



**EBLUL-France**

The French Committee of the European Bureau for Lesser – used Languages.

**Conseil Culturel de Bretagne, Comité Occitan (*Institut d'Etudes Occitanes, Félibrige, Calandreta*), Culture et Bilinguisme d'Alsace et de Moselle, Défense et Promotion des langues d'Oïl, Fédération de la langue et de la Culture Catalane, Scola Corsa.**

**A Non-governmental Organisation for the defence of the civic rights of speakers of minority languages in France.**

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**Regional an minority languages and cultures  
in France  
are outlaws**

addressed to :

**The committee on Economic, Social and Cultural Rights  
CESCR**

**The United Nations**  
Economic and Social Council

## Summary

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# Appendices

**Appendix n° 1** – Introductory report of EBLUL-France, French Bureau for Lesser Used languages and PQVNL to the CESCR in november 2001

**Appendix n° 2** – Concluding observations of the CESR to France - the 30<sup>th</sup> november 2001.

**Appendix n° 3 and n° 4** : newspapers extracts concerning the annulment by the Administrative court of fundings given by the Régional council of Brittany to the lycée Diwan in Karaez.

**Appendix n° 5** : déductions from taxes not allowed for individuals funding to occitans schools (*not available yet*).

**Appendix n° 6** : letter of the Caisse d'allocations Familiales of Ile-et-Vilaine (35) cancelling funding for a leisure center for children as it runs in breton.

**Appendix n° 7 and 7<sup>bis</sup>** : letter of the Caisse d'Allocations Familiales of Morbihan (56) refusant fundings to a kindergarten project as it would run in breton.

**Appendix n° 8, 9 et 10** : extracts from a geography textbook for pupils of 1ère L (Nathan Publisher - Paris – 2003) describing linguistic diversity in France as dangerous and discrediting them.

**Appendix n° 11** : french monolingual poster for the european campaign in France «All different – all equal » 2006/2007.

**Appendix n° 12** : extract from the European Commissioner for Human Rights Report, Mr Gil-Roblès on France (February 2006) asking France to ratify the european Covenants for human, minority and linguistic rights.

**Appendix n° 13** : demonstration for breton languages and cultural rights in Rennes the 3<sup>rd</sup> of Junes 2006, with elected people.

**Appendix n° 14** : demonstartion for occitan language rights in Béziers the 17<sup>th</sup> of March 2007.

**Appendix n° 15** : bilingual french/regional-minority language education in France in 2006/2007. The map of struggle for bilingualism at school.

# France and regional or minority languages and cultures

## 1- Introduction: observations of the Committee which were not followed up

In November 2001 the NGOs EBLUL and "Promoting our Languages" (*Pour Que Vivent Nos Langues*) had submitted a short report (see appendix 1).

The Committee had made observations (extracts in appendix 2) which among others asked France to:

- Acknowledge minority groups and their right to exist
- Withdraw its reservation concerning article 27 of the international pact about civil and political rights
- Ratify the Council of Europe's framework agreement on the protection of national minorities
- Ratify the Council of Europe's Charter on regional and minority languages
- Step up its efforts to preserve regional and minority languages and cultures and take steps to improve teaching in and the teaching of these languages.

It also asked the French state to circulate these observations widely on all levels of the state and jurisdictions and to involve non-governmental organisations and representatives of civil society in the preparation of its third periodic report.

At present, 6 years later, it is clear that very few of these observations have been applied :

- The state has not issued any information to its services concerning the Committee's observations
- The state has not withdrawn its reservations concerning article 27 of the international pact about civil and political rights (nor concerning article 30 of the agreement on children's rights)
- The state has not ratified the European charter on regional or minority languages and is one of the three last states (out of 47) within the Council of Europe with Turkey and the Principality of Andorra (whose co-prince is French head of state) not to have signed the European framework agreement on national minorities
- The state still does not recognise any minority group or people on its territory. The dogma of the "unicity" of the French people (as the constitutional court says) still prevails, in a restrictive interpretation
- The use of these languages is ostracised in particular in education and the media in increasingly virulent forms, in the face of demands by the populations which intensify with the increasing risk of the complete disappearance of their languages and cultures.

To summarise, the report which we drew up in 2001 (appendix 1) can be applied in practically the same terms, which reflects the disregard shown by the French state both for the populations concerned and the international organisations. It should simply be supplemented by specific examples of the discriminations and negations of rights suffered by the populations concerned and the keenness with which the state or institutions oppose the action which these populations and their elected representatives attempt to take in order to defend their languages and cultures and guarantee their survival and development.

## 2- In accordance with the law, only the use of French is authorised

### At constitutional level

The restriction is total. After the Constitutional Council (body appointed by the current political authority) opposed the ratification of the European charter on regional and minority languages, representatives of the concerned regions on both sides of the political spectrum (in particular Bretons, Alsatians, Basques, Occitanians and overseas departments) presented amendments whenever an opportunity arose (November 2002; January 2005; December 2006) to supplement article 2 of the constitution ("the language of the Republic is French") through a provision to guarantee the respect of so-called "regional" languages and the ratification of the European charter on regional and minority languages. Each time the government opposed all these amendments despite not only the demands of the populations concerned but also those of their elected bodies. In December 2004, the regional council of Brittany, elected by universal suffrage, voted unanimously on a "linguistic policy plan" in which it asked the state to ratify the European charter on regional and minority languages, as asked also the regional council of Alsace, several regions of Occitania, town councils as Strasbourg, Nantes, Rennes, Brest, Lorient, and hundreds of local authorities.

### At legislative level

It is important to note the position of the Council of State which, on 29 November 2002, cancelled the texts issued by the national education minister Jack Lang which were to enable schools using a regional language as the main language of education to be integrated in the public education system as requested by the Diwan schools in Brittany. The reason put forward was that the so-called immersion system (resulting in a good command both of French and the language of the region, whose excellent results have been confirmed in pupil's official tests and examinations) **"went beyond the requirements of learning a regional language and exceeded the possibilities of derogation from the obligation to use French as the teaching language"**.

As provided for in article L.121-3 of the education code (article 11 of the law of 4 August 1994 relating to French), the language of a region may only be used by derogation and only for the purpose of learning the latter:

**"the language used for teaching, examinations and competitions as well as theses and dissertations in public and private educational establishments is French apart from exceptions justified by the requirements of teaching regional or foreign languages and cultures or when the teachers are associate professors or foreign guests" or (article 11 law of 4 August 1994)**

The normal use of regional languages is therefore proscribed by the Council of State in spite of article 21 of the same law which was passed in parliament by an amendment:

**"the provisions of this law apply without prejudice to the legislation and regulations relating to the regional languages of France and do not oppose their use" (article 21 of the law of 4 August 1994).**

Actually, since there is no legislation that guarantees the rights of the regional languages, and since what may be an "opposition at their use" is not defined, The Council of State did not accept this right to use regional languages.

Furthermore, it did not take into account that teaching "by immersion" was a prerequisite for the survival of most of the regional languages in France. These languages have been so strongly opposed and excluded in all areas that their situation has now become extremely precarious.

In a decision of 27th December 2001 the constitutional council ruled, with regard to the status of the Diwan schools in Brittany, that "according to the first paragraph of article 2 of the Constitution, "the language of the Republic is French" the use of French is binding on moral persons governed by public law and persons governed by private law in the fulfilment of a public service mission".

This position was confirmed further on 9 April 2006 by the constitutional council to prohibit the use of Polynesian in the French Polynesian assembly.

### **3 - The use of regional languages in the media remains marginal and arbitrary**

The audiovisual media is still highly centralised in France. There are no regional radios or televisions but only decentralised stations associated with national radios and televisions which are subject to the decisions of central divisions.

- The use of regional languages on public television does not exceed at best 5 minutes per day and approximately one hour of broadcasts per week during off-peak times in the best cases.
- As far as public radio is concerned, certain decentralised stations of Radio France may broadcast up to two hours per day in a regional language but the programmes on these stations can easily be challenged if they are not recentralised straight away as was the case in 2006. In Alsace regional language broadcasting is relegated to a Middle Wave channel and is never heard on Long Wave or FM channels. In Occitania, only few local Radio France stations have regional language broadcasting, rarely more than one to two hours per week.
- Freedom of communication has existed since 1982 but this freedom is highly controlled.
  - Associative radios which use regional languages exist but their audience is extremely limited since they are granted very few frequencies by the CSA (Conseil Supérieur de l'Audiovisuel<sup>1</sup>) and rules limit both their budgets and their reception zone. In September 2006, during the last attribution of frequencies, the CSA favoured national French-language commercial radios to the detriment of associative radios in regional languages.
  - The case of TV Breizh is highly emblematic: this private regional Breton television was created in 2000 on satellite with the aim of supporting Breton culture and the Breton language backed by financial resources. However, the three applications for authorisation to broadcast in the hertzian network were refused by the CSA, notably in favour of an attribution of frequency to a station which did not exist. Therefore, since it was not able to compete with national hertzian televisions and did not receive sufficient advertising resources, TV Breizh became a commercial station on which Breton culture and language are scarcely present.

### **4 - In education : a policy of monolingualism and a marginal bilingualism**

The "regional" languages do not benefit from the resources required to guarantee their survival and are subject to arbitrary power struggles and the fluctuating wills of the government and public services.

- The French Ministry of Education, questioned by EBLUL about the teaching of regional languages, responded (letter dated November, 15<sup>th</sup>, 2005) , arguing that "great human and financial resources" were devoted to the teaching of regional languages, that "the availability of about one hundred certified teachers in regional languages was a guarantee of the quality of this teaching." Taking into account that regional languages are spoken in France by several millions of people, considering that about one hundred of certified teachers is enough to provide a good quality of teaching of regional languages clearly demonstrates that the French government refuses to provide decent financial and human resources for the teaching of regional languages.
- In the same letter, French Ministry of Education indicated that 35,000 pupils benefit learning in regional languages. Actually, the Bilingual education, the only form of education which guarantees a satisfactory language level, only concerns:

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<sup>1</sup> French audiovisual monitoring organisation  
The International Covenant on Economic, Social and Cultural Rights  
Third periodic report of France – pre-sessional working group, the 21<sup>st</sup>-25<sup>th</sup> of May 2007

- 11,000 pupils in Brittany, corresponding to 1.5% of the overall school population on five departments. The increase in staff numbers has slowed down due to obstacles to the opening of classes and schools.
- 7,000 in Alsace with 7% at primary level but the rate of bilingualism, which is very important in this border region, continues to fall dramatically among the population (44% in 1962, 40% in 1999) to the detriment of economic development and employment.
- 4,000 pupils at primary level in Occitania in a region with 15 millions inhabitants.
- 2,500 pupils in Catalonia: 4% of the population concerned in primary schools are involved in bilingual education with less than 1% at secondary level,
- In the Basque Country the rate is equivalent to 25 % of the school population in the bilingual system (9,000 pupils) thanks to considerable mobilisation and the support of associations and autonomous institutions within the government in the South (*i.e.* in Spain).
- The “Langues d’Oil” in the family of official French (Picard, Normand, Gallo, Poitevin-Saintongeais, Champenois, Bourguignon-Morvandiau, Walloon) only enjoy very limited recognition and are taught only at university level. Only Gallo in Brittany is sometimes taught at secondary and primary level.

## 5 - Constant restrictions and discriminations

In practice, citizens wishing to defend and develop their languages and cultures face constant restrictions and discriminations:

These restrictions often take the form of smothering initiatives through financial resources. This has been seen with regional radio and television initiatives but it is also the case in other areas:

- The associative schools have to finance themselves without public aid for the first 5 years. In addition, the local or regional communities are not allowed to finance buildings for these associative schools. The regional council of Brittany was condemned by the administrative tribunal in 1999 for providing aid for the renovation of buildings to be used by the Diwan high school in Carhaix (appendix 3 and 4). Decision confirmed by the Court of Appeal of Nantes on the 11<sup>th</sup> of March 2003 . These schools can only exist and develop with the militant support of the population and financial donations including the organisation of different events. For the children and families involved, this often creates precarious conditions for their comfort and life in general which are below the normal conditions existing in other educational establishments.
- Furthermore, although the law provides for a 66% tax reduction for donations from private individuals to “general interest organisations of an educational nature”, certain tax departments in the Occitan region have recently refused these reductions for donors in favour of associative Occitanian schools, which inevitably calls into question the very existence of these schools (see appendix n° 5).
- Even though all the administrative and material conditions (pupils, teachers, premises) required to launch public bilingual classes are fulfilled, the government may oppose the opening of these classes against the wishes of the parents, as it occurred in Brittany in Languidic (56) and Bulat (22) in September 2006.
- In 2007 the social services (Caisse d’allocations familiales)<sup>2</sup> in Brittany refused to provide aid intended for crèches and children’s leisure centres open to all children simply on the grounds that they use the Breton language (see enclosures n° 6 and n° 7)
- In 2005, the state cancelled the subsidy which had been planned for signposting in the city of Brest because the signposting was bilingual (Breton / French).

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<sup>2</sup> family allowance organisation

## 6 - Minority peoples and cultures denied their existence

The refusal to recognise the existence of minority cultures or groups in the state is even more worrying in some cases when these populations are clearly maligned.

- For example, an official lower-sixth form (junior high school) geography textbook (Nathan publications – 2003) stigmatises the inhabitants of peripheral regions of the state (Brittany, the Basque Country, Alsace, Savoie, Catalonia, Corsica) who are said to have a propensity for being “inward looking” when, on the contrary, their situation, multi-cultural views and multilingualism generally promote an openness which goes beyond the boundaries of the state. Pointed remarks and exaggerated legends create negative images of these populations, giving the impression that promoting the regional language is “detrimental to the language of the state”, hiding the fact that multilingualism on the contrary improves the linguistic performance of pupils even in the dominant language (see appendices n° 8, 9 and 10).

- When these same populations are insulted because of their origin (for example, the song by the singer Berroyer which mocks the Bretons in a crude, insulting manner likening Breton children to pigs (2006), and insults targeting the Corsicans), the courts do not sanction these practices: “Whereas there is no “Corsican” ethnic group, nation, race or religion; whereas the incriminated article therefore does not come within the scope of the above-mentioned provisions of the law of 29 July 1881” - law on the freedom of press (Court of Appeal of Saint-Denis de la Réunion, 11 March 1999, Philippe Hersant).

- It may be surprising for France to be involved in the campaign “All different all equal” promoted by the Council of Europe to respect diversity and combat discrimination in 2006/2007, when diversity in language and territory are not supposed to exist in contrast to the other European countries. Linguistic uniformity is the rule, for example, with regard to communication tools as shown in the poster which could have been used very successfully in relation to multilingualism (appendix n° 11).

## 7 - General overview : lack of rights and arbitrary

A general overview of the situation regarding the cultural rights of minority peoples and citizens in France, without language discrimination, reveals a clear lack of rights, which is continually denounced by international organisations, the parliamentary assembly of the Council of Europe or the European Parliament. See for instance the report on France of the European Commissioner for human rights in February 2006 (appendix n° 12).

These populations clearly want to be free to enjoy their languages and cultures and in some cases recover languages which were once banned. This is reflected in the growing demands and events which bring together tens of thousands of protestors: 20,000 on 22nd March 2003 in Rennes for Breton, 10,000 in Carcassonne on 22nd October 2005 and over 20,000 in Beziers on 17th February 2007 for Occitanian, according to the media (appendix n° 13: breton demonstration in Rennes on the 3<sup>rd</sup> of March 2006; appendix n° 14 occitan demonstration in Beziers on the 17<sup>th</sup> of March 2007).

In reality these languages are classified as endangered languages both in the Euromosaic report requested by the European Commission and by UNESCO.

In 1984, the Breton general de Bollardière who fought with the Free French Forces during the war and was imprisoned by the French army after opposing torture during the Algerian War, headed a support committee together with his wife Simone for the threatened Diwan schools and launched the following appeal:



**"For a number of years we have been following with keen interest the emergence of the Basque Seaska schools, the Scola Corsa and Diwan in Brittany. Examining our amazement before developments that we cannot control, and seeing through the languages of peoples who refuse to die a wisdom which has guaranteed the durability and fulfilment of life is possibly one of the combats on which the future of humanity depends".**

## **8- Conclusions and demands**

In accordance with the International Covenant relating to economic, social and cultural rights, and among others with article 1 which states the right of peoples to self-determination, we request the help of the Committee to ensure that citizens who want to use their own language and culture and to transmit them to their children have the recognized right to:

- a public education service allowing the use of their regional language from kindergarten to university, including immersive education, and leading to the acquisition of multilingualism,
- public radio and television broadcasting in regional languages in the relevant territories during the whole day or relevant period,
- availability of sufficient support, in proportion with the budgets for culture, for creation in regional languages, as well as an education system taking into account the existence of regional cultures under their different aspects,
- the use of their regional languages in relevant situations and the availability of information in their regional language in public services.

We further demand that France sign and ratify the different conventions relating to regional languages and cultures and to the rights of minorities.

We would like to emphasise that these developments would be consistent with the UNESCO **Convention on the Protection and Promotion of the Diversity of Cultural Expressions** which France has ratified and which states that **"linguistic diversity is a fundamental element of cultural diversity"** and takes into account **"the importance of the vitality of cultures, including for persons belonging to minorities and indigenous peoples, manifested in their freedom to create, disseminate, distribute their traditional cultural expressions and to have access thereto, so as to benefit them for their own development"**.


 On behalf of EBLUL-France  
 the President, **Tangi Louarn**