

International Convention on the Rights of the Child

Kenemglev etrebroadel

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Convencion internacionala

WHAT RIGHTS FOR

CHILDREN WHO

SPEAK A REGIONAL

LANGUAGE IN

FRANCE?

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What rights for children who speak a regional language in France?

The 25th anniversary of the International Convention on the Rights of the Child will be celebrated on the 20th of November. Transposed into French law, this international document has aided the progression of child protection in the areas of adoption, criminal justice, education, handicap and immigration.

While the Convention has certainly led to the improvement of children's rights, in France it has a limit: a linguistic limit, as **France has refused to apply the principles of the Convention to children who speak a regional language.**

The French state is thereby ignoring the principal of linguistic non-discrimination which nevertheless figures in article 2 of the Convention on the Rights of the Child. Moreover, **despite the recommendations of the Economic and Social Council of the United Nations**, France persists in its refusal to ratify article 30 of the Convention.

What does this mean for children who speak a regional language? They join other minorities in a state of judicial non-existence under French law, as the State persists in ignoring the effects of its ideology on children who receive a bilingual education.

Every year this situation generates problems, difficulties, and arguments which are resolved – more or less fortuitously – in the courts. The adults debate, the State invokes its well-known principal of indivisibility and the children suffer. Some endure deplorable educational conditions, while others do not even have access to bilingual education. These children are deprived of an education which could offer them bilingualism in their regional language and in French.

Under the rule of law, children should be able to flourish in the respect of their identity and should not have to suffer from ideological quarrels dating from an earlier century. This is why **we demand that France ratify article 30 of the International Convention on the Rights of the Child**, and that the government put in place the **judicial and financial means of ensuring bilingual education in regional languages.**

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1 – According to the Convention, all children have rights...



...but in France, not all children are equal!

The International Convention on the Rights of the Child opens with the **principal of non-discrimination**.

***Article 2** – States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, color, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.*

Article 17 refers to **access to information**.

***Article 17** – States Parties recognize the important function performed by the mass media and shall ensure that the child has access to information and material from a diversity of national and international sources, especially those aimed at the promotion of his or her social, spiritual and moral well-being and physical and mental health. To this end, States Parties shall:*

- a) Encourage the mass media to disseminate information and material of social and cultural benefit to the child and in accordance with the spirit of article 29;*
- b) Encourage international co-operation in the production, exchange and dissemination of such information and material from a diversity of cultural, national and international sources;*
- c) Encourage the production and dissemination of children's books;*
- d) Encourage the mass media to have particular regard to the linguistic needs of the child who belongs to a minority group or who is indigenous;*

... but the point made in d) is rendered non-applicable as **France refuses to ratify article 30 on minorities**. Indeed the government declared, in 1990, “taking into account article 2 of the Constitution of the French Republic, article 30 cannot be applied as far as the Republic is concerned.”

***Article 30** – In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practice his or her own religion, or to use his or her own language.*

Since 1989, 140 countries have signed the International Convention on the Rights of the Child. In refusing to apply the integral text, France has aligned itself with States applying the principals of Sharia law (Afghanistan, Iran, the United Arab Emirates, Iraq, Kuwait, Oman, Qatar, Syria, Jordan, Mauritania, the Maldives ...) and the United States, who refused to ratify the text due to the inclusion of article 37, which proscribes the death penalty for children.

For the French State, it is impossible to conceive of minorities and the fact that these minorities might be entitled to rights adapted to their specific situation. Following this logic, there exist no linguistic minorities in France, and it cannot be conceived that a child might be educated and taught to read with the goal of becoming bilingual. This attitude would not carry such grave consequences if the State did not systematically treat the requests of speakers of regional languages as coming from the part of minorities.

However, children too can be speakers of a regional language and this state of denial on the part of the French State has lead to shameful circumstances.

2 – The experience of children who speak a regional language in France

The following is a list of concrete and recent examples of France's refusal to put the interests of children first when those children are speakers of a regional language.

November 3rd 2014 – The mayor of **Ciboure** (Pyrénées-Atlantiques) **cuts off the electricity** of Seaska Ikastola, where a dozen children are taught in the Basque language. Their education is secular and free of charge.

September 2014 – Pau's administrative tribunal orders Seaska to vacate, within seven days, a parcel of land in the municipality of Ciboure on which there is a portable unit housing a Basque-language nursery school class. In July, the municipality had **refused to renew the lease agreement**.

September 2014 – Lily C.-B. cannot begin her school year with her bilingual class at the public school in **Landerneau** (Finistère): the municipality of which she is a resident and that of her school cannot agree on who should pay the school fees. The public school **refuses to enroll her**.

September 2014 – By decision of the administrative tribunal of **Limoges**, the Calandreta of Limoges must **reimburse 47 000 Euros to the Regional Council**, which had given them this grant. Since 1994, the Calandreta has schooled around fifty children in the Occitan language. Their education is secular and free of charge.

July 2014 – Le **Strasbourg** education authority **refuses to open** public bilingual classes in Erstein (Bas-Rhin) despite the pre-inscription of seventy children. The quadripartite Convention (between the State, the Alsace region and the departments of Bas-Rhin and Haut-Rhin) of 2007-2013 announced that the number of enrollments in bilingual classes would be doubled. Enrollments in fact grew from 16492 pupils in 2007 to 23283 students at the beginning of the school year 2014; 9700 fewer than announced.

June 2014 – Students in their final year of study in technical sections of the public high school Fulgence Bienvenüe in **Loudéac** are **not permitted to take their facultative exams in Gallo** despite their having been taught in this language for several years. According to a communiqué of the Ministerial service dated October 18th, 2012, "there will no longer be facultative exams in foreign or regional modern languages".

May 2014 – The **Rennes** education authority **refuses to open a bilingual class** in the public school of Coray, claiming a lack of teachers. The lack of teachers and the inadequacy of their training are recurrent problems. The education authority then revokes its decision, allowing the class to be opened in September. However, the city hall does not have the means to finance a nursery assistant for the 20 children enrolled in the nursery school.

May 2014 – The **Rennes** education authority **refuses the demand** of the Diwan school of Guingamp to oblige those students' municipalities of residence which fall outside the school's municipality to participate in school fees. The Diwan school of Guingamp educates 80 children in Breton: their education is secular and free of charge.

February 2014 – Martí B., born in **Perpignan**, celebrates his 16th birthday. His parents chose to give him a Catalan first name, but the civil registrar **refused to spell his name** with the proper accent on the i. French law forbids the use of diacritical marks (dots, accents and cedillas) which do not exist in the French language. This stance has been held even in the Court of Appeal and the Council of Europe.

November 2013 – Nolwenn C. has studied Breton for 14 years. When she enrolls for her baccalaureate exam in Management and Administration, the education authority of **Rennes** **refuses to let her choose Breton** in her facultative exam subjects. According to a communiqué of the Ministerial service dated October 18th, 2012, "there will no longer be facultative exams in foreign or regional modern languages".

October 2013 – The superintendent of schools at the **Rennes** education authority **forbids the display of the national motto in Breton**, to be placed side by side with the French, in public high schools.

September 2013 – The **Minister for Youth** **refuses to validate the BAFa-BAFD training** offered by the Breton union for group activities in rural areas (UBAPAR), because part of the training is to take place in Breton.

September 2013 – For the first time, in a written question to the Minister of National Education, reference is made to **"institutionalized blockage" by the assistant superintendant of Mayotte** of the teaching of local languages, to the profit of an exclusively monolingual educational system.

September 2013 – The Occitan section of the public middle school Révolution in **Nîmes**, the only of its kind in the Gard department, is closed by its **principal who deems it insufficiently "cost-effective"**.

July 2013 – The report on regional languages, addressed to the **Minister of Culture**, recommends researching a solution for financing associative schools which contribute to the policy of regional language development. It emphasizes that these schools are secular, open to all, respect the national curriculum and train regional language speakers who perfectly master the French language. It also laments the situation of the schools in question (ABCM Zweisprachigkeit, la Bressola, Calandreta, Diwan, Seaska) which it describes as **unsatisfactory for the State, for the regional governments, and for the associations themselves**. Since July 2013, no action has been undertaken to resolve this problem.

3 – What we expect from our democracy

Under the rule of law, children should not fall victim to an ideology of “national uniqueness” and Francophone monolingualism throughout the Republic.

**In the name of its children,
In the name of the principals of the national motto, Liberty, Equality, Fraternity,
In the name of its international engagements,
In the name of respect for cultural diversity,
In the name of the regional languages inscribed in the Constitution as national heritage,**

We demand that France ratify article 30 of the International Convention on the Rights of the Child.

We demand that the government put in place the judicial and financial means of guaranteeing the right of the children of France to be taught in regional languages, whether through bilingual instruction on a parity basis or through immersion.

In this period of economic crisis, respecting these rights does not represent any supplemental financial burden to the State or to the regions: the education of a child in a bilingual system is no more costly than in a monolingual one. On the contrary, bilingualism in a regional language encourages an open mind and confers reinforced adaptive abilities on youth in a global context.

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