



# HIZKUNTZ ESKUBIDEEN BEHATOKIA

OBSERVATORIO DE DERECHOS LINGÜÍSTICOS  
OBSERVATOIRE DES DROITS LINGUISTIQUES  
OBSERVATORY OF LINGUISTIC RIGHTS  
OBSERVATORIO DEI DIRITTI LINGUISTICI  
OBSERVATORIUM FÜR SPRACHENRECHTE  
OBSERVATORIUM VOOR TAALRECHTEN  
OBSERVATORI DE DRETS LINGÜÍSTICS  
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ASANNAY N IZERFAN N TUTLAYIN  
OBSERVATORIU DE DERECHOS LINGÜÍSTICOS

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ΠΑΡΑΤΗΡΗΤΗΡΙΟ ΓΛΩΣΣΟΛΟΓΙΚΩΝ ΔΙΚΑΙΩΜΑΤΩΝ  
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## **Attitude of the French State: Discrimination in the name of equality**

### **Addendum to the report of 2007**

Addressed to:

**Committee on Economic, Social and Cultural Rights**

**UNITED NATIONS**  
**ECONOMIC AND SOCIAL COUNCIL**

Third periodic report of France.  
28<sup>th</sup> April to 16<sup>th</sup> May, 2008



## **International Covenant on Economic, Social and Cultural Rights**

40<sup>th</sup> session. April 28<sup>th</sup> to May 16<sup>th</sup>, 2008

### **Addendum to the report<sup>1</sup> submitted by the Observatory of Linguistic Rights, Behatokia, to the pre-sessional working group in May, 2007**

In May, 2007 a representative of the Observatory of Linguistic Rights participated, together with the representative of EBLUL-France, in a meeting of the pre-sessional working group, presenting its assessment of the third report on the French state's fulfilment of the Agreement on Economic, Social and Cultural Rights..

In that report, the Observatory of Linguistic Rights pointed out the failure of the French state to implement the two recommendations (25 and 26) made by the Committee on the 30th of November, 2001. The Observatory also criticised steps taken towards their implementation, noting that in fact no effective steps at all had been undertaken by the French state.

On the occasion of the fortieth session of the Committee on Economic, Social and Cultural Rights, to be held beginning on the 28th of April, 2008, the Observatory wishes to submit some additional information to the Committee supplementing its earlier report in order to dispose of further data when preparing its final recommendations.

After studying document E/C.12/FRA/Q/3, which lists the issues that should be considered in connection with an analysis of France, we would like to submit further data to the committee in connection with points 29, 31 and 32..

The material in the present addendum is organised into three sections:

1. Conclusions and recommendations in connection with the visit to France by Independent Experts on Minority Affairs of the United Nations Human Rights Commission
2. Discussion regarding amending the Constitution in the French Assembly, and the European Charter for Regional and Minority Languages
3. Some further incidents revealing discrimination against Basque speakers

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<sup>1</sup> The report is available in digital format on the UN's website:

**English:** [http://www2.ohchr.org/english/bodies/cescr/docs/cescrwg38/basque\\_en.pdf](http://www2.ohchr.org/english/bodies/cescr/docs/cescrwg38/basque_en.pdf)

**French:** [http://www2.ohchr.org/english/bodies/cescr/docs/cescrwg38/basque\\_fr.pdf](http://www2.ohchr.org/english/bodies/cescr/docs/cescrwg38/basque_fr.pdf)

**Spanish:** [http://www2.ohchr.org/english/bodies/cescr/docs/cescrwg38/basque\\_sp.pdf](http://www2.ohchr.org/english/bodies/cescr/docs/cescrwg38/basque_sp.pdf)



## 1. NAZIO BATUETAKO GUTXIENGOEN AFERETARAKO ADITUAREN BISITA ETA GOMENDIOAK

Representatives of the Language Rights Observatory met with Ms Gay McDougall during her visit to France from the 19th to the 28th of September, 2007, together with representatives of EBLUL-France, the Institute of Occitan Studies and the Brittany Cultural Council. We met at the main UNESCO headquarters in Paris on the 20th of September, 2007. At this meeting the European expert was given information about discrimination against local language communities in the state of France.i.

On the 4th of March, 2008, Ms McDougall published an evaluation of the French Mission which was presented to the Human Rights Commission on the 12th of March, wherein she refers to the following matters of concern:

22. Representatives and scholars of numerous linguistic and cultural minority groups from different regions in France, including the Bretons and Basques and the Catalan- and Occitan-speaking communities, strongly complained that their languages and cultural rights are not fully respected and promoted within France. They predict that some regional languages and elements of cultural identity and heritage are in danger of disappearing in the medium to long term. Following the amendment of the Constitution of France in 1992 to reflect the position of French as the language of the French Republic, community representatives described government policy to promote French at the expense of regional languages. Immigration trends have brought significant numbers of speakers of various non-European languages, notably Arabic, to France.

23. Basque community representatives reported that, despite community desire to maintain and preserve the Basque language, there are some 5,000 fewer Basque speakers than 10 years ago and the language is seriously endangered in France as a result of lack of official status. Representatives of the Catalan- and Occitan-speaking communities also pointed out that absence of recognition or official status results in a constant decline in the number of Basque, Catalan and Occitan speakers in both absolute and percentage terms to such an extent that, despite the recommendations of European and United Nations anti-discrimination bodies, these languages are endangered languages limited to use in the private sphere with implications in both linguistic and cultural terms.

In this respect the author makes the following recommendations and proposals:

Acknowledgement of the reality

77. The Government of France is urged to: (1) recognize the existence of national or ethnic, religious and linguistic minorities within its territories and to withdraw its reservation to article 27 of the International Covenant on Civil and Political Rights relating to the rights of persons belonging to minorities and article 30 of the Convention on the Rights of the Child; and (2) ratify the European human rights treaties relating to the rights of minorities, including Protocol No. 12 to the European Convention on Human Rights and the Council of Europe's Framework Convention on the Protection of National Minorities

Promotion of language, religion and cultural rights

93. The independent expert supports calls for France to ratify the European Charter for Regional or Minority Languages, which provides valuable guidance to all European



States in their treatment of such issues, and for the preservation and promotion of the rich cultural and language heritage of each State. The Government of France should support the use of regional and minority languages as a medium of instruction in the early years of public primary education for students who so request

We observe that these recommendations coincide with the recommendations that were made by the 2001 Committee (E/C.12/1/Add.72), and it is quite clear that this Expert also considers that the French state has failed to comply with the latter.

## **2. FRENCH ASSEMBLY DISCUSSION**

On the occasion of the discussion of the Lisbon Treaty in January, 2008, two constitutional amendments were discussed in France's National Assembly. One of these concerned the words "dans le respect des langues régionales qui font partie de notre patrimoine" in the second Article of the constitution. The other proposed to add to Article 53 the words: "La République française peut adhérer à la Charte européenne des langues régionales ou minoritaires, signée le 7 mai 1999".

Both amendments were rejected, one of the reasons given for this being that it was not the right time for it. We note that when similar amendments were proposed in January 2005 it was also stated then that it was not the right time. Thus it is quite unacceptable even when the recommendation comes from the United Nations. Moreover, it seems undeniably to be a good time for taking such a step considering that 2008 is International Language Year.

In conclusion, yet another opportunity has been lost to implement the Recommendations.

## **3. 2007-2008 UPDATE**

Lastly, as in our 2007 report, we wish to inform of some further incidents clearly demonstrating the existence of discrimination against Basque speakers, most of which, once again, involve the postal service which does not deliver letters bearing addresses in Basque. Cheques are also not accepted if written in Basque, and so forth.

Apart from such issues, we now offer some examples illustrating the utter negligence of the French public administration in the area of public education:

Since the beginning of the 2007-2008 school year in the public school in Heleta, five Basque language teachers have passed through this bilingual school. The Pau Academic Inspectorate did not confirm the substitution of the Basque language teachers and in consequence one of the school's staff members decided to cease teaching French in order to occupy the Basque language position. This person performed three functions in the school, as Basque teacher, French teacher and head of the school. On seeing that this teacher was able to teach Basque, the Academic Inspectorate changed the French teaching position into a Basque teaching one but made both part-time.



Now the previous Basque language teacher at this same school had to travel 100 kilometres to work, and when she took maternity leave the Inspectorate in Pau sent over a teacher unable to teach in Basque.

Because there was no Basque language teacher after the 15th of January at this school in Heleta, the national administration appointed a substitute after a few days under the supervision of the head of the school. But the appointee was not a Basque speaker and so the class went from being bilingual to being in French only.

Another problem is that Basque language positions are not permanent, as a result of which there have been five Basque language teachers in five months at the school in Heleta.

There has also been a substitution problem in first grade at the public schools in Ainhoa and Azkaine since the end of January. It is being found very difficult to substitute the Basque-speaking teacher shared by both these schools. A substitute was supposed to have been found for the teacher holding this position since late January, but six teachers have passed through the school, three of whom were not even Basque speakers.

These are merely examples that may help to evaluate the attitude displayed towards Basque language education by the public administration in the state of France.

## CONCLUSIONS

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We reiterate the request we made to the Committee in our earlier report, reminding it that 2008 is International Language Year yet the state of France refuses to take into account its citizens who are speakers of a language other than French.

For this purpose, and as a matter of priority, the state of France should remove presently existing legal obstacles by:

- modifying the second article of the French Constitution;
- revoking the clause added to article 27 of the International Covenant on Civil and Political Rights;
- revoking the clause added to article 30 of the International Convention on Children's Rights;
- signing and ratifying the Framework Convention for the Protection of National Minorities;
- ratifying the European Charter for Regional and Minority Languages and honouring its commitments guaranteeing the rights of local language communities.

The state should concede to Basque and other such languages the status they have due. Basque citizens and members of other local language communities ought to enjoy equal rights, and legal and administrative mechanisms should be set in place to guarantee that such rights are enforced.

We are concerned lest the Committee should make the same recommendations once again, with the French state simply maintaining the same attitude as before. Consequently, we feel the Committee should incorporate a stronger request into its 2008 recommendations. In our opinion,



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when the next evaluation comes around we cannot come back to you to report that the same commitments have not been fulfilled again. Surely we deserve better than that. Our languages deserve better. And the principle of linguistic diversity deserves better.

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***Baiona-Bayonne, April 2008***