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## U.S. Department of State

### France Country Report on Human Rights Practices for 1996

Released by the Bureau of Democracy, Human Rights, and Labor, January 30, 1997.

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#### FRANCE

France is a constitutional democracy with a directly elected President and National Assembly and an independent judiciary.

The law enforcement and internal security apparatus consists of a Gendarmerie, national police, and municipal police forces in major cities, all of which are under effective civilian control.

The highly developed, diversified, and primarily market-based economy provides residents with a high standard of living.

The Government fully respected the human rights of its citizens, and the law and judiciary provide effective means of dealing with individual instances of abuse. Racially motivated attacks by extremists doubled, from 207 in 1994 to 454 in 1995 (latest available data). The Government has taken important steps to combat violence against women and children. Women continue to face wage discrimination. A series of apparently politically motivated terrorist bombings killed over a dozen persons in Corsica.

#### RESPECT FOR HUMAN RIGHTS

##### Section 1 Respect for the Integrity of the Person, Including Freedom from:

###### a. Political and Other Extrajudicial Killing

There were no reports of political or other extrajudicial killings by government officials.

Law enforcement officers have in the past used excessive force--particularly directed against immigrants--resulting in deaths, but there is no evidence of a pattern of such abuses. In February a Paris court found a police officer guilty of involuntary homicide in the 1993 death of Makome M'Bowole, a 17-year-old youth from Zaire shot during an interrogation at a Paris police station. Judges sentenced the officer to 8 years in prison, the longest sentence ever given to a police officer convicted of this crime. In May in a case involving the 1993 shooting death of 17-year-old Rachid Ardjouni, the Court of Appeal reduced the sentence imposed against a police officer found guilty of involuntary manslaughter. Amnesty International criticized the court's decision to expunge the conviction from the officer's criminal record, permitting him to continue to serve as a police officer carrying a firearm. Judicial and administrative inquiries have also been opened by the Government into the 1995 shooting death of 8-year-old Serbian refugee Todor Bogdanovic. Border police in the Bogdanovic case have been accused of using excessive force in attempting to halt a convoy of refugees who ran a border check point. The judicial inquiry into the December 1993 shooting and killing of 19-year-old Algerian Mourad Tchier by a police officer near Lyon continued at year's end. The U.N. Special Rapporteur on Extrajudicial, Summary or Arbitrary executions, in a 1996 report, cited the Tchier case in expressing his concern over what he characterized as the increasing use of excessive force by law enforcement officers. A judicial inquiry into the January 1994 death of an 18-year-old Algerian youth, Ibrahim Sy, shot by a gendarme near Rouen, continued at year's end.

Reza Mazoulman, an Iranian Deputy Education Minister under the Shah, was shot and killed in Paris in May. Two Iranian nationals are suspected in the shooting: One is being held in Germany awaiting extradition to France; the other is suspected of having fled to Iran.

In six cases, extreme rightwing youths attacked and killed members of minority ethnic groups (see Section 5).

In Corsica there were over a dozen killings and an average of one bombing a day, some of which were politically motivated.

On December 3, an apparently politically motivated terrorist bombing in the Paris Metro killed 2 people and injured 97. A third bombing victim died from his wounds a few days later.

#### b. Disappearance

There were no reports of politically motivated disappearance.

#### c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The law prohibits such practices and the authorities punish officials who employ them. However, there were credible reports that law enforcement officers used excessive force, particularly against immigrants. Isolated instances of police misconduct occurred, but there is no evidence of a pattern of such abuses.

Three Marseille police officers have been suspended and charged with illegal detention, premeditated assault, and theft in the 1995 beating of Algerian/French national Sid Ahmed Amiri. The officers have been released on bail pending trial. In January an officer of the intervention squad of the French anticriminal brigade was given a 4-month prison sentence (which was suspended) and fined for the 1994 assault and battery against Didier la Rouche. In 1995 an officer in the border police was sentenced in

Nice to 24 months' imprisonment, with 16 months suspended, for the 1993 sexual assault of Moufida Ksouri, a French citizen of Tunisian origin. The Government has also opened an administrative inquiry into allegations that Tahitian trade union leader Hiro Tefaareve and 15 others were arrested and beaten in 1995 by members of the Gendarmerie Nationale following protests over the resumption of French nuclear testing in the Pacific.

Prison conditions generally exceed international standards, and the Government permits visits by human rights monitors. Most prisons provide opportunities for paid employment as well as recreational facilities. In a report released in January, the European Committee for the Prevention of Torture criticized overcrowding and unhygienic conditions in Paris' municipal jail cells. In its 1995 report, the French organization, "International Observer of Prisons (IOP)" noted an increasing number of deaths in detention attributable to neglectful surveillance and supervision. In one case, a prison guard was charged and held pending trial for not assisting an inmate who was being assaulted by four other prisoners. The report also criticized overcrowding in some prisons and a record number of 107 inmate suicides in 1995 (latest available data). IOP also observed that the promise of greater access to health care for prisoners offered by the passage of 1994 legislation has not been realized, because most prisons have delayed application of needed reforms.

#### d. Arbitrary Arrest, Detention, or Exile

The law prohibits arbitrary arrest, detention, or exile, and the Government observes this prohibition.

In narcotics trafficking convictions, courts often assess a customs fine based on the estimated street value of the drugs, in addition to a jail sentence. At the end of their jail terms, prisoners who cannot pay the fine are detained for up to 2 years while customs officials attempt to reach the largest possible settlement. This practice has been criticized by the European Court of Justice

A 1994 case continues against 6 of 26 resident non-French Muslims detained by police on suspicion of supporting Algerian terrorists. Twenty of the detainees had been deported after several weeks' detention.

There are no provisions for exile, and it does not occur.

#### e. Denial of Fair Public Trial

The law provides for an independent judiciary, and the Government respects this provision in practice.

The judiciary provides citizens with a fair and efficient judicial process. There is a system of local courts, 35 regional courts of appeal, and the highest criminal court, the Court of Cassation, which considers appeals on procedural grounds only.

There were no reports of political prisoners.

#### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The law prohibits such practices, government authorities generally respect these prohibitions, and violations are subject to effective legal sanction.

### **Section 2 Respect for Civil Liberties, Including:**

#### a. Freedom of Speech and Press

The law provides for freedom of speech and the press, and the Government respects these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combine to ensure freedom of speech and of the press, including academic freedom.

In August the elected Mayor of Orange in southern France, a member of the far-right National Front (FN) political party, used his police powers to halt the distribution of anti-FN literature in Orange. The measures taken by the Mayor were promptly suspended by an administrative tribunal. A few weeks later, another mayor in the town of La Grande-Motte (also in southern France) again temporarily suspended the distribution of anti-FN literature just before the start of a 1-week FN convention. This action was also promptly suspended. There have been other reported incidents of similar efforts to suppress anti-FN speech.

In November a criminal court sentenced two singers to 3 to 6 months in prison and imposed a 6-month ban on their performing. The charges stemmed from a 1995 concert where the group "NTM" performed a song in which they advocated the murder of police officers. At year's end, neither singer had begun serving a jail sentence, since their cases were under appeal.

#### b. Freedom of Peaceful Assembly and Association

The law provides for these rights, and the Government respects them in practice.

#### c. Freedom of Religion

The law provides for separation of church and state, and the Government respects this right in practice.

The State subsidizes private schools, including those that are church-affiliated. Central or local governments also own and provide upkeep for other religious buildings constructed before 1905, the date of the law separating church and state. Cultural associations with religious affiliations may also qualify for government subsidies. Contrary to practice in the rest of France, the Jewish, Lutheran, Reformed, and Roman Catholic religions in three departments of Alsace and Lorraine enjoy special legal status. Adherents of these four religions may choose to have a portion of their income tax allocated to their church in a system administered by the central Government.

Debate continues over whether denying some Muslim girls the right to wear headscarves in public schools constitutes a violation of the right to practice their religion. In 1989 the highest administrative court ruled that the "ostentatious" wearing of these headscarves violated a law prohibiting proselytizing in schools. After much media attention--mainly unfavorable--to the wearing of such headscarves, in 1994 the Ministry of Education issued a directive that prohibits the wearing of "ostentatious political and religious symbols" in schools. The directive does not specify the "symbols" in question, leaving school administrators considerable authority to do so. The highest administrative court affirmed in 1995 that simply wearing a headscarf does not provide grounds for exclusion from school.

In 1995 the highest administrative court ruled that Jewish students could be excused from attending classes on Saturdays, the Jewish Sabbath. The court said that a 1991 law laying out the rights and responsibilities of students in public schools could not be used to prevent authorized absence from school for religious worship or the celebration of a religious holiday.

In November a former leader of the Scientologists in Lyon was convicted of involuntary homicide and fraud, sentenced to 18 months in prison, and fined about \$100,000. The charges stemmed from a 1988 suicide of one of the church's members. The court found that the psychological pressure by the

Scientists caused the member's suicide, but specifically avoided ruling on the issue of whether Scientology is a religion. Other Scientists were also convicted of fraud related to this incident, and given suspended sentences. The convictions are being appealed.

#### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The law provides for these rights, and the Government respects them in practice.

France provides first asylum and provided it to approximately 17,200 persons in 1996. The Government cooperates with the United Nations High Commissioner for Refugees and other humanitarian organizations in assisting refugees. There were no reports of forced return of persons to a country where they feared persecution.

The pace of deportations of illegal aliens has increased, with reportedly double the number of charter flights returning illegal aliens to their homelands, compared with the previous year. In July and August, approximately 300 undocumented aliens occupied St. Bernard's Church in Paris, protesting against toughened immigration laws and asking to be allowed to remain in France. Ten staged a hunger strike. Ultimately, the Government forcibly entered the church and arrested the protestors, drawing praise and criticism from different sectors of political opinion. More than a dozen of the protestors were deported, but most were released within a few days of their arrest and remain at liberty while their individual cases are considered. There is no evidence that those deported had valid claims of refugee or legal status in France. In fact, at one point, the Government had reviewed the files of the St. Bernard protestors and authorized 48 of them to remain, primarily those with French citizen children.

### **Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government**

The Constitution provides citizens with the right to peacefully change their government, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

There are no legal restrictions on the participation of women in politics or government, but they remain significantly underrepresented in public offices, especially at the national level. Four of 32 cabinet members, 18 of 321 Senators, and 32 of 577 Deputies in the National Assembly are women. To increase women's participation, some parties have established quotas for them on electoral lists or in party management.

The citizens of the "collective territory" of Mayotte and the territories of French Polynesia, Wallis and Futuna, and New Caledonia determine their legal and political relationships to France by means of referendums, and they elect Deputies and Senators to the French Parliament.

### **Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights**

A wide variety of local and international human rights organizations operate freely, investigating and publishing their findings on human rights cases. Government officials are generally cooperative and responsive to their views. The National Consultative Commission on Human Rights (NCCHR)--which has nongovernmental as well as government members--also monitors complaints and advises the Government on policies and legislation. It is an independent body in the Office of the Prime Minister.

### **Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status**

Statutes ban discrimination based on race, religion, sex, ethnic background, or political opinion, and the Government effectively enforces them.

### Women

The penal code prohibits abuse as well as violence against women. Wife beating is a felony. The penalty for rape ranges from 5 to 20 years in prison, with no differentiation between spousal and other rape. There were 6,540 reported rapes or sexual assaults in 1995 (latest available data). Some 15,700 incidents of wife beating (including 98 which resulted in death) were reported to police in 1993 (latest available data). The Government offers shelter, counseling, and financial assistance, and operates a telephone hot line. The welcome centers for battered women added 500 staff members in 1995. About 60 private associations also help battered women.

While the law requires that women receive equal pay for equal work, this requirement is often not the reality. A 1994 study (latest available data) found a mean discrepancy between wages of women and men of 20 percent in the private sector and 18 percent in the public sector. The same study found that the unemployment rate for women averaged about 4 points higher than that for men.

The law prohibits sex-based job discrimination and sexual harassment in the workplace. Thus far these laws have encountered difficulties in implementation. Women's rights groups criticize the scope of the law as narrow, and the fines and compensatory damages as often modest. For example, the law limits sexual harassment claims to circumstances where there is a supervisor-subordinate relationship, but fails to address harassment by colleagues or a hostile work environment.

### Children

The Government demonstrates a strong commitment to children's rights and welfare through well-funded systems of public education and medical care. The Ministry for Family Affairs oversees implementation of the government's programs for children. There are strict laws against child abuse, particularly when committed by a parent or guardian. In 1994 (latest available data) there were 15,000 reported cases of mistreatment (physical violence, sexual abuse, mental cruelty, or severe negligence) against children. Special sections of the national police and judiciary are charged with handling these cases. The Government provides counseling, financial aid, foster homes, and orphanages, depending on the extent of the problem. Various associations also help minors seek justice in cases of mistreatment by parents.

Some immigrants from countries where female genital mutilation (FGM) is customary subject their children to this practice, which is widely condemned by international health experts as damaging to both physical and psychological health. The authorities have prosecuted some cases involving FGM and have undertaken a campaign to inform immigrants that FGM is contrary to the law and will be prosecuted.

### People with Disabilities

There is no discrimination against disabled persons in employment, education, or in the provision of other state services. The Government announced several measures in 1995 to boost employment opportunities for the disabled. A 1991 law requires new public buildings to be accessible to the physically disabled, but most older buildings and public transportation are not accessible.

### Religious Minorities

The annual NCCHR report (see Section 4) released in March noted a 50 percent decrease in the number of threats or attacks against Jews, from 169 in 1994 to 78 in 1995 (latest available data). However, in July a former skinhead and neo-Nazi group member confessed to the 1990 desecration of a Jewish cemetery in the southeastern city of Carpentras. The Government is vigorously prosecuting those responsible, but the revelation of neo-Nazi involvement in this incident, in which 34 Jewish tombs were vandalized and freshly buried corpses unearthed and impaled, has further contributed to the perception that racist/anti-Semitic violence is a serious problem.

### National/Racial/Ethnic Minorities

Anti-immigrant sentiments sparked incidents including occasional attacks by skinheads on members of the large Arab/Muslim and black African communities. The annual NCCHR report noted that racist attacks and threats had doubled in 1 year, from 207 in 1994 to 454 in 1995 (latest available data). The number of deaths attributed by the NCCHR to racist anti-immigrant violence increased from two deaths in 1994 to six deaths in 1995 (latest available data). The racial attacks that resulted in deaths include the following cases. Three FN youths await trial in the 1995 killing in Marseille of Ibrahim Ali, a 17-year-old shot in the back when FN youths opened fire on a dozen Comoriens during a political rally. Three skinheads have been arrested and still await trial for the 1995 death of Brahim Bouraam, a young Moroccan bystander pushed off a quay during another FN political rally. Another skinhead was arrested for theft in May 1995 and confessed that one of his friends had killed a Tunisian in April 1995 in Le Havre, by throwing him into the harbor. In May 1995, an FN militant stabbed an Algerian to death after an altercation in Cherbourg. Another right-wing militant awaits trial for beating to death a North African immigrant in September 1995 in Bayonne.

The Government strongly condemns such actions and attacks, has strict antidefamation laws, and prosecutes perpetrators whenever possible. Government programs attempt to combat racism and anti-Semitism by promoting public awareness and bringing together local officials, police, and citizen groups. There are also antiracist educational programs in some public school systems.

## Section 6 Worker Rights

### a. The Right of Association

The Constitution provides for freedom of association for all workers. Trade unions exercise significant economic and political influence, although only about 10 percent of the work force is unionized. Unions have legally mandated roles (as do employers) in the administration of social institutions, including social security (health care and most retirement systems), the unemployment insurance system, labor courts, and the economic and social council, a constitutionally mandated consultative body.

Unions are independent of the Government, and most are not aligned with any political party. Many of the leaders of the General Confederation of Labor and its unions, however, belong to the Communist Party. Unions can freely join federations and confederations, including international bodies.

Workers, including civil servants, are free to strike except when a strike threatens public safety. One-fourth of all salaried employees work for the Government: Strikes in the public sector tend to be fairly numerous and receive extensive media coverage. In May an estimated 7,000 workers demonstrated nationwide to demand a shorter workweek without a reduction in pay. In June an estimated 14,000 workers demonstrated nationwide to protest government-proposed cutbacks in public sector jobs and services. An estimated 150,000 workers joined a nationwide strike on October 17 to protest government austerity reforms expected to result in especially large cuts in education, defense, communications, and

aviation. In October journalists also staged a day-long strike to protest a government proposal to repeal a tax exemption for journalists. A 12-day truckers' strike in late November to demand early retirement, a shorter workweek, and pay increases caused serious disruptions in highway and port traffic and in gasoline supplies nationwide.

The law prohibits retaliation against strikers and strike leaders, and the Government effectively enforces this provision.

#### b. The Right to Organize and Bargain Collectively

Workers, including those in the three small export processing zones, have the right to organize and bargain collectively. The law strictly prohibits antiunion discrimination; employers found guilty of such activity are required to correct it, including the reinstatement of workers fired for union activities.

A 1982 law requires at least annual bargaining in the public and private sector on wages, hours, and working conditions at both plant and industry levels but does not require that negotiations result in a signed contract. In case of an impasse, government mediators may impose solutions that are binding unless formally rejected by either side within a week. If no new agreement can be reached, the contract from the previous year remains valid. Over 90 percent of the private sector work force is covered by collective bargaining agreements negotiated at national or local levels. Trilateral consultations (unions, management, and government) also take place on such subjects as the minimum wage, temporary work, social security, and unemployment benefits. Labor tribunals, composed of worker and employer representatives, are available to resolve complaints.

The law requires businesses with more than 50 employees to establish a works council, through which workers are consulted on training, working conditions, profit-sharing, and similar issues. Works councils, which are open to both union and nonunion employees, are elected every 2 years.

The Constitution's provisions for trade union rights extend to France's overseas departments and territories.

#### c. Prohibition of Forced or Compulsory Labor

Forced or compulsory labor is prohibited by law, and the Government effectively enforces this provision. In its 1993 report, however, the International Labor Organization's Committee of Experts (COE) questioned the French practice of obliging prisoners to work for private enterprises at less than the national minimum wage. In 1995 the Government officially responded to the COE, pointing out that prisoners participate in a work program on a voluntary--not a mandatory--basis, that more prisoners request work than can be accommodated, and that the work is designed to prepare prisoners for reentry into the labor force.

#### d. Minimum Age for Employment of Children

With a few exceptions for those enrolled in certain apprenticeship programs, children under the age of 16 may not be employed. Generally, work considered arduous or work between the hours of 10 p.m. and 5 a.m. may not be performed by minors under age 18. Laws prohibiting child employment are effectively enforced through periodic checks by labor inspectors, who have the authority to take employers to court for noncompliance with the law.

#### e. Acceptable Conditions of Work

The administratively determined minimum wage, revised whenever the cost-of-living index rises 2 percentage points, is sufficient to provide a decent standard of living for a worker and family. The wage was changed to \$7.23 (F 37.91) per hour as of July 1.

The legal workweek is 39 hours, with a minimum break of 24 hours per week. Overtime is restricted to 9 hours per week.

The Ministry of Labor has overall responsibility for policing occupational health and safety laws. Standards are high and effectively enforced. Workers have the right to remove themselves from dangerous work situations. The law requires each enterprise with 50 or more employees to establish an occupational health and safety committee. Over 75 percent of all enterprises, covering more than 75 percent of all employees, have fully functioning health and safety committees.

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