



EBLUL-France

**ELEN European Language Equality Network
REEL Réseau Européen pour l'Égalité des Langues**

Strasbourg, 9th July 2012

Languages and cultures because they are expressions of human beings and human communities, are equal in dignity and their speakers have equal rights.

Council of Human Rights United Nations

UNIVERSAL PERIODIC REVIEW

15th session: 21st January / 1st February 2013.

FRANCE

WRITTEN CONTRIBUTION of EBLUL-France

Member of the ELEN network, European Language Equality Network

Réseau Européen pour l'Égalité des Langues (*)

Registered association of associations of the Magistrates' Court of Strasbourg, governed by Articles 21 to 79 of the local Civil Code. Creation Date: June 30th, 1984 - recorded on September 28th, 1984

Special Consultative Status by the Economic and Social Council United Nations (1997)
Participatory status by the Council of Europe

Member of the platform of civil society of the Fundamental Rights Agency of the European Union.

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Related sites : www.eblul-france.eu - <http://deompdei-kemper2012.org/> -
<http://www.languesregionales.org/> - <http://www.federacio.cat/> - <http://www.ieo-oc.org/> -
<http://site.voila.fr/alsacezwei/> - <http://www.deiadar.org/>

(*)The European Network for Equal Language has replaced the previous European Bureau for Lesser Used Languages.

EBLUL-France

Objectives:

The objective of EBLUL-France is to protect and promote linguistic and cultural rights, individual and collective, speakers of languages of France, for respect for human rights, democracy, within the conventions of Council of Europe and the United Nations.

Actions:

EBLUL-France establishes links between organizations and with European and international bodies, disseminates information, gathers initiatives and contacts with the authorities at all levels to achieve its objectives.

EBLUL-France is currently head of the network for the European Language Equality Network.

EBLUL-France works with the State Government, the European authorities and international institutions and in particular the United Nations.

EBLUL-France has organized various events including:

- Forum by 450 delegates from all over France at the UNESCO House in Paris in 2000 for the European Charter for Regional or Minority Languages,
- Symposium "Regional or Minority Languages in the Republic" in 2002 in Rennes under the elections for the presidency of the Republic,
- Symposium "The European Charter for Regional or Minority Languages and France: which language (s) for the Republic ? : The dilemma of "diversity / uniqueness" at the Robert Schumann University in Strasbourg, with the Council of Europe (in 2002),
- Roundtable on Linguistic Rights under the preparation of the Convention on Cultural Diversity at the first UNESCO World Forum on Human Rights in Nantes (in 2004),
- European Symposium "Partnership For Diversity" on linguistic diversity and European citizenship in 2010 in Lorient, with the participation of experts from the United Nations and Council of Europe,

Interventions to the United Nations:

- reports and interventions to the Committee of the Covenant on Economic, Social and Cultural Rights (2001, 2007, 2008), at the Geneva Forum on Cultural Rights in 2008,
- report and response to the Committee on the Elimination of All Forms of Racial Discrimination in 2005,
- Contribution to report on France by the independent expert on minorities in 2007,
- Participation in the forum on Minorities in Geneva in 2008 and 2009

Members:

EBLUL-France brings together the major organizations of the languages in France represented by their federal or coordination structures.

Languages representatives, members of EBLUL-France:

- l'Institut d'Études Occitanes / Institute of Occitan Studies for Occitania
- Kevre Breizh, Federal Coordination of cultural associations in Brittany
- Culture and bilingualism in Alsace and Moselle /René Schickelé-Gesellschaft,
- Federació d'Entitats per la Defensa de la Llengua i la Cultura Catalanes
- Parlemu Corsu, Collective of Corsican associations and cultural groups,
- Euskal Konfederazioa, Confederation of associations and federations for the Basque language,
- The Federation Defence and Promotion of Oil Languages,
- Mama Bobi, Interculturality and Citizenship (Guyana),
- Institute of Languages and Cultures of the Maroons (Guyana),

Actions of the Collective on 31st March 2012.

EBLUL-France and its members have established the **Collective of March 31st, 2012**, which mobilized more than 60,000 demonstrators at the time in different cities in France to gather as much after a major awareness campaign with candidates to the Presidency of the Republic and elections to the National Assembly on the theme:

"Our languages, our cultures = a right, a law"

in order to obtain :

- **A modification of the French** Constitution to recognize the diversity of languages within the Republic,
- **The ratification of the European Charter for Regional or Minority Languages** by France as a democratic reference to all European countries,
- **A framework law** for adopting the legal, regulatory or contractual dispositions tailored to each language according to its situation and up to a co-official status with French.

The Association of Regions of France (ARF) which includes the elected regional councils throughout France supports the group and its objectives.

EBLUL-France:

- President: Tangi Louarn (Kevre Breizh)
- General Secretary: Étienne Roux (Institut d'Estudis Occitans)
- Treasurer: Philippe Elsass (Culture and Bilinguism /René Schickelé-Gesellschaft)
- Vice-presidents : Jean-Marie-Woehrling (Alsace-Moselle), Patrig Herve (Brittany), Anne-Marie Leccia (Corsica), Paxkal Indo (Basque Country) Michel Gautier (domain of Oïl), Gérard Guillemot (Interculturalities, Guyana), Tom Dinguïou (Maroons of Guyana).

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« Un pays devrait être jugé à la façon dont il traite ses minorités »

« A country should be judged on the basis of how it treats its minorities ». Gandhi.

UNIVERSAL PERIODIC REVIEW – 15th session WRITTEN CONTRIBUTION ON THE REPORT BY FRANCE

Presented by EBLUL-France

This contribution focuses on recommendations to France by the Council of Human Rights of 2008 on "minority rights" in the cultural and linguistic areas. These are essentially recommendations Nb 3, 5, 10, 12, 28, 29, 33 and additional commitments on participation of civil society.

- Recommendation Nb 3, 29 and 33: a non-recognition of minority rights.

France no longer denies the existence of minorities today. It nevertheless continues to assert, against all evidence, that the French concept based on "equal rights of citizens which implies non-discrimination, unity and indivisibility of the nation" would be able to guarantee the same rights and freedoms to all citizens and especially those who belong to minority groups.

This assertion is far from being "a particularly demanding conception of human rights" as stated by France on 2nd April 2008 in its response to the Committee on Economic Social and Cultural Rights of the United Nations in its report on the implementation of the Covenant. Quite the contrary, since this conception of "republican equality" is what legitimizes cultural, territorial and social discriminations. It is not only a smoke screen but also a disregard for international organizations responsible for defending the human rights and a total negation of the right to existence of different communities of the dominant monolingual Francophone community. And the Committee of the Covenant had pointed to France, from the 2001 report, that "equality before the law does not mean that minorities do not have the right to exist and to be protected as such in the State party" and that "equality before the law is not always adequate to ensure the equal enjoyment of human rights, and in particular economic, social and cultural rights, by certain minority groups in a country."

Indeed, most of minority groups in France, can be called "minority peoples" or "indigenous peoples", militarily conquered most often either in the territories called "metropolitan" or territories from overseas. Due to the French conception of equality and "the uniqueness of the French people" (see in particular the decision of the Constitutional Council of 15th June 1999 opposed to the ratification by France of the European Charter for Regional or Minority Languages), they cannot fully enjoy their cultural and linguistic rights in accordance with Article 27 of the Covenant of civil and Political Rights, Article 30 of the Convention on the Rights of the Child, articles 13, 14 and 15 of Covenant on economic, Social and Cultural Rights concerning the right to education and the right of everyone to culture while respecting their cultural identity.

History shows that since the period of "Terror" in 1793 and the report of the Abbot Gregory on "the need to annihilate the patois and universalize the sole use of the French language," to the late 1970s and the election of François Mitterrand in 1981, a policy of repression and exclusion of regional languages and cultures has always been conducted, particularly in education, military, media and public life.

Despite some tolerance since 1981, which contributed to a limited decentralization, increasing the role of locally elected bodies, the Constitutional Council held that the European Charter for Regional or Minority Languages "in that it confers specific rights to" groups "of speakers of regional or minority languages, within

the" territories "in which those languages are spoken, violates the constitutional principles of indivisibility of the Republic, of equality before the law and of uniqueness of the French people"; that it is contrary to Article 2 of the Constitution "the language of the Republic is French ", voted June 25th, 1992, the same day the Council of Europe adopted this Charter.

Recommendation Nb 29: an unnecessary constitutional amendment, a denial of rights for languages other than French on the territory.

More specifically in response to Recommendation No. 29 is quoted the constitutional amendment obtained on July 23rd, 2008 inserting Article 75-1 which states: "regional languages belong to the patrimony of France."

1) A constitutional amendment which does not create a law.

By decision No. 2011-130 QPC from May 20th, 2011, the Constitutional Council considers that "this article does not establish a right or a freedom guaranteed by the Constitution." By rejecting the argument that the provision of the Education Code, which allows the teaching of regional languages at the discretion of school administration and local government, it considers that this provision does not create an obligation for legislature to take measures in favour of regional languages.

2) A very negative discussion on a draft law on regional languages in the Senate.

One of the many draft laws on regional languages, filed by Senator Navarro from the work of a parliamentary intergroup has been an initial discussion (1:30) in the Senate on June 30th, 2011. Rejecting one to one each of the 58 items in this draft law, the rapporteur of the Culture Committee considered that it was not legally possible under the constitutional principles of protection of the French language, uniqueness of the Republic and guarantee of equality, nor useful to take protective measures in favour of regional languages, the current framework being, in his opinion, sufficient (although in law there is no protective provision of regional languages).

The Government shared this view <http://www.senat.fr/rap/l10-657/l10-657.html>

3) Judicial decisions unfavourable to regional languages

Several court decisions have shown the negative consequences of the lack of legal framework for regional languages. Illustrative in this respect is an administrative court judgment of Montpellier on 12th October 2010 which outlaws the display by a municipality to enter the town, in addition to its official name, followed by versions in regional languages, including on the grounds that such a display would be a danger to road safety. However, a judgment of May 24th, 2012 from the Administrative Court of Appeal of Marseilles overturned that decision.

But the right to language does not exist. And for the same pretext of "security" the Prefect of the Brittany Region objected by letter dated June 27th, 2011 at the joint request of the city of Quimper and the Finistère Council to set up bilingual signs on an exchanger road.

In addition, two judgments of administrative courts in Bordeaux on 23rd February 2010 and in Nancy on January 27th, 2011 reiterated the lack of right of parents to obtain the creation of a regional language teaching or educational continuity in the teaching.

4) Threats on bilingual joint education

In the Alsace region, the education authority announced plans to experiment and develop a method of traditional teaching of the German regional language at a rate of 8 hours a week instead of bilingual joint French German (12h / 12h) in the respective languages. This new direction seemed to announce a decline in the consideration of education in regional languages. We must remember that in the current legal framework, the school administration has discretionary where and how it agrees to implement a regional language education. In the absence of consideration by the law of diplomas and training for teachers in regional languages, these teachers are largely insufficient in number. When such teachers exist, but with foreign degrees as in Alsace, the administration refuses to recognize those diplomas and permanent appointment of these persons in contempt of court decisions.

Recommendation Nb 28 :

Adopting specific measures to ensure the protection of economic, social and cultural rights of all components of the society.

-1- Only one component is recognized

By definition, in France, there is no "components". There is only one component, the French people speaking French and from French culture. To reinforce this ideology, it has even been created the famous "Ministry of Immigration, Integration, National Identity and Solidarity Development" and "a great debate" was organized by the State and all the Prefectures under the Presidency of Mr Sarkozy.

We must remind that by Decision No. 91-290 CC of 9th May 1991, the Constitutional Council rejected the very notion of "the Corsican people component of the French people" and declared unconstitutional the Article 1 of the Law on territorial status of Corsica as follows:

"The French Republic guarantees to the living historical and cultural community that is the Corsican people, a component of the French people, the rights to preserve its cultural identity and to defend its economic interests and social needs. Those rights associated with the insularity are exercised in respect of national unity, under the Constitution and laws of the Republic and of this Statute. "

-2- Languages discrimination

The Republic was ethnicized by Article 2 of the Constitution stating that "the language of the Republic is French", and Article 1 of the law of August 4th, 1994 which also states that "the French language is a fundamental component in the personality of France."

Regional languages cannot therefore constitute elements of identity such as French, nor a right, but only a museum heritage owned by France at its whim.

-3- School discrimination of minorities

In Brittany, as in Occitania, bilingual associative schools operating in regional language are financially supported by the State only after five years of existence. The law is opposed to taking proper care of their school buildings by local authorities. This situation is contrary to Articles 13 and 14 of the Covenant on Economic, Social and Cultural Rights (free compulsory education - see also Article 5c of the UNESCO Convention on the fight against discrimination in education, ratified by France).

-4- Welfare discrimination.

The Family Allowances Fund (CAF) of the Department of Ille-et-Vilaine in Rennes could remove social supports for children for a leisure center (CLSH) in Breton and the family allowance fund of Morbihan opposed to opening a nursery in Breton, on the grounds that the activities in the minority language, precisely made to allow its use would be discriminatory against users of the French language majority. In a letter dated February 5th, 2007 the Family Allowances Fund of Morbihan states that "the use of Breton in childcare as a barrier to universal access for families to that host: failure to respect this principle bases the refusal to finance the investment of this project by the CAF of Morbihan." So those are the victims of discrimination that CAF accused of discriminatory practices by denying welfare benefits solely for the use of a minority language, where that language has been the traditional language of the inhabitants of the region for centuries.

(See report by EBLUL-France in 2008: http://www2.ohchr.org/english/bodies/cescr/docs/info-ngos/EBLULFrance40_fr.pdf)

-5-Discrimination in the media.

The place of regional languages, but also of the regional expression remains very low in the media. In a highly centralized system like France, where 70% of journalists are in the Paris region, there is no

regional television. France 3, the "chain of regions" is primarily a Parisian television with some regional "stalls".

For example, the 4-minute-30-daily news in Breton at lunch time on France 3 Bretagne and the weekly sending (52 minutes) on Sunday morning are removed in summer. For economic reasons, France 3 Bretagne suspends from September 2012 the production of the only weekly program for children in Breton and replaces it with reruns. This is contrary to Article 15 of the Covenant on the right of everyone to participate in cultural life, with regard to linguistic minorities.

-6- Administrative boundaries impeding the enjoyment of rights.

The Department of Loire-Atlantique, a Breton territory for over 1000 years with the city of Nantes, the capital of the former Duchy of Brittany was separated from the Brittany region by a decree of the Vichy regime of June 30th, 1941. The people of Loire-Atlantique, including youth, are subjected to constant propaganda aimed at creating a new identity called "Ligerian" and to erase all traces of Breton identity in defiance of history and culture. The Basques of the French territory have no administrative entity to own that they can manage with respect to their collective life including economic, social and cultural.

As the magistrate from Nantes Yvon Ollivier wrote in "The French Disunity, essay on the otherness within the Republic" (L'Harmattan, Paris 2012): "French law deprives us of the space in which our cultural rights would find to be accomplished. It appears as foreign, unequal and in addition oppressive as it faces large conventions protecting cultural rights and represents the most insidious form of domination consisting in ignoring otherness, in acting as if "the other" did not exist."

Recommandation Nb 10:

Passing a law banning incitement to religious or racial hatred

The provisions relating to defamation or insult public grounds of origin do not apply to cultural communities or speakers of regional languages and when those same people are insulted because of their origin (for example, in 2006, a song by the singer Berroyer to mock the Bretons so rude and insulting, likening Breton children to swine or offensive writings against the Corsicans), the courts do not sanction these practices:

Whereas there are no ethnic group or nation, no race, no religion called "Corsican"; whereas the article in question does not fall within the scope of the above mentioned provisions of the Act of 29th July 1881 "- law on Freedom of the press. (Court of Appeal of Saint-Denis de la Reunion, March 11th, 1999, Philippe Hersant).

Recommandation Nb 12:

School Programs, colonialism and slavery.

It is not enough to make a work of selective memory for a clear conscience. France must call into question his colonial vision consisting in seeing themselves as superior to other nations. The conquest and the assimilation of the peoples of France, obscuring their histories, their cultures were only the beginnings of colonialism. School programs must restore their history to the peoples and to the people. Some other dark pages of history should be taught: Algeria, Madagascar, Cameroon, crimes against humanity and ethnocides against the regional languages and cultures to psychological and social transgenerational consequences still hidden (Pierre Bustany, neuropharmacologist at the CHU in Caen explores how a family trauma can be transmitted across generations; Jean-Jacques Kress, Professor of Psychiatry at the CHU Hospital in Brest, conference on the theme "Which School for Brittany": "pathology of the disappearance of minority languages" by the Cultural Institute of Brittany in 1988).

Additional commitments

§ 1, 2, 3, 4, 5, 6 – Organizing consultations with representatives of civil society in the field of human rights.

As Ms. Gay McDougall, the Independent Expert on Minorities in the United Nations, wrote in her report on France in 2008: "despite the existence of an important anti-discrimination legislation, members of minority communities in France are victims of real racial discrimination rooted in attitudes and institutions. Political refusal to recognize the problem has hindered the adoption of measures to ensure implementation of relevant legislation and to correct the complex inequalities that have settled "(1).

Also, it would be appropriate for representatives of minority groups and especially the NGO EBLUL-France defending the rights of non-recognized cultural groups as such, to be members of the National Consultative Commission on Human Rights.

France has still not submitted its 2007/2011 report to the CESCR

The fourth report that France should submit by June 30th, 2011 under the Covenant on Economic, Social and Cultural Rights is still not available. EBLUL-France which has submitted alternative reports, oral and written in 2001, 2007 and 2008, was not informed nor consulted. Does France once again fear to face its contradictions? Or is France above human rights?

A new President, a new Senate, a new Assembly: changes expected with the help of the Human Rights Council.

With the mobilization of supporters of regional and cultural diversity in France, with more than 60,000 demonstrators in various cities in France on March 31st, 2012, with changes in majority in the Senate and National Assembly more favourable to the recognition of languages and cultures diversity, with the commitment of Francois Hollande, President of the Republic, to amend the Constitution and to ratify the European Charter for regional or Minority Languages, changes are expected.

In response to the displayed contempt and the form of obscurantism which opposes French to regional languages, refusing multilingualism specific to many countries worldwide, encouraging openness, human development and dynamism in all areas, the population attached to its languages and cultures, and all those who aspire to democracy and human rights appeal to the Council's support of human rights. France must finally consider themselves a nation like any other, subject to the same universal rights.

<http://www.jean-jaures.org/Publications/Les-essais/Langues-et-cultures-regionales-en-finir-avec-l-exception-francaise>

http://deompdei-kemper2012.org/index.php?option=com_content&view=article&id=74%3AAla-france-et-la-negation-des-droits-culturels-humains-fondamentaux&catid=43%3Adocuments&Itemid=78&lang=fr

(1) « "The French Republic has failed in the field of equality. We are not equal in the cultural, social and territorial fields. Our minority languages and cultures are despised by the right. Our regional territories are secondarised by a spoiling Paris, the extension of which no longer meets any opposition. Here we are condemned to second-class careers for our children, unable to pay their studies in Paris these great schools which monopolize the seats in colleges. And France crashes within a pyramidal society, at the top of it, the Republican and widely Parisian elite, and below, the vast provincial middle-class, working for the first category and monitoring excluded from the third and final category. Cruel irony of history for the nation that has built everything on egalitarian aspiration! Here rises the French disunity.

From an article by Yvon Ollivier, magistrate, author of "The French Disunion", in "the Breton people" magazine, June 2012.

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