



Submission to the Office of the High Commissioner for Human Rights

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Human rights violations caused by the concept of “an indivisible republic” in France

Unrepresented Nations & Peoples Organization (UNPO)

The **Unrepresented Nations and Peoples Organization (UNPO)** is an international movement, and membership-based organization established to empower unrepresented and marginalized peoples worldwide and protect their fundamental rights, particularly their right to self-determination. The peoples represented within the UNPO membership are all united by one shared condition: they are denied equal representation in national or international governance institutions. Consequently, their opportunity to participate nationally or internationally is limited. They struggle to fully realize their rights to civil and political participation and control their economic, social and cultural development. In many cases, they are subject to the worst forms of violence and repression. In France, the UNPO’s membership includes the peoples of Brittany and Savoy. www.unpo.org

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I. Introduction

This submission provides additional information on the implementation human rights in the Republic of France (“France”), in particular the right to self-determination expressly enshrined in Article 1 of the International Covenant of Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR), and as further defined by the UN’s human rights treaty bodies.

The focus of the submission is the detrimental impact towards human rights caused by the prioritization in France of constitutional principle of “an indivisible republic” over human rights.¹ Through this prioritization, France commits a series of human rights violations, both civil and political and economic, social and cultural in nature, against its constituent peoples, in particular its ethnic, religious and national minorities.

II. Self-Determination under the International Human Rights Treaties

Article 1 of both the ICCPR and the ICESCR guarantee the right to self-determination. The right guarantees that “[a]ll peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.” Furthermore, “[a]ll peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence.”

This right has been further defined by the various treaty bodies of the UN human rights treaties, as encompassing a broad range of guarantees, not only at the international level with regards to statehood, but also within states in terms of political organization, structures and protections. For instance, General Comment No. 12 of the Human Rights Committee states that “[t]he right of self-determination is of particular importance because its realization is an essential condition for the effective guarantee and observance of individual human rights and for the promotion and strengthening of those rights.” Thus, the Human Rights Committee requires states, in their States parties’ reports to “describe the constitutional and political processes which in practice allow the exercise of this right,” to “indicate any factors or difficulties which prevent the free disposal of their natural wealth and resources” contrary to Article 1 of the ICCPR, and to report on efforts “to take positive action to facilitate realization of and respect for the right of people to self-determination.”²

Similarly, the Committee on the Elimination of Racial Discrimination has read the right to self-determination into the Convention on the Elimination of Racial Discrimination (“CERD”). In General Recommendation 21, the CERD Committee states that the right to self-determination

requires governments “to represent the whole population without distinction as to race, colour, decent, national, or ethnic origins.” Moreover, “[c]oncern for the protection of individual rights without discrimination on racial, ethnic, tribal, religious, or other grounds must guide the policies of governments” and “governments should be sensitive towards the rights of persons of ethnic groups, particularly their right to lead lives of dignity, to preserve their culture, to share equitably in the fruits of national growth, and to play their part in the government of the country of which its members are citizens.” As a result, “governments should consider, within their respective constitutional frameworks, vesting persons of ethnic or linguistic groups comprised of their citizens, where appropriate, with the right to engage in such activities which are particularly relevant to the preservation of the identity of such persons or groups.”³

Such constitutional guarantees as outlined by the Human Rights Committee and the CERD Committee have been further outlined in a variety of relevant UN human rights instruments, most notably the UN Declaration on the Rights of Indigenous Peoples, and the UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, both of which protect the identity and existence of indigenous and minority communities, including guaranteeing freedom of association and political participation of those communities, language, education and cultural rights specific to them, including degrees of autonomy necessary to give effect to their rights.

III. The concept of an “indivisible Republic” in France violates the right to self-determination under international law.

France is an extremely diverse society. It includes:

- ***overseas territories***, which are remnants of its colonial past, are located around the world and encompass indigenous and settler populations and which are administered directly from territorial France;
- ***regions of distinct nations or peoples*** within territorial France that have distinct territorial, linguistic and cultural traditions preceding incorporation into modern territorial France (sometimes referred to as “national minorities”); and
- ***ethnic and religious minorities*** living within France, many of whom migrated to France during or after the withdrawal of France from colonial possessions.

In many ways, France can be seen as unique in the manner in which it centralizes both its “internal” and “external” territories in one centralized, non-federal state. Thus, its external colonial possessions, such as New Caledonia, French Polynesia, or French Guyana, are treated and administered directly from territorial France unlike the majority of othecolonial territories under

European empire, which have by-and-large attained either independence or exist within “free association” with the former colonial country.

Similarly, historical nations who have been incorporated directly into territorial France, though historical territorial expansion – such as Brittany, Savoy, Catalonia or Alsace – have been incorporated directly into a centralized administrative structure, without the federal or regional autonomies that exist in many other countries, such as the United Kingdom, Belgium, or Germany.

Moreover, the French constitutional system refuses any reference to minority groups, including national minorities, as it is incompatible with the French constitution and its principle of an “indivisible Republic,” making minority groups completely invisible in France’s legal system. The French constitutional concept of an “indivisible republic” guarantees that all citizens should be treated equally regardless of the origin, race, religion, ethnicity. However, it is interpreted in such a manner as to deny the legal existence of any diversity within France.

As a result of this, the French government rejects any references to minorities, including ethnic, religious, national, or linguistic minorities in its legal texts as well as in its overall political discourse which perpetuate and nourish the systemic issue of invisibility of minorities by the French authorities. For instance, In October 2014, then Prime Minister Manuel Valls declared publicly “There is no Alsatian people” which stunned all minorities in France.⁴ Similarly, the law 78-17 of January 6, 1978, relating to data processing, files and freedoms is a French law which regulates the processing of personal data. This law makes unlawful statistics on minorities as it constitutes the “concretization of the existence of the groups, at the risk of reinforcing the community feeling within a society.”⁵

IV. Implications for other human rights stemming from the denial of the right to self-determination of all nations and peoples in France.

By refusing to recognize the diverse nations and peoples that constitute the French republic, the French constitutional system denies guarantees for rights to existence and identity of all its constituent peoples, indigenous or minority alike, as guaranteed under international law and it renders the French constitutional system incapable of reforming to include the levels of political reform necessary to respect the diverse nations and peoples in existence in France. As anticipated by the Human Rights Committee this has significant implications for the implementation of other human rights by the government of France. Two examples of this are restrictions imposed on the Freedom of Association and Assembly and the Right to Language and Education in France.

A. Freedom of Association and Assembly

French constitutional provisions guaranteeing national unity are being regularly used to render illegal civil society organizations. For instance, in December 2020, French authorities dissolved the Collective Against Islamophobia in France (CCIF), a leading anti-discrimination group. This decision was upheld by France's top administrative court, the Council of State, in September 2021, citing principals related to the unity of France.⁶

Similarly, the French authorities dissolved in 2014 the *Direction aux Affaires Savoisiennes* a civil society organization dedicated to the nonviolent promotion of the right to self-determination in Savoy. In the judicial document leading to the dissolution of the 'Direction aux affaires Savoisiennes' NGO, it is mentioned that the French constitution "only recognizes the French people, composed of French citizens without distinction of its origins, ethnicity, personal beliefs."⁷ As such, a non-governmental organization promoting the rights of the people of Savoy was ruled to be contrary to the French constitution. This decision has been upheld on appeal.

B. Rights to Language and Education

National minorities struggle to promote and protect their languages. The language rights of Savoisiens, Bretons and other ethno-linguistic minorities in France are severely restricted by the French government. They also feature prominently on UNESCO's Atlas of the World's Languages in Danger. National minorities, especially Brittany and Savoisiens, are seeing the disappearance of their language as the number of people speaking the national languages are constantly decreasing. It was reported for instance that The Bretons' language annually loses around 10,000 speakers, and most fluent speakers today are aged 70 or over.⁸

Yet, these communities are summarily excluded from governance decision-making related to their languages. For instance, in 2019, the Minister of Education announced a reform which placed Breton and English in competition with each other in public schools in Brittany, a reform which was decided without consultation of the relevant local authorities.⁹

There is also a growing linguistic discrimination particularly towards Breton by the central government. On several occasions Bretons were facing charges or fines for simply wanting to use their regional spelling in official documents. For instance, in 2017, a couple newly parent wanted to name their child "Derc'hen" but it was refused by the town hall because the spelling was not French spelling but Breton.¹⁰

Even where language-positive reforms are enacted in France, the courts regularly curtail them. For instance, in early 2021, the French Assembly and Senate passed legislation to promote regional languages across territorial France. However, the French Constitutional Court decided on 21 May 2021 that language immersion programmes in public education systems violated Article 2 of the French Constitution which ensures French as the official language. According to the court,

immersive language programmes for regional languages such as Breton, Gascon, Arpitan or Catalan would be incompatible with this principal, despite even foreign languages such as English being able to achieve such a status in practice. In May 2022 the UN Special Rapporteur on Minorities sent a *letter of allegation* to the French authorities about this case and the broader implications of French language policy to minority languages in France. ¹¹

V. Recommendations

As a result of the above, the UNPO is calling on the government of France to:

- Formally recognize indigenous peoples, national minorities, and other minorities in France
- Cease dissolving non-violent civil society movements protecting the rights of minorities in France
- Reform its administrative structures to ensure the true political participation of all its constituent peoples in relevant decision-making, such as over language and cultural rights.

VI. Endnotes

- 1 <https://www.conseil-constitutionnel.fr/le-bloc-de-constitutionnalite/texte-integral-de-la-constitution-du-4-octobre-1958-en-vigueur>
- 2 <https://www.refworld.org/docid/453883f822.html>
- 3 <http://hrlibrary.umn.edu/gencomm/genrexxi.htm>
- 4 https://www.lemonde.fr/m-moyen-format/article/2016/11/23/bretons-alsaciens-corses-tous-unis-a-l-onu_5036580_4497271.html
- 5 <https://www.vie-publique.fr/eclairage/19354-faut-il-elaborer-des-statistiques-ethniques#:~:text=Or%2C%20en%20France%2C%20la%20production,dans%20certains%20pays%20anglo%2Dsaxons>
- 6 See <https://www.hrw.org/news/2021/09/27/french-court-confirms-dissolution-anti-discrimination-group>
- 7 Jugement du tribunal suite à la dissolution de la DAS
- 8 <https://edition.cnn.com/2010/WORLD/europe/12/11/brittany.language/index.html>
- 9 <https://mrmondialisation.org/reforme-blanquer-lacceleration-forcee-de-leffondrement-educatif-interview/>
- 10 https://www.huffingtonpost.fr/life/article/une-association-bretonne-denonce-une-discrimination-linguistique-apres-le-rejet-du-c-h-dans-un-prenom_116320.html; https://www.huffingtonpost.fr/life/article/la-justice-refuse-de-faire-figurer-le-tilde-sur-les-prenoms-malgre-la-mobilisation-de-plusieurs-familles_108222.html
- 11 <https://spcommreports.ohchr.org/TMResultsBase/DownLoadPublicCommunicationFile?gId=27307>