules governing the allocation of cases among the various Sections of each Chamber.

(...)”

**Section 198.**

“1. The composition of the Sections shall be determined by the President in accordance with the criteria approved annually by the Governing Chamber, on the President’s proposal.

2. They shall be presided over by the President of the Chamber, by the Section President or, in their absence, by the most senior judge among the members of the Section”.

13. The relevant provisions of Resolution of 22 December 2020 of the Standing Committee of the General Council of the Judiciary, publishing the Resolution of 15 December 2020 of the Governing Chamber of the High Court of Justice of Catalonia, concerning the approval of the rules on the composition, functioning and allocation of cases among the Sections of the Contentious-Administrative Chamber, provide as follows:

**II. The Functioning of the Chamber and its Sections.**

**5. The President of the Chamber**

“1. It is the responsibility of the President of the Chamber (...) to preside over the Sections for deliberation, voting and the delivery of the judgment in cases where (...) the matters at issue are of particular economic, social or media significance. To this end, the Presidents of the Sections shall inform the President of the Chamber of the possible existence of any case with such characteristics as soon as they become aware of it, even suspending the deliberation in progress at that time to address the matter giving rise to the communication to the President of the Chamber, who shall decide whether to include it in the deliberation”.

14. According to the Constitutional Court’s established case-law (judgments no. 87/83 of 27 October 1983; no. 337/94 of 23 December 1994; and no. 31/10 of 28 June 2010), where different official languages coexist, schools must teach in both. Nothing prevents the authorities from affording the regional language greater weight in the curriculum (judgments no. 109/2019 of 1 October 2019 and no. 114/2019 of 16 October 2019). However, as noted by the Supreme Court in judgments no. 1668/2015 of 23 April 2015 and no. 1670/2015 of 28 April 2015, each official language should be used in no less than 25% of subjects (excluding language-learning lessons).

15. Nevertheless, a subsequent legislative reform – introduced by Decree Law no. 6/22 of 30 May 2022 and Law no. 8/22 of 9 June 2022 on Catalan schools’ language policies – has challenged that strand of case-law. The High

Court of Justice of Catalonia has raised a question as to the reform's constitutionality conformity, which is currently pending before the Constitutional Court.

## **B. Relevant international materials**

16. The relevant provision of the Framework Convention for the Protection of National Minorities provides as follows:

### **Article 14**

“1. The Parties undertake to recognise that every person belonging to a national minority has the right to learn his or her minority language.

2 In areas inhabited by persons belonging to national minorities traditionally or in substantial numbers, if there is sufficient demand, the Parties shall endeavour to ensure, as far as possible and within the framework of their education systems, that persons belonging to those minorities have adequate opportunities for being taught the minority language or for receiving instruction in this language.

3 Paragraph 2 of this article shall be implemented without prejudice to the learning of the official language or the teaching in this language”.

17. The relevant provision of the European Charter for Regional or Minority Languages provides as follows:

### **Article 8 – Education**

“1. With regard to education, the Parties undertake, within the territory in which such languages are used, according to the situation of each of these languages, and without prejudice to the teaching of the official language(s) of the State:

a i to make available pre-school education in the relevant regional or minority languages; or

ii to make available a substantial part of pre-school education in the relevant regional or minority languages; or

(...)

2. With regard to education and in respect of territories other than those in which the regional or minority languages are traditionally used, the Parties undertake, if the number of users of a regional or minority language justifies it, to allow, encourage or provide teaching in or of the regional or minority language at all the appropriate stages of education”.

18. The relevant provision of the Treaty on European Union (OJ 2016/C 202/01, p. 13) provides as follows:

### **Article 3**

“(…)

3. The Union shall (...) respect its rich cultural and linguistic diversity, and shall ensure that Europe's cultural heritage is safeguarded and enhanced”.

## THE COURT'S ASSESSMENT

### A. The seventeenth applicant

19. The Court notes at the outset that the seventeenth applicant (see the appended table) failed to lodge an *amparo* appeal with the Constitutional Court.

20. The Court has held that before bringing complaints to it, in order to comply with the principle of subsidiarity, applicants should present their arguments before the national authorities, and thus give them the opportunity to prevent or put right the alleged violations (see *Gäfgen v. Germany* [GC], no. 22978/05, §§ 144 and 146, ECHR 2010).

21. As far as the seventeenth applicant is concerned, the complaints raised under Articles 6, 13 and Article 14 in conjunction with Article 8, must therefore be dismissed for failure to exhaust domestic remedies in accordance with Article 35 §§ 1 and 4 of the Convention.

### B. The other applicants

#### 1. *Alleged violation of Article 14 of the Convention, read in conjunction with Article 8*

22. The applicants alleged that they had suffered discrimination in the enjoyment of their family rights, compared to the opposing party, because of the judicial decision which had increased the use of Spanish as the teaching language in their children's class. They complained that the decision had placed them at a significant disadvantage as it had repealed a Catalan unilingual system of instruction, which they deemed necessary to preserve their linguistic diversity.

23. The general principles on the use of languages in the education system have been summarised in *Case "relating to certain aspects of the laws on the use of languages in education in Belgium"* (23 July 1968, Series A no. 6 – "the *Belgian linguistic case*") and *Valiullina and Others v. Latvia*, nos. 56928/19 and 2 others, §§ 145-47 and 190-215, 14 September 2023; *Džibuti and Others v. Latvia*, nos. 225/20 and 2 others, §§ 131-51, 16 November 2023; and *Djeri and Others v. Latvia*, no. 50942/20, §§ 138-57 and 166-67, 18 July 2024).

24. The Court notes at the outset that Article 8 by itself guarantees neither a right to education nor a personal right of parents relating to the education of their children: its object is essentially that of protecting the individual against arbitrary interferences by the public authorities in her or his private family life. However, it is not to be excluded that measures taken in the field of education may affect the right to respect for private and family life or derogate from it. The Court will thus examine whether the aim or unintended result of the impugned judicial decisions was to interfere with the applicants'

private or family life in an unjustifiable or discriminatory manner (see, *mutatis mutandis*, the *Belgian linguistic case*, cited above, p. 29, § 7).

25. The Court observes that Catalonia is a bilingual region, where both Catalan and Spanish enjoy equal footing as official languages. As only Spanish is an official language in the whole national territory, including Catalonia, the Court considers that banning its use as an instruction language would deprive Spanish citizens of their right to be educated in the national language (see the *Belgian linguistic case*, cited above, p. 28, § 3, and *Valiullina and Others*, cited above, § 122). As emphasised in *Valiullina and Others* (cited above, §§ 193, 201 and 210), receiving an education in the State language is crucial to facilitate equal access for pupils to the State education system and to preserve the principle of unity of the education system.

26. The Court has established in its case-law that discrimination means treating differently, without an objective and reasonable justification, persons in relevantly similar situations (see *Molla Sali v. Greece* [GC], no. 20452/14, §§ 133-34, 19 December 2018). Nevertheless, Article 14 does not prevent States from treating groups differently to correct “factual inequalities” between them. Indeed, in certain circumstances a failure to take positive action to correct a factual inequality through different treatment may raise issues under Article 14 (see the *Belgian linguistic case*, cited above, p. 31, § 10).

27. In the present case, the school’s long-standing practice of teaching exclusively in Catalan placed at a significant disadvantage Spanish families which resided temporarily or permanently in Catalonia, as it prevented their children from fulfilling their dual constitutional right and duty to learn Spanish. In fact, as noted by the High Court of Justice, it hindered their children’s reintegration in the State’s education system when they returned to another region where only Spanish was the official language.

28. While the Framework Convention for the Protection of National Minorities encourages States to ensure teaching in minority languages, it allows for this to be provided in multiple ways (see paragraph 16 above): bilingual or multilingual education; classes in minority languages in public schools; and private minority language schools or “Sunday classes” organised by communities themselves (see *Valiullina and Others*, cited above, § 211). Similarly, while the European Charter for Regional or Minority Languages promotes the use of minority languages in the education system, it does not set out how much weight they should have in curricula (see paragraph 17 above).

29. In fact, it falls within the States’ wide margin of appreciation to adopt the education system most suitable to promote linguistic diversity. In the present case, the impugned judicial decision did not repeal the school’s language policy but merely increased the use of Spanish in one or more subjects, without modifying the preponderant use of Catalan as an instruction language. In view of the above, the Court finds that in the present case the

respondent State struck an adequate balance between preserving the unity of the education system and promoting linguistic diversity, in line with its above-mentioned international commitments.

30. From another standpoint, a difference in treatment may still take the form of disproportionately prejudicial effects of a general policy or measure which, though couched in neutral terms, discriminates against a group (see *D.H. and Others v. the Czech Republic* [GC], no. 57325/00, § 184, ECHR 2007-IV). In the present case, the applicants' only identifiable characteristic is their predilection for an education exclusively in Catalan, as they have submitted that they "represent the diversity inherent in Catalan society, with varied origins and native languages as well as political and social affiliations". As such, the applicants have not provided any arguments to show that the alleged difference in treatment was based on an identifiable characteristic, or "status", capable of amounting to discrimination within the meaning of Article 14 (see *Molla Sali*, cited above, §§ 133-34).

31. In the light of the foregoing, the Court finds that the impugned judicial decisions did not interfere with the applicants' private or family life in a discriminatory manner. It follows that this part of the application is manifestly ill-founded within the meaning of Article 35 § 3 (a) and must be rejected, pursuant to Article 35 § 4 of the Convention.

## 2. *Alleged violation of Article 6 § 1*

### (a) **Complaint concerning the institutional guarantees of Article 6 § 1**

32. The applicants challenged the President's prerogative to join a different Section of the High Court of Justice when it adjudicated a case of "special relevance". They did not dispute that the subject matter of the case in question had indeed been of "special relevance" or that the President had participated in accordance with the court's internal rules. However, they complained that his participation had contravened their right to an impartial and independent tribunal established by law.

#### (i) *Complaint of the first to fourth, sixth to sixteenth, and eighteenth to twenty-first applicants*

33. The Court observes at the outset that the request for recusal was only lodged by the fifth applicant (see the appended table). It is clear from the Court's case-law that in order to comply with the subsidiarity principle, the same complaint that was subsequently submitted to the Court should have been raised before the national authorities (expressly or in substance) to give them the opportunity to remedy the situation (see *Gäfgen*, cited above, §§ 144 and 146).

34. As far as the remaining 19 applicants are concerned, this part of the application must therefore be dismissed for failure to exhaust domestic remedies in accordance with Article 35 §§ 1 and 4 of the Convention.

*(ii) Complaint of the fifth applicant*

35. The Court reiterates, at the outset, that it is not its task to take the place of the domestic courts. It is primarily for the national authorities, notably the courts, to resolve problems of interpretation of domestic legislation. The Court should not act as a court of fourth instance and will not therefore question under Article 6 § 1 the national courts' assessment, unless their findings can be regarded as arbitrary or manifestly unreasonable (see *López Ribalda and Others v. Spain* [GC], nos. 1874/13 and 8567/13, § 149, 17 October 2019, with a further reference).

36. The institutional guarantees of Article 6 § 1 have been summarised in *Guðmundur Andri Ástráðsson v. Iceland* ([GC], no. 26374/18, §§ 213, 223 and 231, 1 December 2020). This provision requires not only a legal basis for the very existence of a tribunal but also compliance with the specific guarantees of independence and impartiality which govern it and the composition of the bench.

37. The Court notes that it is the role of the domestic courts to manage their proceedings with a view to ensuring the proper administration of justice. The assignment of a case to a particular judge or court falls within the margin of appreciation enjoyed by the domestic authorities in such matters (see *Bochan v. Ukraine*, no. 7577/02, § 71, 3 May 2007, and *Pasquini v. San Marino*, no. 50956/16, §§ 103 and 107, 2 May 2019).

38. In the present case, the Court observes that the President's prerogative to participate in the examination of the case was fully provided for by the court's internal rules, which had been adopted pursuant to Sections 152 and 198 of Institutional Law no. 6/85 of 1 July 1985 on the Judiciary (see paragraphs 12 and 13 above). The rules were publicly available in the State's Official Gazette, and the parties were informed of the specific composition of the bench, allowing them to make submissions as to the judges' impartiality and independence.

39. The domestic courts' decisions to uphold the President's intervention in the case therefore complied with domestic law, and did not exceed the margin of appreciation enjoyed by them in the assignment of a case to a particular judge or court (see *Bochan*, cited above, § 71, and *Pasquini*, cited above, §§ 103 and 107). Accordingly, as far as the fifth applicant is concerned, this complaint appears manifestly ill-founded within the meaning of Article 35 § 3 (a) and must be rejected pursuant to Article 35 § 4 of the Convention.

**(b) Complaint under Article 6 § 1 concerning a referral of a question to the Court of Justice of the European Union for a preliminary ruling**

40. The applicants alleged a violation of Article 6 § 1 of the Convention owing to the domestic courts' alleged failure to consider the application of the European Charter for Regional or Minority Languages and to refer the issue to the CJEU for a preliminary ruling.

41. The Court reiterates that it is for the national courts to interpret and apply domestic law, if necessary in conformity with EU law, and to decide whether it is necessary to seek a preliminary ruling from the CJEU to enable them to give judgment. It reiterates that the Convention does not guarantee, as such, the right to have a case referred by a domestic court to another national or international authority for a preliminary ruling (*Coëme and Others v. Belgium*, nos. 32492/96 and 4 others, § 114, ECHR 2000-VII; *Xero Flor w Polsce sp. z o.o. v. Poland*, no. 4907/18, § 166, 7 May 2021; *Gondert v. Germany*, no. 34701/21, §§ 26 and 35, 16 December 2025).

42. The Court recalls in this respect that a party can, as a safeguard against arbitrariness, only expect a response by a national court in the reasons of a judgment or decision if that party has made submissions for a referral before the competent national court. In the absence of such a request and explicit reasons the Court considers that the fact that a court, without providing reasons, did not refer a question to the CJEU for a preliminary ruling could not be regarded as infringing the fairness of the proceedings pursuant to Article 6 of the Convention (*Somorjai v. Hungary*, no. 60934/13, § 60, 28 August 2018; *de Simone v. Germany* (dec.) [Committee], no. 21853/23, §§ 33-35, 2 December 2025; and *Gondert*, cited above, § 42).

43. The Court notes that the applicants refer to the European Charter for Regional or Minority Languages, a Council of Europe treaty, which they complained the domestic courts had failed to take into consideration. For an explicit request to refer a question to the CJEU for a preliminary ruling it is not sufficient for an applicant to have broadly challenged the alignment of the domestic provisions with EU law or the interpretation of EU law by the domestic courts (*SOL.IN.MUS. S.R.L. and Others*, (dec.) [Committee], nos. 6656/15 and 7 other applications, § 27, 13 February 2024), let alone to invoke a different international legal instrument like the above-mentioned Council of Europe treaty.

44. The Court also notes that it can be inferred from the case file that the applicants neither requested a referral nor provided any arguments as to why a preliminary ruling was necessary. Therefore, Article 6 § 1 of the Convention did not require the applicant to be provided with reasons concerning an issue he had not raised in the proceedings, namely a referral to the CJEU for a preliminary ruling.

45. Accordingly, this complaint is manifestly ill-founded and must be rejected under Article 35 §§ 3 and 4 of the Convention.

### 3. *Alleged violation of Article 13*

46. Lastly, the applicants alleged a breach of Article 13 in that their complaints and submission of evidence had been dismissed at each stage of the proceedings.

47. The Court reiterates that this provision guarantees the availability of an effective legal remedy, not the certainty of a favourable outcome for the

applicant (see *Vilvarajah and Others v. the United Kingdom*, 30 October 1991, § 122, Series A no. 215).

48. This part of the application therefore appears manifestly ill-founded within the meaning of Article 35 § 3 (a) and must be rejected, pursuant to Article 35 § 4 of the Convention.

For these reasons, the Court, unanimously,

*Declares* the application inadmissible.

Done in English and notified in writing on 18 June 2026.

Martina Keller  
Deputy Registrar

Andreas Zünd  
President

## APPENDIX

List of applicants:

Application no. 35788/25

No.	Applicant's name	Year of birth	Nationality	Place of residence
1.	Stéphanie PÉREZ FARIN	1974	French	Arenys de Munt
2.	Oscar ANGOSTO FERNANDEZ	1977	Spanish	Canet de Mar
3.	Antoni CAPARROS ROIG	1978	Spanish	Canet de Mar
4.	Elisabet COMINO PEREZ	1976	Spanish	Canet del Mar
5.	Helena Merce DIAZ DURAN	1985	Spanish	Canet de Mar
6.	Noemi DULSAT ORTIZ	1973	Spanish	Canet de Mar
7.	Emma FARRERAS I COMPTE	1980	Spanish	Canet de Mar
8.	Nuria FRANCES ARCOS	1986	Spanish	Canet de Mar
9.	Pau GRATACOS MARTI	1981	Spanish	Canet del Mar
10.	Marta HERRERA ORTEGA	1984	Spanish	Canet de Mar
11.	Irene JUBANY GAJARDO	1985	Spanish	Canet del Mar
12.	Laura LLAURENS PABLO	1984	Spanish	Canet de Mar

PÉREZ FARIN AND OTHERS v. SPAIN DECISION

No.	Applicant's name	Year of birth	Nationality	Place of residence
13.	Laia LLORENS PLA	1983	Spanish	Canet del Mar
14.	Ignasi MARTI PONTONES	1983	Spanish	Canet de Mar
15.	Eva Maria MARTINEZ PEREZ	1971	Spanish	Canet de Mar
16.	Cristina MATAVACAS ARTES	1985	Spanish	Canet de Mar
17.	Josep Oriol RECASENS JUAN	1974	Spanish	Canet de Mar
18.	Jordi RIDORSA ROURA	1973	Spanish	Canet de Mar
19.	Violant ROCA I ANGLADA	1974	Spanish	Canet de Mar
20.	Natalia SANCHEZ FINESTRES	1979	Spanish	Canet del Mar
21.	Roger SOLER I MARTI	1979	Spanish	Canet de Mar