

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**

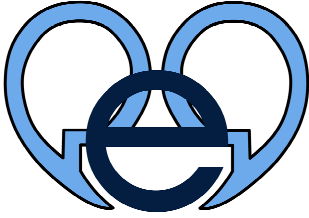
Addendum to the report of April 2007

addressed to :

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

**The United Nations
Economic and Social Council**

The International Covenant on Economic, Social and Cultural Rights
Third periodic report of France – Session 21st -25th of Mae 2007



International Covenant on economic, social and cultural rights

40th session, April 28 – May 16 2008

**Complement to the Observations of EBLUL on the
Third Periodic Report of France
presented to the CESCR Working Group in May 2007**

Mister Chairman,
Ladies and gentlemen of the Committee,

One year after the submission of our report in May 2007, the status of our "regional" or minority languages in France still has second-rate citizenship. The little progress in the number of children taught in bilingual schools, obtained thanks to the mobilization of parents, far from compensates for the loss of older native speakers, even in regions such the Basque Country where bilingual teaching has the highest penetration rate. In the media, in cultural and public life, a few achievements due to the action of some local authorities were offset by discriminatory decisions from the State or its institutions.

UPDATED OBSERVATIONS OF REPORT 2007

I - As regards legislation

In January and February 2008, during the adoption of the Lisbonne European Treaty by Parliament, deputies and senators from right and left and various regions again submitted amendments for the recognition of regional languages by the Constitution:

- The first amendment, submitted by deputies led by Mrs **Marylise Le Branchu**, former minister of Justice, regarded the article 2 of the Constitution modified in 1992. It proposed to add, after the sentence "**the language of the Republic is French**", the phrase "**within the respect of the regional languages which belong to our heritage**";

- The second amendment, submitted by deputies led by Mr Marc Le Fur, deputy belonging to the majority, proposed to add an article 35-3 to allow ratifying the European Charter on Regional or Minority Languages: "**The French Republic can adopt the European Charter on Regional or Minority Languages signed on May 7th 1999.**"

These amendment proposals had been submitted by 136 deputies, i.e. about one fourth of the National Assembly. But the Government of Mr François Fillon and Mrs Rachida Dati refused to follow them, on the usual pretext that it was not the right moment, but promising that a debate would be organized shortly within the framework of the next modification of the institutions.

In the Senate, a group of senators, led by **Mr François Marc**, submitted an identical amendment to modify the Constitution in order to ratify the Charter. They were answered during the debates on January 29th that this amendment to the Constitution could not be adopted because it was contrary to the Constitution.

II - As regards facts

The same discriminations are continuing:

- In Rennes in French Brittany, on October 4th 2007, the Office for Family Allocations of Ile et Vilaine confirmed the suppression of subsidies for a kindergarten looking after all willing children in Breton, on the grounds that the use of the Breton language "**would be a discriminatory practice**".
- In Alsace, the rights of Alsatian speakers were cut further: whereas since 1919 electoral documents were distributed in two versions, in French and German (the written form of the Alsatian dialects), this has been forbidden for the municipal and cantonal elections in March 2008, and the State Council confirmed that "supplementary documents in German, distributed and reimbursed, are illegal".
- Local Councils in French Brittany (Region, Departements, Communes) still have legal difficulties in funding buildings for the Diwan associative schools (3000 children from kindergarten to highschool), which are the only schools dispensing bilingual teaching by total immersion. Parents and children therefore become much less public aid than the standard French schooling and often have difficult working conditions (ancient buildings and frequent changes of location, often from one year to another).
- In 2007, new radio frequencies were allocated by the High Council for Audiovisual Media (CSA). The CSA gave preference to French-speaking commercial radios against new frequency requests from associative radios in regional languages: for example, in Brittany, 5 frequencies were given to Radio Monte Carlo, only one to a Breton-speaking radio (Radio Keme) and two others were refused (Kaouenn FM and Arvorig FM).

III - Report of the independent expert on minority issues. Mission to France (19 - 28th September 2007)

Our organizations are glad to have been able to meet with Mrs Gay McDougall, independent expert on minority issues, during her mission to France between September 19 and 28, 2007 and among others on the 19th in Paris.

In her report published on March 3rd 2008, the speakers of regional languages or the people living in the various historical regions which were incorporated to France during History also feel in complete agreement with the situation thus described:

"II-A - Question on identity: the members of minority communities frequently report the frustration they feel when they realize that it is not enough to become French in order to be fully accepted by the rest of society. They have the feeling that the condition to acceptance is not less than total assimilation. They feel that because of a rigid vision of French national identity, they had to reject major aspects of their own identity."

In the same way, in order to be recognized as truly French, the French citizens of various peripheral regions have to forget or hide their languages and cultures. The map presented in the counter-report we submitted in May 2007 to your Committee, which was published in a junior highschool textbook and showed the **"risk of introverted assertion of one's identity (repli identitaire)"** (appendix 8), only aims at making their inhabitants feel guilty and at opposing those who aspire to a recognition of their own identity.

In her conclusions the independent expert notes that **"despite the existence of an important legislation against discrimination, the members of minority communities in France are submitted to a real racial discrimination which is ingrained in mentalities and institutions. The political refusal to recognize this problem has hampered the adoption of measures able to guarantee the application of adequate legislation and to correct the complex inequalities which have set in."**

Thus, at all levels, the will to force assimilation in France and the refusal to recognize its various identities, under the pretext of equality while inequalities are blatant in French society, generate various phenomena of violence against others or against oneself. The origin of these phenomena is most often kept hidden in today's suburbs, but parallels what has happened or is still happening from Corsica to the Basque Country or from French Brittany to the French overseas departments and territories.

We have noted with satisfaction that the independent expert recommends to France to recognize the existence of minorities and to ratify the different international and European instruments which guarantee the rights of their members, as well as the European Charter on Regional or Minority Languages which aims at protecting the European linguistic heritage.

The silence of the major national media on this report is also quite significant of the way of thinking ingrained in the mentalities and the centralized French institutions such as the audiovisual media.

BRIEF CRITIQUE OF THE REPORT OF FRANCE

Review of observations made during pre-sessional working group in 2007

The answers of France to the recommendations of the CESCR made on the 24th and 25th of November 2001 about the recognition of minorities and the preservation of regional or minority languages and cultures only confirm the grave deficiencies of the French state in this matter.

Contrary to the statements given, the French conception obviously is not able to guarantee cultural rights to the populations involved.

The list of hindrances to the cultural rights of persons, and in particular to the preservation of the cultural identity of minority groups or populations, expounded in the three reports submitted by EBLUL, by the Basque linguistic rights observatory (Hizkuntz Eskubideen Behatokia), and by Bretagne Réunion, once again demonstrates this fact.

When the report starts by quoting museums, cultural centres or even festivals organised by the population (which actually enjoy very little support from the State), it shows how the very idea that regional or minority languages could take part in public and social life remains remote from the conception of a linguistically uniform State: this is also obvious from the examples of refusal of the right of persons to use their own language in public and even in the private sphere (when social services deny parents the right to organise child care in a regional language).

The report of France states that "**the French conception of a nation is not a barrier to the respect by the French State of local customs and habits**", nonetheless the Polynesians have been forbidden to debate in the Polynesian language in their own assembly by the Constitutional Council in 2006.

As a matter of fact the report does not mention teaching of and teaching in regional languages (see appended note N°1). This is the most blatant demonstration that the refusal of recognition of minority groups or populations deprives citizens from their cultural rights in social life.

Foremost examples are:

- in French Brittany, the refusal of legal public financial support to parents who want to establish a child care or day care centre in the Breton language for their children,
- the refusal that a regional language be used as a teaching language at school ("immersion" type teaching methods are forbidden in public teaching).

It can thus be said that the French system aims "naturally" at the disappearance of social groups which have been using languages other than French for hundreds or even thousands of years and which have their own cultural life.

This policy is furthered by the centralization of media, and particularly television :

- the centralized public media (radio and television) allow very little time for regional languages in their regional broadcasts,
- the means of local associative radios are limited by law and they obtain very few frequencies,
- private regional television channels are hampered in their existence by administrative and political decisions (by the High Council of Audiovisual Media).

This refusal of the recognition of minority groups as such is curiously matched by the will to define a "national identity", which has acquired such a priority for State authorities that they have created a "Ministry of Immigration and National Identity".

To these denials of rights can be added a deficiency in democracy :

- when measures are unanimously demanded by the population involved, e. g. the Regional Council of Brittany has unanimously voted for France to ratify the European Charta on regional and minority languages,
- when the State refuses to follow democratic request on territorial limits by the populations involved :

in the Basque country, despite requests by the majority of elected representatives, refusal to create a Basque country Département in order to align institutions to the Basque social reality.

in Brittany, refusal to implement a democratic reunification process of the Region Bretagne with the Département Loire-Atlantique, which had been separated by a decree of the Vichy government in 1941, despite a unanimous demand by the elected representatives of these two territorial institutions.

The inhabitants of Loire-Atlantique, who have been identified as Bretons for more than thousand years, are nowadays forced by all institutions, schools, and the media to adopt an new artificial identity.

To conclude,

1 - One can only repeat the fundamental demands of November 2001 by the CESCR:

- ratification of the European Charta for regional or minority languages,
- ratification of the European Framework Convention on minorities (France is one of the 3 last countries, with Turkey and Andorra, not to have signed it),
- removal of the reservations on article 27 of the Pact on civil and political rights and article 30 of the rights of children,
- add Protocol 12 of the European Convention on Human Rights (individual appeal against discrimination),

- the French Constitution must be modified in order to recognise the original diversity of the French Republic, in particular regarding languages, without domination by a particular group.

2 - In practice, this should imply :

- recognition of the right to use, educate, and teach in regional languages (i. e. the "immersion" teaching method),
- the right to use a regional language in public life in the territory involved,
- the right to public media, radio and television, in regional languages accessible to the communities and/or territories involved.

3 - About means and methods: proposal for a pragmatic approach

The Committee is concerned with the ideological blocks it observes in France and would like to find solutions to overcome them.

The report of France states that "**the French position does not exclude the right by overseas indigenous populations to have, among their own group, their own cultural life, to declare and practice their own religion or to use their own language. France prefers the statutory way for the acknowledgment of local idiosyncrasies**".

But what has the State done in practice to allow the implementation of that right, further than the general statement of a principle?

On some subjects, the French State can display pragmatism. The various statutes of different territories are an example (overseas departments and territories, Corsica, Alsace, Public Interest Grouping for Basque, Cultural Charta of Bretagne, Planning Contracts with the Regions etc.). However, in the cultural and linguistic fields, results remain trifling. The French State is well on the way to extinguish all linguistic diversity from its territory. And the newfangled concept of "national identity" will not be a help against globalisation, uniformity and deconstruction of society.

The CESCR should also demand to be advised speedily of the results of these negotiations and discuss them with representatives from the State, the relevant institutions and the NGOs. The lack of action by France since the 2001 recommendations requires a speedy response; otherwise the observations of the CESCR would become useless, which is not acceptable.

This would be the only way to avoid adding new tensions to the old ones, which will necessarily happen if the present blocking situation continues.

For EBLUL-France,

The delegates:

- **Tangi Louarn**, president, member of EBLUL board
- **Philippe ELSASS**, vice-president of EBLUL-France

(note N°1): it should be noted that the French translation of CESCR recommendation 26 differs widely from the original text. Whereas the CESCR recommends taking measures to improve teaching of and in regional languages (English text: "to improve education on, and education in, these languages"; Spanish text: "la enseñanza de dichas lenguas y la educación en ellas"), the French version only mentions the study and teaching of these languages (" l'étude et l'enseignement de ces langues").

It should be noted further that in § 15 the "lack of recognition of minorities" (la falta de reconocimiento de las minorías) becomes the insufficient recognition of minorities (" l'insuffisante reconnaissance des minorities).

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