

HUMAN RIGHTS COMMITTEE

S. R. v. France

Communication No. 243/1987*

5 November 1987

ADMISSIBILITY

Submitted by: S. R. [name deleted]

Alleged victim: The author

State party concerned: France

Date of communication: 26 August 1987

The Human Rights Committee, established under article 28 of the International Covenant on Civil and Political Rights,

Meeting on 5 November 1987,

Adopts the following:

Decision on admissibility

1. The author of the communication (initial letter dated 26 August 1987; further letters dated 1, 7 and 26 October 1987) is S. R., a French citizen born on 14 October 1956, at present living in Paris. He claims to be a victim of a violation by the French Government of article 2, paragraphs 1 to 3, articles 24, 26 and 27 of the International Covenant on Civil and Political Rights.

2.1 The author is a teacher of French literature and of the Breton language at two high schools in the Greater Paris area. He states that upon the recommendation of the French Ministry of Education, he obtained authorization to teach French literature, which also permitted him to teach Breton, on a part-time basis. For four years, he was able to teach Breton on this basis, although, as he claims, the director of the competent office within the Ministry of Education (Mission de l'action culturelle et des cultures et langues regionales) had promised the creation of a full-time post for the teaching of Breton. That post was not, however, established, although its creation was possible, in the author's opinion, given the

anticipated increase in the number of students learning the Breton language at the high school of Enghien and the scheduled creation of a Breton course at the Academy of Versailles.

2.2 In the spring of 1987 (no exact date is given, although the most likely date appears to be early May 1987), the Ministry of Education decided to transfer the author from the Academy of Versailles to the Academy of Lille, where he was to be expected to teach only French with effect from the school year 1987/88, but the Rector of the Academy of Versailles, by telex of 17 June 1987 to the Ministry of Education, asked that the author be kept at his present post and requested the creation of a full-time teaching post for Breton. By a decision of 15 September 1987, the author was reinstated in the Academy of Versailles to teach French literature 11 hours per week and Breton six hours per week for the school year 1987/88. He claims that nine hours per week for the teaching of Breton would have been available, but that the Rectorate of the Academy refused to let him teach Breton at the High School of Nanterre and instead ordered him to teach French. The Rectorate has also decided to evaluate his performance as a teacher of French and not, as he had requested, as a teacher of Breton. By decision of 6 October 1987, the Ministry of Education formalized the decision of the Academy. It is now threatening to dismiss him.

2.3 The author states that there was a growing demand for the teaching of Breton among high school students, illustrated by the fact that the number of high school students who took final school exams (epreuves de Baccaléuat) in Breton in the Paris area rose from 50 in 1985 to 133 in June 1987.

2.4 With regard to the exhaustion of domestic remedies, the author does not state whether he has submitted his case to an administrative tribunal, nor does he state what kind of judicial remedies would be open to him. He attaches copies of an extensive correspondence with the competent authorities in the Ministry of Education as well as copies of numerous - unsuccessful - interventions on his behalf by Deputies of the National Assembly, Mayors and Senators. Although he acknowledges that he has not exhausted domestic remedies, he points to the urgent character of his communication, as he seeks to defend the "civil rights" of students to follow courses in Breton from the beginning of the school year 1987/88.

2.5 The author states that he has not submitted his case to another procedure of international investigation or settlement.

3.1 Before considering any claims contained in a communication, the Human Rights Committee must, in accordance with rule 87 of its provisional rules of procedure, decide whether or not it is admissible under the Optional Protocol to the Covenant.

3.2 The Committee observes in this connection and on the basis of the information before it that the author has not submitted his case to any French administrative tribunal. It has noted the author's contention, in his letter of 26 August 1987, that his communication presents a character of urgency because of an alleged civil right of students to take courses in the Breton language ("droits civil des élèves d'obtenir un enseignement de breton"). It notes, however, that, in the particular circumstances disclosed by the communication, the

author's contention does not absolve him from pursuing his case before the French courts and from exhausting whatever remedies are available to him. The Committee has not enough information to find that the application of such remedies would be unreasonably prolonged and concludes that the requirements of article 5, paragraph 2 (b), of the Optional Protocol have not been met.

4. The Human Rights Committee therefore decides:

(a) That the communication is inadmissible;

(b) That this decision shall be communicated to the author and, for information, to the State party.

* Pursuant to rule 85 of the provisional rules of procedure, Committee member Christine Chanet did not take part in the adoption of the decision.