

## FRANCE

### Call for input to the report of the Special Rapporteur on minority issues to the UN General Assembly on institutional arrangements of States that enable minority rights to flourish

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Tangi LOUARN, vice-president ELEN [tangi.louarn@wanadoo.fr](mailto:tangi.louarn@wanadoo.fr)

1. **Do you consider the interests of persons belonging to minority groups appropriately taken into account in your country? If yes, how? If no, why?**

The interest of persons belonging to minorities, especially linguistic groups, are not appropriately taken into account at all in mainland France and overseas.

First of all, France has not ratified article 27 of the International Covenant on Civil and Political Rights nor article 30 of the Convention on the Rights of the Child.

On European level :

- France has signed but not ratified the European Charter for Regional or Minority Languages (1992)
- France is the only Council of Europe State with Turkey (+ the principalities of Monaco and Andorra) to have neither signed nor ratified the European framework convention for the protection of national minorities (1995)

In 1992, when the European Charter for Regional or Minority Language was being adopted, an amendment was introduced into article 2 of the french Constitution declaring that **“the language of the Republic is French”**.

Thus after that left-wing Prime Minister Lionel Jospin signed the Charter on May 7, 1999 with the aim to ratify the Charter, the Constitutional Council declared on June 15, 1999:

**“Considering, on the one hand, as article 1 of the Constitution proclaims: “France is an indivisible, secular, democratic and social Republic. It ensures equality before the law for all citizens without distinction of origin, race or religion. It respects all beliefs ; that the principle of unity of the French people, of which no section can claim the exercise of national sovereignty, also has constitutional value”;**

**“Considering that these fundamental principles oppose the recognition of collective rights to any group, defined by a community of origin, culture, language or belief”,**

**conferring “specific rights to groups of speakers of regional or minority languages within territories in which these languages are practiced, infringes the constitutional principles of indivisibility of the Republic, equality before the law and uniqueness of the French people”;**

so, the Constitutional Council declared the European Charter for Regional or Minority Languages is against the Constitution and cannot be ratified.

But, in fact it recognize the rights of french speakers only but not the rights of speakers of indigenous regional or minority languages in France.

**The Cerquiglini report established at the time of the request for ratification of the European charter for regional or minority languages identified 75 languages in mainland and overseas territories but none have official status and they are practically all in danger of disappearing in the more or less long term depending on the UNESCO.** For example, Breton in Brittany at western part of France, a Celtic language close to Welsh and Cornish in Great Britain, was spoken by around 1.5 million people at the start of the 20th century and is now only spoken by around 200,000 people, especially elderly people at the start of the 21st century.

The situation of other regional or minority languages is similar to varying degrees. Since the period of the Terror in France in 1794 a policy has been pursued to eradicate regional or minority languages considered inferior (known as "patois") and against France and the Revolution. Languages other than French were banned in schools and in public life. Children often suffered violent punishment systems at school for speaking their language (as shown by numerous surveys and testimonies and in particular the thesis of Rozenn Milin at the University of Haute Bretagne in Rennes in 2022 (“*du sabot au crane de singe, Histoire, modalités et conséquences de l’imposition d’une langue dominante.*” - “From the hoof to the monkey skull. *History, modalities and consequences of the imposition of a dominant language*”). She said : “There was indeed a clear desire in France to eradicate languages other than French, from the period of Terror under the Revolution. The school

was, not the cause, but the tool which made it possible to implement this design, with its cohort of punishments and methods based on humiliation and stigma.”

However, in 1951 a law was voted allowing regional languages to be used at school if useful to learn French. Without much effect. Since the middle of the 19th century, numerous movements in all territories have demanded recognition of their languages without success given the opposition of the central power in Paris. So it was until 1969 that a movement began to create schools in indigenous languages of the territories by activists of the population itself with the aim to become bilingual in regional language and french, first in the Basque Country (Seaska schools, said Ikastolak), then in Catalonia (Bressola) in 1976, in Brittany (Diwan) in 1977, in Occitania, a third of France in the South (Calandreta) in 1980, and later ABCM in Alsace, and Scola Corsa in Corsica...Different movements work also in overseas territories as there are links for a long time between the different territories.

These movements were favored by the decentralization laws of 1982 which partly democratized the management of the territories by partly replacing the prefects of the departments and regions appointed by the central State by elected representatives of the territories for a certain number of jurisdictions (competences).

So the struggle for regional languages developed in the different territories and gradually the legislation evolved thanks to Parliament and a few favorable ministers of education as Jack Lang or François Bayrou, himself occitan speaker, until bilingual education was recognized in the law in 2013.

Before, in 2008 the National Assembly and the Senate adopted a modification of the Constitution by an article 75-1 which declares that **“regional languages belong to the heritage of France”**. But the Constitutional Council decided in 2011 that **“this article does not establish a right or a freedom that the Constitution guarantees”**.

Only a small number of pupils (121 000 - <https://www.flarep.com/cartes> ) can receive bilingual education or learn their territorial language and only 11% (about 15 000) of them in immersion schools or classes according to the report of deputies Christophe Euzet and Yannick Kerlogot to the first minister in 2021 after that the Constitutional council canceled an essential part of the law known as the Molac law relating to the heritage protection of regional languages and their promotion of 21 of May 2021.

While this law on regional languages was adopted by a very large majority by the Senate and then the National Assembly (247 votes for, 76 against and 19 abstentions), the Minister of National Education Jean-Michel Blanquer, coming from the high state administration strongly opposed this law after reducing the place of regional languages in education.

He then asked 61 deputies to refer the matter to the Constitutional Council which censored the most important advances and in particular the teaching in regional languages allowing the use of these languages in the life of schools

This decision was the subject of a communication dated May 31, 2022 to the French government by the three Special Rapporteurs on minorities, on cultural rights and on the right to education who fear significant attacks on the human rights of linguistic minorities of France.

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

But this is of course not the first time that France has been questioned about its policy concerning the rights of minorities which it still refuses to recognize despite requests reiterated many times, notably by the Committee on Economic, Social and Cultural Rights in particularly in 2001, 2008 or even 2016

On 13 July 2016, the Committee declared in its concluding observations

#### **« Recognition of minorities**

« 14. While noting that the State party is of the view that the recognition of minority groups or collective rights is incompatible with its Constitution, the Committee reaffirms that the principle that all persons are equal before the law and the prohibition of discrimination are not always sufficient to ensure that members of minority groups are able to exercise their economic, social and cultural rights. Moreover, the Committee considers that the proper recognition of ethnic and cultural minorities does not undermine cohesiveness or national unity but, on the contrary, reinforces them (art. 2 (2)). »

« 15. The Committee recommends that the State party consider revisiting its position regarding minority groups and officially recognize the need to protect the cultural rights of all minority groups. The Committee therefore reiterates the recommendation which it made in that connection in its preceding concluding observations »

#### **« The right to education in overseas departments and regions and overseas communities**

« 53. The Committee takes note with concern of the difficulties encountered in exercising the right to education in overseas departments and regions and overseas communities. In particular, the Committee observes that the long distances that indigenous children in French Guiana must travel to school limits their access to education or prompts them to drop out of school. The Committee is also concerned by the fact that many children have never attended school and by the high dropout rate in Mayotte. In addition, the Committee is concerned by the fact that little effort has been made to adapt the content of school curricula to overseas cultural environments. »

## « 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. »

**2. Are there institutional arrangements that guarantee (or facilitate) effective political representation of persons belonging to minorities? For example, a Second Chamber in Parliament, the federal structure of the State, specific “minority institution” (such as a Council of Minorities or a dedicated Ombudsperson, or electoral mechanisms (quotas, separate lists for minorities).**

France is not a federal state. It remains a very centralized state. There are advisory councils for religions, for example

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But there is no minority council or other body such as an ombudsperson on minority issues. On the linguistic level for the teaching of regional languages, there are academic advisory councils at the territorial level without any power.

In certain regions, for a few years, public offices for the development of the language have been created by Councils of regions or local authorities with a small state participation: in the Basque Country, in Brittany, in Occitania, in Catalonia. But they have no legislative or regulatory power.

French Polynesia and Corsica have special statuses. But their powers remain limited, particularly in the field of languages, French still remaining the only language recognized in public life and co-officiality being rejected by the Constitutional Council, the Council of State and the administrative courts.

In Parliament, deputies created a working group of more than 100 deputies on regional languages and cultures to lobby the government.

**3. Are there minority issues insulated from (or not subject to) State authorities' decisions (including the Parliament)? (For example, constitutional guarantee; political/traditional agreement; competence on minority issues at a regional level, where the persons belonging to a minority represent the majority of the population).**

The congress of elected officials of Guyana adopted on April 13, 2024 the resolution on the representation of indigenous peoples in the future autonomous community by 30 votes to 27.

**4. Are there institutional arrangements and/or political practices that de facto exclude persons belonging to minorities from effective participation in decisions at the national – and, where appropriate, regional level – concerning the minority to which they belong?**

Each time there are reforms or new laws or regulations, the rights of linguistic minorities, not recognized as such, are not consulted, when they are not sidelined. Associations that defend their rights must intervene with their elected representatives to even maintain the provisions that were won.

For example, in the spring of 2024 the Ministry of National Education decided, contrary to what had been won before, that a school certificate would be presented only in French to students who wished to write in their regional language. The students still had to protest strongly to maintain equality with their French-speaking colleagues.

More generally, local authorities (Regions, departments, municipalities) which represent linguistic or cultural majorities at the local level have no power over most of the decisions taken by the State at the central level.

**5. Are there legal, administrative or other barriers that prevent persons belonging to minorities to participate effectively in cultural, religious, social, economic or public life?**

People belonging to linguistic minorities in France cannot fully enjoy their linguistic and cultural rights due to articles 1, 2 and 3 of the Constitution which do not recognize the right to use their language in public life or in the life of the school because of the uniqueness of the French people and that no part of the people can be different.

-The 2018 law on the opening of new schools made it very difficult to open associative immersion schools in regional languages.

- In bilingual public classes, teachers are not authorized to teach more than 12 hours per week in regional languages, without any consideration of pedagogical reasons.

- In associative immersion schools, the ministry of education declares also that 12 hours per week in regional language is also the maximum authorized and that school life must be held only in French due to the decision of the Constitutional Council.

- In the local authorities of French Polynesia, Corsica, Catalonia and Martinique, the Council of State and the administrative courts have canceled the deliberations of the elected councils which provided for the possibility of expressing themselves in their territorial languages and the co-officiality of these languages with French.

**6. What are the benefits and/or challenges of recognizing and granting sectoral (for example, concerning sectors like education) or territorial autonomy to minorities**

**Territorial autonomy is fundamental for minorities, particularly for languages. Thus, it has been noted that autonomous regions such as the Southern Basque country on the Spanish side or Wales in Great Britain conduct policies which make it possible to safeguard and develop their own languages while ensuring the multilingualism of the speakers. It is a question of democracy and respect for the equal dignity and rights of all human beings. It is also a question of freedom of expression and thought – especially when the artificial intelligence is growing - as well as sustainable human development for the benefit of present and future generations as affirmed in the UNESCO Universal Declaration on Cultural Diversity.**