

RESOLUTION GA 2024 BILBO

Kevre Breizh, Diwan

That ELEN calls on the French Government to amend the French Constitution to recognize the rights of France's linguistic minorities.

On May 31, 2022, the special rapporteur on minority issues, the special rapporteur in the field of cultural rights and the special rapporteur on the right to education questioned the French government on censorship by the Constitutional Council of the law relating to the heritage protection of regional languages and their promotion voted on April 8, 2021 by the National Assembly by a very strong majority (247 for, 76 against). (OL FRA 3/2022)

The three special rapporteurs of the Human Rights Council feared “that the adoption and application of this decision could lead to significant attacks on the human rights of linguistic minorities in France. »

In fact, the Constitutional Council had censored article 4 of the law authorizing immersive teaching in a regional language "a method which is not limited to teaching this language but consists of using it as the main language of teaching and as a language of communication within the establishment". Knowing that according to this article 4, mastery of French is perfectly assured.

On the other hand, the Constitutional Council had censored article 9 allowing the use of diacritics of regional languages to spell the names of people in the civil register.

This censorship was decided, against the parliamentary majority, under the aegis in particular of article 2 of the French Constitution: "the language of the Republic is French", dating from June 1992 at the very time when the Council of the Europe adopted the European Charter for Regional or Minority Languages which it ended up signing under the left-wing government of Lionel Jospin on May 7, 1999, but which the Constitutional Council had already censored on June 15 in the name of "equality and of the indivisibility of the Republic" and the “principle of unity of the French people”. Principle created from scratch which does not appear in the Constitution.

In fact, the French central power in France and in the so-called overseas territories has, particularly since the period of the Terror in 1793, and under different regimes, led a policy of eradicating languages other than French. , manifested by the famous report of Abbé Grégoire in 1794 on “the necessity and means of annihilating patois and universalizing the use of the French language”. This policy resulted in the banning of different territorial languages at school and abuse against children who spoke their own language.

By making French the only “language of freedom”, the French central government adopted a racist principle, as denounced by the European Commission against Racism and Intolerance (ECRI) in 2015 in its report on France.

It was not until a law in 1951 that 4 languages, Breton, Basque, Catalan and Occitan, saw the doors of the school open before gradually extending to the 75 other languages recorded in all the territories dominated by Paris in the world.

Progress has been made under pressure from different peoples and linguistic communities, in particular through the creation of their own schools and the action of parents or teachers, regional or local authorities.

The Council of State and the administrative courts annul the deliberations of the local authorities of French Polynesia, Corsica, Northern Catalonia (Eastern Pyrenees), and Martinique which allow the official use of their own languages alongside French.

The policy still carried out by the State, despite the laws and signed agreements, inevitably leads to the progressive disappearance of the linguistic diversity of all territories and the forced assimilation of the different “minorities”.

As she asserts in particular to the Committee on Economic, Social and Cultural Rights, “France does not recognize within itself the existence of minorities having as such collective rights enforceable in its legal order” (April 2, 2008, §331),

Thus, France still violates most of the international texts that it has adopted or ratified, starting with articles 1 and 2 of the Universal Declaration of Human Rights of 1948 which affirms that “all human beings are born free and equal in dignity and rights” ... “without distinction of any kind” particularly as to language.

We will also remember

- article 2 of the International Covenant on Civil and Political Rights and its article 27 on the rights of minorities,
- article 2 of the Covenant on Economic, Social and Cultural Rights and its articles 13 to 15 on the right to free education and cultural rights
- the international convention on the rights of the child, article 2 and articles 28 and 29
- the UN Universal Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities.

UNESCO conventions:

- the international convention against discrimination in education (1962) and article 5c
- the UNESCO convention for the safeguarding of intangible heritage (2003)
- the UNESCO convention on the protection and promotion of the diversity of cultural expressions (2005)

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Council of Europe:

- The European Convention for the Protection of Human Rights and Fundamental Freedoms and Article 14 on non-discrimination, particularly as to language (1950)
- The European Charter for regional or minority languages (1992)
- The European Framework Convention for the Protection of National Minorities (1994)
- The Charter of Fundamental Rights of the European Union (2000)

This is why France refusing the recognition of the rights of its different components in the name of a supposed and theoretical "uniqueness of the French people" of uniquely French language and culture according to its constitution, violates the fundamental texts recognized internationally. .

We therefore call on France to adapt its Constitution to the recognition of all fundamental human rights, including the rights of minorities.