



EBLUL-France

European Bureau for Lesser Used Languages
ELEN European Language Equality Network
REEL Réseau Européen pour l'Égalité des Langues

Strasbourg, 19th February 2015

Languages and cultures because they are expressions of human beings and human communities, are equal in dignity and their speakers have equal rights.

Committee on Economic, Social and Cultural Rights United Nations

55th session Pre-session working group

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FRANCE :

WRITTEN CONTRIBUTION

of EBLUL-France

(European Bureau for Lesser Used Languages)

Member of the ELEN network, European Language Equality Network

Réseau Européen pour l'Égalité des Langues (*)

Registered association in the register of associations of the Magistrates' Court of Strasbourg, governed by Articles 21 to 79 of the local Civil Code. Date of creation : June 30th, 1984 - registered on September 28th, 1984

Special Consultative Status by the United Nations Economic and Social Council (1997)
Participatory Status by the Council of Europe

Member of the platform of civil society of the Fundamental Rights Agency of the European Union.

Headquarters: EBLUL-France: 5 Boulevard de la Victoire, 67000 Strasbourg - Phone: +33 (0) 3 88 36 48 30

Secretariat: EBLUL-France, 6 place des Droits de l'Homme – plasenn Gwiriou Mab-den, 29270 Carhaix
Phone: + 33 (0) 2 98 73 20 58

E-mail : ebul.france@gmail.com

Related websites : www.ebul-france.eu - <http://www.kevrebreizh.org> - <http://www.languesregionales.org/> - <http://www.federacio.cat/> - <http://www.ieo-oc.org/> - <http://site.voila.fr/alsacezwei/> - <http://www.deiadar.org/>

EBLUL-France

Objectives :

The aim of EBLUL-France is to protect and promote linguistic and cultural rights, individual and collective, of speakers of languages of France, for respect for human rights, democracy, within Council of Europe and United Nations conventions.

Actions:

EBLUL-France establishes links between organizations and with European and international bodies, broadcasts information, gathers initiatives and contacts with the authorities at all levels to achieve its aims.

EBLUL-France is currently head of the network for the European Language Equality Network.

EBLUL-France works with the State Government, the European authorities and international institutions and in particular the United Nations.

EBLUL-France has organized various events including:

- Forum with 450 delegates from all over France at the UNESCO House in Paris in 2000 for the European Charter for Regional or Minority Languages,
- Symposium "Regional or Minority Languages within the Republic" in 2002 in Rennes under the elections for the presidency of the Republic,
- Symposium "The European Charter for Regional or Minority Languages and France: which language(s) for the Republic ? : The dilemma of "diversity / uniqueness" at the Robert Schumann University in Strasbourg, together with the Council of Europe (in 2002),
- Roundtable on Linguistic Rights under the preparation of the Convention on Cultural Diversity at the first UNESCO World Forum on Human Rights in Nantes (in 2004),
- European Symposium "Partnership For Diversity" on linguistic diversity and European citizenship in 2010 in Lorient, with the participation of United Nations experts and Council of Europe,
- Participation in the Annual Conference of the Interregional Meetings since 1990, with representatives of all local linguistic and cultural minorities in France. (Martinique in 2012, Reunion Island in 2013, Brittany in 2014)

Representations to the United Nations:

- reports and interventions to the Committee of the Covenant on Economic, Social and Cultural Rights (2001, 2007, 2008), at the Geneva Forum on Cultural Rights in 2008,
- report and representation to the Committee on Elimination of All Forms of Racial Discrimination in 2005,
- Contribution to report on France by the independent expert on minorities in 2007/2008,
- Participation in the forum on Minorities in Geneva in 2008, 2009, 2014
- Written contribution and participation to the UPR of France in 2012 and 2013
- File on "Which rights for children speaking a regional language in France" and intervention with the Committee on the Rights of the Child in 2014 (25th anniversary of the Convention)

UNESCO

- File on « France's languages in danger » for the UNESCO in November 2013

Members:

EBLUL-France gathers the major organizations of languages in France represented by their federal or coordination structures.

Languages representatives, members of EBLUL-France:

- l'Institut d'Études Occitanes / Institute of Occitan Studies for Occitania
- Kevre Breizh, Federative Coordination of cultural associations in Brittany
- Culture and bilingualism in Alsace and Moselle /René Schickelé-Gesellschaft,
- Federació d'Entitats per la Defensa de la Llengua i la Cultura Catalanes / Catalonia
- Parlemu Corsu, Collective of Corsican associations and cultural groups,
- Euskal Konfederazioa, Confederation of associations and federations for the Basque language,
- The Federation Defence and Promotion of Oil Languages,
- Mama Bobi, Interculturality and Citizenship (Guyana),
- Institute of Languages and Cultures of the Maroons (Guyana),

Eblul-France coordinates :

- organizations and institutions represented during the Interregional Meetings of regional languages and cultures (RILCR) which have been annually organizing since 1990 a meeting to discuss and collectively work for the respect for cultural and linguistic diversity of the French Republic territories,
- the ELEN - European Language Equality Network

Contacts :

Tangi Louarn +33 (0)6 60 88 97 78 – tangi.louarn@wanadoo.fr
Jean-Marie Woehrling +33 (0)6 86 67 36 95 - jmwoehrl@noos.fr
Alexis Quentin : +33 (0)6 60 42 01 57- alexis.quentin@neuf.fr

Reminder of CESCR observations and recommendations in 2008 on recognition of minority and regional languages and cultures.

COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Fortieth session – 28th April – 16th May 2008

FRANCE

D - Principal Subjects of Concern

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29 - The Committee remains concerned about the lack of official recognition of minorities within the territory of the State party. With specific regard to cultural rights, the Committee further notes with concern that some of these rights are not respected – such as the right to use a minority language, which can only be exercised in community with other members of the minority group.

30 - The Committee notes with concern that the State party has not made sufficient efforts in the field of preservation and promotion of regional and minority languages and cultural heritage. The Committee also notes that the absence of formal recognition of regional and minority languages has contributed to the constant decline in the number of speakers of such languages.

E. SUGGESTIONS AND RECOMMENDATIONS

49 - The Committee, while taking note that the recognition of minority groups or collective rights is considered by the State party to be incompatible with its Constitution, wishes to reiterate that the principles of equality before the law and prohibition of discrimination are not always adequate to ensure the equal and effective enjoyment of human rights, in particular economic, social and cultural rights, by persons belonging to minority groups. The Committee therefore recommends that the State party consider reviewing its position with regard to the recognition of minorities under the Constitution, and recognise officially the need to protect the cultural diversity of all minority groups under the jurisdiction of the State party, in accordance with the provisions of article 15. In this regard, the Committee reiterates the recommendation formulated in its previous concluding observations (E/C.12/1/Add.72, para. 25) that the State party (i) withdraw its reservation to article 27 of the International Covenant on Civil and Political Rights and to article 30 of the Convention on the Rights of the Child and (ii) consider ratifying the Council of Europe Framework Convention for the Protection of National Minorities, as well as the European Charter for Regional or Minority Languages.

50 - The Committee reiterates the recommendation formulated in its previous concluding observations (E/C.12/1/Add.72, para. 26) that the State party increase its efforts to preserve and promote regional and minority languages and cultural heritage, *inter alia* by ensuring that sufficient financial and human resources be allocated to the teaching of regional and minority languages and cultures in public schools and to TV and radio broadcasting in these languages. The Committee also recommends that the State party consider reviewing its position concerning the lack of formal recognition of regional and minority languages in the Constitution of the State party.

53 - The Committee further encourages the State party to consider ratifying Protocol No. 12 to the Convention for the Protection of Human Rights and Fundamental Freedoms.

Comments on responses of France

1- Non-recognition of minorities and of territories diversity :

- article 27 of Covenant on Civil and Political Rights
 - article 30 of the Convention on the rights of the child,
 - European Charter for Regional or Minority Languages
 - European Framework Convention on National Minorities
- (§ 64 to 73 of report of France)

§ 66 report of France :

The State argument according to which the refusal of recognition of minorities would be **"a most demanding conception of human rights" is totally mistaken**. Asserting that identity in France results from a personal choice is a view of the mind. In reality, the dominant group running the State from the monarchy to the present days imposes its identity and aims to destroy all other identities, especially by recognizing only one single, official language : French.

Reminding of the over secular fight of the State against regional languages would take too long.

Let us quote however some current events :

1.1- **The independent expert on minority issues denounces the total assimilation and racial discrimination rooted in attitudes and institutions in France.**

Ms. Gay McDougall, United Nations Independent Expert minorities issues, wrote in her report on France in 2008:

"Currently, she found, there is a widespread feeling within the community of visible minorities that to become a citizen of France is not sufficient for full acceptance; that acceptance will be granted only with total assimilation that forces them to reject major facets of their identities."

In conclusion, the report notes that *«In spite of important national anti-discrimination legislation, serious racial discrimination is experienced by members of minority communities in France that is entrenched and institutionalized in nature. A political culture of denial has been an obstacle to effective measures to fully implement non-discrimination laws and to take concrete steps to address the complex inequalities that have been generated. »*

Being true for populations mostly coming from former colonies, this finding is just as much for metropolis and overseas territories populations, more formerly conquered by the monarchy, the Republic or the Empire during history.

1.2- The Territorial reform refuses to take into account identities of the various territories of the French Republic.

Following a decision of the President of the Republic, the Government undertook in 2014 a redistribution of the metropolitan regions of France to authoritatively reduce their number from 22 to 13. The Minister for Home Affairs Bernard Cazeneuve officially declared that the regional division should not take regional identities into account.

Thus,

-The city of Nantes, historic capital city of Brittany, independent State then autonomous province until the French Revolution was kept out of the region of Brittany, with its department of Loire-Atlantique. The existing partition since the collaborationist Vichy government decision in 1941 continues against the Breton sense of belonging of inhabitants of Loire-Atlantique evidenced by surveys and numerous demonstrations (40 000 people on September 27th 2014 in Nantes). Inhabitants of Loire-Atlantique are no longer called Bretons by all official bodies, in education, mass communication media, newspapers, radio, television, but "Ligerians". References to Brittany are erased. The population has never been consulted. How can the State then mention an identity resulting from a personal choice?

-The Alsace region, which has a special status, was merged by force into a large "Champagne-Alsace-Lorraine" Eastern region against the will of the vast majority of its elected representatives and its population and will no longer hold any of its own political body capable of defending its interests and its regional identity based in particular on a double culture of French and Germanic languages.

The Government has refused any consultation of the populations regarding this from-above-decided redistricting, without any referendum for concerned citizens, **unlike the application of Article 5 of the European Charter of Local Self-Government (1985)** yet ratified by France on January 17th, 2007.

The Government has also refused all amendments to the law of New territorial organization of the Republic that forbids departments to choose themselves, by their elected representatives or by referendum, their own region.

The removal of the clause on regions general competence and the decline in their fiscal autonomy, their dependence to 90% of State grants significantly reduces their power of decision and challenges the very notion of "decentralized organization" of the Republic affirmed by Article 1 of the Constitution.

Contrary to State assertions, there is indeed a high discrimination between the official, French language identity, imposed on all, and various other identities, which are as much parts of the Republic, but which are due to other languages and other individual or collective histories, as well as to choice by the population.

2) The right to education Articles 13 to 14: no right to bilingual education (§ 68 of the report)

The report states that French policy “results in concrete measures” :

"Multilingualism is encouraged and bilingual education in regional languages is possible in primary, secondary and high schools"

Progresses actually exist in bilingual education. For instance in the Basque Country, bilingual systems (immersive and joint) reach the third of the population in the first degree (up to 11 years old), but bilingual pupils are no more than 12 % in the second degree. While the Basque Country is one of the most advanced, from 1991 to 2011, the Basque-speaking population has declined by 23% (**2013 EBLUL-ELEN Report to UNESCO**).

Bilingual associative schools in immersion, carrying a genuine renewal of the social life of languages are often discriminated against by the authorities for operational resources (**2014 EBLUL-ELEN Report to Committee on the Rights of the Child**)

So, the Bill on Refoundation of the school of the Republic adopted in 2013 did not include the slightest mention of existence or teaching of regional languages. It took a very strong mobilization of civil society and parliamentarians to amend the draft and introduce the possibility of bilingual education into the law.

It still remains to be said that this teaching is still not a right for children and their parents, but a simple possibility for the academic institution that does not always implement the necessary means.

3) The lack of recognition of minorities or groups (§ 65, 69, 70, 71, 72) opposes the European Charter for Regional or Minority Languages (§ 73)

It is obvious that France does not recognize the existence of different groups, different cultures within itself. To such a point that the only recognition of language rights for speakers of regional or minority languages traditionally spoken in its various territories appears to France as a recognition of groups, which is however not in itself.

This is a terrible confession: it is here the affirmation that the French Constitution would be incompatible with human rights and especially the rights of minorities being an integral part of Human rights as proclaimed by the United Nations, UNESCO, the Council of Europe and the European Union. Hence the temptation of the State to ratify the European Charter strengthening the Constitution in a manner contrary to the rights of persons belonging to minorities to protect from its own diversity. It would be tragic for the application of Human rights in all territories of the French Republic and for the actual application of the Charter.

The French population overwhelmingly agrees with its cultural diversity and internal linguistics as stated in the report of France.

Rather than trying to bring back Human rights to its Constitution, which is absurd, France should reform its Constitution to recognize the diversity and richness of its components, being killed by its unitary dogmatism and the dream of a perfect unity and homogeneity.

4) Article 15 - The right for everyone to culture and to benefits of scientific progress.

A- The constitutional reform of July 2008 establishes no right or freedom (§ 502, 503 and 504).

§ 502 The State calls upon the constitutional reform of July 2008 and Article 75-1 of the Constitution saying today that **"regional languages belong to the heritage of France."** But questioned by a Priority Question of Constitutionality (QCP) the Constitutional Council does not intend to draw any conclusions from this change, because it considers that **"this article does not establish a right or a freedom guaranteed by the Constitution"** (decision number 2011 -130 of 20th May 2011).

§ 503 If the State considers that preservation of regional linguistic heritage "falls from now on to local authorities", these latter do not have either means or skills to intervene directly in the field of education or the media.

§ 504 - France declares applying most of the 39 provisions of the Charter out of 95 (thus at a minimal level) signed by itself in Budapest on 7th May 1999. But this application is not a right, it is often marginal and meets the opposition of the administration, the lack of general policy and attitudes in bad faith as shown by many examples (2014 EBLUL-ELEN Report to Committee on the Rights of the Child). This situation is contrary to the commitment of the Convention which requires the will of a determined action on behalf of the State.

B – Bilingualism in local authorities

§ 505 – Bilingualism in official documents : refusal to co-officiality or to the use of a regional language.

While it is true that bilingualism may develop in the local authorities, the regional language has no official status :

-Despite a favorable vote of the Territorial Assembly of Corsica, the State refuses co-officiality of Corsican and French.

-Deliberations in Polynesian languages of the French Polynesian Territorial Assembly known as "country languages" were declared as illegal by the Council of State (decision of 13th June 2013)

-On 27th January 2015, the Administrative Court of Pau (Pyrénées Atlantiques) overturned the decision of the municipal Council of Ustaritz (6 200 inhabitants) which had decided co-officiality of Basque.

-The Department of Justice prohibits Breton municipalities as the town of Carhaix to continue to deliver bilingual family registers French-Breton, only French should appear referring to a decree of 24 Prairial year XI (13th June 1803) of the first Consul Napoleon Bonaparte imposing French to the new territories occupied by France (Ministerial written reply to the National Assembly – Question n° 5552, answer n° 2612 JO 05/03/2013 p. 2612)

Without any official recognition, regional languages already dominated in the society cannot hope to survive and to develop.

C – A still very weak place for regional languages in the public media.

The given figures speak for themselves: 300 hours all in all in a year for 6 regional languages on France 3 representing an average of 50 hours per language. In a media landscape concentrating 95% of the French audiovisual production in Paris, a greater equity in the distribution of resources and jobs between territories would have the advantage of providing more diverse and pluralistic views on the world.

D – Strengthen teaching of regional languages and original languages in the regions and overseas territories.

-Associative and secular schools open to all for the French-regional language bilingualism by immersion in the regional language should be fully recognized and supported by the State and by authorities just as French public schools are.

Overseas territories languages should enjoy at least the achieved legislative progress, which is not generally the case in particular to meet the demand for bilingual education in Mayotte.

"The French Republic has failed in the field of equality. We are not equal in the cultural, territorial and social plan. Our minority languages and cultures are despised by the law. Our regional territories are secondarized under a spoiler Paris whose extension does not meet the slightest opposition anymore. Here we are condemned to second-class careers for our children, unable to pay them Parisian studies in these large high schools that monopolize the places in the finest schools. And France to damage itself in a pyramidal society, at the top of which the Republican and widely Parisian elite, and below, the vast middle- and provincial class, working for the first category and monitoring those excluded of the third and final category. Cruel irony of history for the nation having built everything on the egalitarian aspiration! Here rises the French disunity"

Extract from an article by Yvon Ollivier, magistrate, author of "The French Disunity" in "the Breton people" magazine, June 2012.

Registered association in the register of associations of the Magistrates' Court of Strasbourg, governed by Articles 21 to 79 of the local Civil Code
Headquarters : 5 Boulevard de la Victoire, 67000 STRASBOURG
Secretariat : EBLUL-France, 6 plasenn Gwirioù Mab-den – Place des Droits de l'homme, 29270 KARAEZ/CARHAIX -
Phone : +33 (0)2 98 73 20 58 - ebdul.france@gmail.com

website : www.eblul-france.eu - <http://www.languesregionales.org/> -

ATTACHED DOCUMENTS



ELEN – European Language Equality Network

Comité français EBLUL/ELEN
Bureau Européen pour les Langues Moins Répandues
European Bureau for Lesser Used Languages

UNIVERSAL PERIODIC REVIEW

FRANCE

21st January 2013

Proposed recommendations of EBLUL/ELEN-France

1-THE CONSTITUTION OF FRANCE : to recognize diversity and the rights of different components of the society and remove reservations denying rights to members of minorities in international covenants (article 27 of International Covenant on political rights ; article 30 of Convention on the rights of the child...)

2-RATIFICATION OF EUROPEAN CONVENTIONS :

-The Charter for Regional or Minority languages of the Council of Europe,
-The European Framework Convention for the Protection of National Minorities.

3-LEGISLATION TO RECOGNIZE LANGUAGES : to adopt a framework law entitling the use of regional languages in the economic, social, cultural and public life in the concerned territories.

4-POLITICAL INSTITUTIONS FOR CONCERNED TERRITORIES : enable historical, linguistic and cultural communities, identifying themselves as such, to have their own local authorities to manage their own economic, social and cultural matters .

5-TO GENERALIZE THE TEACHING OF REGIONAL LANGUAGES : to adopt a legislation to generalize the teaching of regional languages and in regional languages in concerned regions or territories.

6- NO-DISCRIMINATION OF SCHOOLS TEACHING FIRST IN REGIONAL LANGUAGES : In territories where there is a traditional language, schools teaching in the traditional language of the country while ensuring the State language mastery, shall have the same rights to public support as equivalent public schools in the language of the State.

7 – TEACHING OF RÉGIONAL CULTURE AND HISTORY, AND DIVERSITY OF CULTURES : Curriculum must include teaching of regional history and culture in line with the concerned territory, and on the diversity of languages and cultures of the whole territory of the French Republic.

8- MEDIA : Each linguistic regional community must have media (radio, television and internet) in full exercise and means for production and distribution funded by a significant and equitable distribution of the charge of the collected broadcast license fee collected by the State.

European Language Equality Network
Réseau Européen pour l'Égalité des langues

Association declared in France law 1901
9 straed/rue La Tour d'Auvergne 29270 KARAEZ - CARHAIX
Téléphone : 00 33 (0)2 98 73 20 58 - elen.kreiz@gmail.com;

President: Jean-Marie WOERHLING, lawyer, expert for the Council of Europe

<http://www.languesregionales.org/> - <http://www.deompdei.org/> - <http://anemoc.org/>