



**Human Rights Council**  
**UNIVERSAL PERIODIC REVIEW**

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**FRANCE**

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**Submitted by:**

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**Brief description of ELEN**

ELEN is today the largest European-wide civil society umbrella organisation representing the 55 million people who speak a European regional, minoritised or endangered language. ELEN<sup>1</sup> was established in 2011 and currently represents **44 European regional, minority and endangered languages with 150 member organisations in 22 European States.**

**Recent UN CESCR statements on France**

**Committee on Economic, Social and Cultural Rights (2014)<sup>2</sup>**

Recommendation contained in paragraph 50 of the concluding observations (E/C.12/FRA/CO/3)

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<sup>1</sup> [www.elen.ngo](http://www.elen.ngo)

<sup>2</sup> [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fFRA%2f4&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fFRA%2f4&Lang=en)

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 recognize 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 recommendations formulated in its previous concluding observations (E/C.12/1/Add.72, para. 25) that the State party (a) 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 (b) 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.

### **Committee on Economic, Social and Cultural Rights (2016) <sup>3</sup>**

#### **Cultural and linguistic rights**

56. While mindful of the adoption of policies for the promotion of regional languages and the amendment in 2008 of article 75 (1) of the Constitution, which now states that “regional languages form part of the heritage of France”, the Committee finds it regrettable that the State party considers that those policies and the constitutional amendment do not constitute the recognition of a right or freedom for regional or linguistic groups or the indigenous peoples of overseas territories (art. 15).

**57. The Committee recommends that the State party recognize and promote the right of members of regional or minority linguistic groups and, in overseas departments and regions and overseas communities, of indigenous peoples to use their own language as one aspect of their right to take part in cultural life, not only in private, but also in public, in areas where regional languages are traditionally spoken. The Committee wishes to draw the State party’s attention to paragraphs 32 and 33 of its general comment No. 21 (2009) on the right of everyone to take part in cultural life.**

#### **ELEN Statement**

Contrary to what the French State has affirmed in its replies to the UN Committee on Social, Economic and Cultural Rights (see above), there is a profound difference between the official, francophone, identity, imposed on all citizens, and the identities associated with the 75 languages of mainland and overseas France, which are nevertheless just as much a part of the Republic.

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<sup>3</sup> [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=E/C.12/FRA/CO/4&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=E/C.12/FRA/CO/4&Lang=en)

It is symptomatic of official ideology that the imposition of a single language – French – and the long-sought-after and pursued policy of eradication of the other languages in the territory, is today phrased as "a right to the French language". Indeed, other languages, termed "regional" languages because of their association with various geographic entities, do not have a "right to language" and are even today subject to insidious pressures and deprived of the resources necessary for their transmission and development. Speakers of these languages or those wishing to recover the language spoken by their parents and grandparents, to pass it on to their children, or to adopt the traditional language of the area in which they've chosen to live, are often victims of real discrimination.

**In the area of education**, we note in particular the obstacles placed in the path of the development of associative regional language immersion schools - non-religious, free and open to all - despite their having been officially recognised after a long fight. These schools, along with ensuring a mastery of French (as can be seen in the excellent exam results of their students), allow students to become actively bi- or multilingual. Created by groups of parents in mainland France – among them Alsatians, Basques, Bretons, Catalans and Occitans – in the 1970s in a context of a complete absence of teaching in their own languages, these schools ensure the continued existence of these centuries old languages as languages of everyday life.

In 2016, the associative Diwan school of Lesneven, which provides a public service through immersive education in Breton to over a hundred students, is being asked by the Town Hall to pay five times its current rent for its new school building, thereby putting at risk its cost-free status and its very existence.

Further examples include:

- 1) in November 2014, the Mayor of Ciboure in the Basque country cut off the electricity at the Basque-language Seaska school;
- 2) in September 2014, the administrative tribunal of Limoges requested that the Occitan-language Calendreta school of Limoges repay a 47,000 Euro grant to the Regional Council;
- 3) in October 2013, the Chief Education Officer of Rennes prohibited the Regional Council of Brittany from inscribing the Republican motto "Liberty, Equality, Fraternity" in Breton alongside the French version in high schools.

**In the area of the media**, we note that, according to the official 2013 report of the State Councillor Rémi Caron, the 6 major regional languages of mainland France share 300 hours of public television per year, which works out to an average of only 50 hours per language per year.

**In the area of public life**, despite the decisions of democratically-elected assemblies, the State continues to oppose any form of co-official status for regional languages alongside French, whether it be in Corsica; for the languages of French Polynesia (State Council of June 13 2013); in the Basque township of Ustaritz (Pau administrative tribunal of January 27 2015); in the Breton township of Carhaix in the case of a request for a bilingual family booklet (by law of June 13 1803 put in place by First Consul Consul Napoléon Bonaparte and given as a ministerial reply at the National Assembly to written question n° 5552 – Official Journal of March 5 2013, p.2612).

**Legislation against racism and racial discrimination: linguistic discrimination is not yet recognised**

The draft law on equality and citizenship, up for debate in the National Assembly in June 2016, only considers equality and citizenship in the light of mastery of the single French language, and totally excludes other languages, including regional languages, despite these latter having been considered to form part of "French patrimony" since a constitutional reform in 2008, and despite their forming an integral part of social life in many parts of the country. An example of this exclusion is the situation in areas such as Guyana or Mayotte, where the goal of teaching the French curriculum - in French - is pursued, completely ignoring the language and culture of native peoples, with catastrophic results on both educational and social levels.

The conclusions reached by **Gay McDougall, UN independent expert on minority rights**, as laid out in her report on France in 2008, still apply today: *"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."*

French society remains deeply elitist and unequal. This is why it is necessary to repeat the European Commission against Racism and Intolerance's (ECRI) General Policy Recommendation n° 7,<sup>4</sup> in which it is stated that "racism is understood as meaning the belief that a ground such as "race", colour, language, religion, nationality or national or ethnic origin justifies contempt of a person or group of persons or the notion of superiority of a person or group of persons." This is also why, in its report of France published on March 1 2016, ECRI "is aware ... that a continuing shortcoming remains as far as language is concerned."

<sup>4</sup> [http://www.coe.int/t/dghl/monitoring/ecri/activities/GPR/EN/Recommendation\\_N7/default\\_en.asp](http://www.coe.int/t/dghl/monitoring/ecri/activities/GPR/EN/Recommendation_N7/default_en.asp)

## **ELEN RECOMMENDATIONS**

### ***Concrete Measures to combat linguistic racism and intolerance in France, towards a real recognition of linguistic and cultural diversity***

Civil society associations in France are calling for that seven concrete measures be put in place in order to reform the institutionalised system of domination by a central elite cut off from the territories it governs, and to evolve towards a democracy that is respectful of its people, their languages and their cultures. Such changes are necessary to put in place the conditions required for a sustainable development respectful of human rights, as outlined in UNESCO's Convention on the Protection and Promotion of the Diversity of Cultural Expressions.

**1. PROMOTE BILINGUALISM IN PUBLIC LIFE, giving CO-OFFICIAL STATUS TO REGIONAL AND TERRITORIAL LANGUAGES** alongside French in territories where such a desire is expressed by elected bodies and/or the population.

**2. RECOGNISE LINGUISTIC DISCRIMINATION IN EXISTING PENAL LAW**, as the Council of Europe's European Commission against Racism and Intolerance has recently recommended (report of the ECRI on France, March 1<sup>st</sup> 2016).

**3. PROVIDE PUBLIC FINANCING FOR IMMERSION SCHOOLS IN REGIONAL LANGUAGES** in order to make free education available to all families and students, whatever their origin, who choose to follow an education in the medium of a regional language, thereby supporting bilingualism and the creation of native speakers.

**4. GENERALISE THE TEACHING OF REGIONAL LANGUAGES**, culture, and history, as well as education about respect for cultural diversity in the French education system.

**5. AUDIOVISUAL MEDIA: ESTABLISH PUBLICALLY FINANCED PROGRAMMING OVER SEVERAL YEARS** to progressively attain a volume of production and broadcasting in regional languages, for example, a dedicated regional language public TV channel, that represents a significant portion of the public audiovisual media budget: for example, 10% over 10 years.

**6. FRENCH RATIFICATION OF THE COUNCIL OF EUROPE'S CHARTER FOR REGIONAL OR MINORITY LANGUAGES.** The ECRML acts as the benchmark treaty to ensure some protection for regional languages, it is also part of the Copenhagen criteria which EU accession states have to ratify in order to join the EU. France cannot continue with any credibility in any international forum on human rights when it is not taking the most basic measures to protect its own linguistic and cultural diversity and the language rights of regional language speakers.

**7. THAT THE FRENCH STATE REFERS TO THE NEW DONOSTIA PROTOCOL TO ENSURE LINGUISTIC RIGHTS FOR STANDARD SETTING.** The Protocol,<sup>5</sup> drafted by European civil society, sets the new standard for regional language rights for states regions and municipalities.

## **CONCLUSIONS**

Anti-regional language discrimination happens on an everyday basis in 21<sup>st</sup> century France - a form of discrimination, and a form of racism, dating from 19<sup>th</sup> century to the present. France claims to be a modern, pluralistic state that upholds fundamental human rights yet **anti-regional language discrimination is systemic within the French state and this form of discrimination has become institutionalized throughout the French administration.** One of the effects of French anti-regional language policy is that **most regional languages are now defined by UNESCO as severely endangered.**

**We hereby call on the French state, as a matter of urgency, to address the issues outlined above and to adopt and implement the ELEN recommendations.**

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<sup>5</sup> See: <http://protokoloa.eus/en/>