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U.S. Department of State

France Report on Human Rights Practices for 1997

Released by the Bureau of Democracy, Human Rights, and Labor, January 30, 1998.

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 the Gendarmerie, the 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 respected the human rights of its citizens, and the law and judiciary provide a means of dealing with individual instances of abuse. Long delays in bringing cases to trial and lengthy pretrial detention are problems. Racially motivated attacks by extremists declined sharply from 480 in 1995 to 195 in 1996. The Government has taken important steps to deal with violence against women and children. Women continue to face wage discrimination. Although no killings occurred in Corsica during the year, there were over 200 bombings, many of which were politically motivated

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 killings.

Law enforcement officers have used excessive force--particularly directed against immigrants--resulting in deaths, although there is no evidence of a pattern of such abuses. There were also a number of deaths in detention due to official negligence (see Section 1.c.).

Two deaths occurred in suspicious circumstances at the hands of the police in December. A 16-year-old North African was shot and killed trying to run a roadblock near Fontainebleau. In Lyons an unemployed 24-year-old was killed during interrogation at police headquarters.

The inquiry into the 1995 shooting death of 8-year-old Serbian refugee Todor Bogdanovic concluded in December 1996 with a dismissal of the charges against the police officer involved.

The authorities concluded that there was insufficient evidence to take the case to trial. The victim's family has filed an appeal. Border police in the Bogdanovic case were accused of using excessive force in attempting to halt a convoy of refugees that ran a border check point. In January the judicial inquiry into the 1993 shooting and killing of 19-year-old Algerian Mourad Tchier by a police officer was passed to the Attorney General, and the policeman was suspended from active duty in March. The United Nations (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 1994 death of an 18-year-old Senegalese youth, Ibrahim Sy, who was shot by a gendarme near Rouen, continues. The investigation is currently trying to determine which gendarme fired the lethal shot. An administrative inquiry has been opened into the 1991 death of 18-year-old Aissa Ilich, who was allegedly beaten by police officers and subsequently died of an asthmatic attack because he was allegedly refused medication. In March gendarmes killed two homeless men who were robbing a store in Machecoul (Loire-Atlantique). The police claimed self defense, but witnesses say the men were unarmed. Two investigations were opened regarding the incident, one to investigate the cause of death of the two men, and one to determine if it was murder.

In January a court convicted a former soldier, Georges Mendaille, of complicity in the attempted murder in 1985 of two suspected Basque terrorists. Mendaille was sentenced to 20 years' imprisonment.

Judge Jean-Louis Brugiere completed his investigation into the bombing of UTA flight 772 in 1989 and handed over recommendations for indictments of six Libyan nationals to a grand jury. The brother-in-law of Libyan leader Col. Mu'ammar Al-Qadhafi is included in the group.

Reza Mazoulman, an Iranian deputy education minister under the Shah, was shot and killed in Paris in 1996. Two Iranian nationals are suspected in the shooting: one is suspected of having fled to Iran; the other was extradited from Germany where he had fled, and an investigation is currently under way.

In November 1996, the trial began of 41 Algerian extremists in connection with the wave of bombings in Paris in 1995 that killed 8 persons and injured over 170 others. Of the 41, 3 are being tried in absentia and 38 are present at the trial. The group is accused of providing financial support, false documents, and other assistance related to the bombings to Algerian extremists.

Internationally known terrorist Ilich Ramirez Sanchez, also known as "Carlos the Jackal," was convicted during the year in Paris of killing French security officers and a Lebanese informant 22

years ago. Sanchez was sentenced to 200 years in prison.

Although no killings occurred during the year in Corsica, there were over 200 bombings, many of which were politically motivated.

In the Basque region, a handful of politically motivated bombings occurred, which resulted only in property damage. In June 42 Basque separatists, the majority of whom are French, went on trial in Paris. Many of the 42 were accused of terrorist violence. The courts sentenced 3 members of the Spanish Basque Fatherland and Freedom (ETA) terrorist group's "comando itinerante" to life imprisonment and 3 others to 16 years' imprisonment for their participation in 21 terrorist actions between 1978 and 1989, which resulted in 38 deaths and dozens of injuries. This marked the first time that ETA members were tried in France for crimes committed in Spain, although many ETA members have been tried in France for violating French law. France and Spain continue to cooperate to extradite ETA criminals, primarily from France to Spain.

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.

The press reported an incident in February in which a French Communist Party supporter and his wife, both from Paris, were allegedly beaten in the Paris suburb of Val-d'Oise by several police officers claiming to be part of the extreme-right political group, the National Front (FN). The victims brought charges against the officers involved. Three police officers from Bobigny near Paris were convicted in June for a false statement concerning the alleged beating in April 1996 of an Indian refugee, Gernam Singh, but not for violence against the individual. Two of the officers were also convicted for being out of their jurisdiction. The senior officer was sentenced to 10 months in prison (sentence suspended) and a fine of approximately \$800; the two junior officers under his supervision were sentenced to 15 months in prison (sentence suspended) and a fine of approximately \$900 each.

An administrative investigation was launched after a few dozen persons demonstrating against the FN in March in Marseille were beaten by riot police. To keep the anti-FN demonstrators away from their FN counterparts, the police, according to eyewitnesses, allegedly used excessive force by beating demonstrators and using tear gas grenades. In June the Gendarmerie launched a broad roundup of suspected pedophiles. Over 800 persons were arrested and detained, 4 of whom committed suicide after being released. The Gendarmes were criticized by human rights organizations for being overly zealous in their investigation.

The trial of three Marseille police officers accused of illegal detention, premeditated assault, and theft in the 1995 beating of Algerian-French national Sid Ahmed Amiri concluded in June. The court sentenced the officers to 18 months in prison, with 15 months suspended and a fine of approximately \$5,000 each. The officers were barred from active duty in the police force for 5 years. Human rights organizations criticized the court's decision on the grounds that it was not a fair punishment for the crime committed. A Bordeaux police officer accused of beating a demonstrator in 1994 was convicted in February and

sentenced to 4 months in prison and a fine of approximately \$1,000.

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 its 1997 report, the French organization, the International Observer of Prisons (IOP), noted an increasing number of deaths in detention attributable to neglectful surveillance and supervision. In one case, a court found five prison guards guilty of not coming to the assistance of an inmate dying of hunger. The report also criticized the prison system for cruel and inhuman punishment. It cited the case of Sophien Merzouk who fell into a deep coma and suffered advanced hypothermia as a result of being left in a room without sufficient heating. The report also continued to criticize overcrowding in some prisons and noted a record number of inmate suicides, 138 in 1996 (latest available data). The IOP found that despite the passage of legislation in 1994 promising greater access to health care, most prisons have delayed 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 more 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 were deported in 1995 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.

The judicial system has been criticized by credible sources for its inability to process suspects quickly. Some spend many years in prison before a trial even starts. According to the IOP, over 40 percent of all inmates are suspects awaiting trial. A system of bail exists.

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.

In February a box of documents was found in the garage of the former director of the antiterrorist unit at the Elysee (the presidential palace) under former President Francois Mitterrand. They detailed a large-

scale wiretapping operation allegedly overseen by then President Mitterrand through the 1980's and early 1990's that included the unlawful surveillance of political allies and adversaries, lawyers, judges, journalists, and other private citizens. Wiretapping is legally recognized as a right of the Government, and the National Commission for the Regulation of Wiretapping reported a 30 percent increase in the number of official wiretaps during the year.

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 1994 the Government enacted a law mandating the use of the French language in certain limited circumstances. In June a Paris court dismissed a suit on technical grounds brought under the law against Georgia Tech University. The suit alleged that Georgia Tech violated the law because its Internet site was not available in French. The dismissal is being appealed.

In February the elected mayor of Toulon, in southern France, a member of the far-right National Front (FN) party, dismissed theater director Gerard Paquet and attempted to close his avant-garde theater and cultural complex. A court rejected the Toulon mayor's bid to shut down the center. The mayor had earlier come under criticism by human rights groups in 1996 when he banned French-Jewish author Marek Halter from the city's annual book fair because the writer was born abroad.

In 1996 the mayor of Orange (another southern town), also a member of the FN, 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 Lagrande-Motte 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 incidents of similar efforts by local officials to suppress anti-FN speech.

In 1996 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 the group advocated the murder of police officers. A court of appeals subsequently dropped the prison term from the sentence. However, in a separate incident in June, after encouraging an audience to shout obscenities at the police, the singers were fined approximately \$8,500 and given a 2-month suspended jail term.

In April a 21-year-old youth was arrested in the southern town of Essone for wearing a shirt bearing English expletives directed against the police. The youth was later acquitted by a correctional tribunal in Evry.

b. Freedom of Peaceful Assembly and Association

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

In July the FN mayor of Toulon banned a celebration planned by anti-FN groups on the July 14 national celebration on the grounds that the city lacked sufficient security forces to deal with the celebration. Despite support from the Culture Minister for the celebration, the ban remained in effect.

c. Freedom of Religion

The law provides for the separation of church and state and for freedom of religion, 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.

The city council of Marignane, a small southern town with a FN mayor, halted subsidies on public school lunches that did not include pork, penalizing Muslim and Jewish students.

In 1996 a parliamentary commission issued a report that identified 172 groups as "sects," including Jehovah's Witnesses and the Scientologists. The Commission's findings led to calls for legislative action to restrict the activities of sects, which were rejected by the Government on freedom of religion grounds. Instead, the Justice Ministry issued a directive to all government entities to be vigilant against any possible abuses by sects, and government offices were tasked to monitor potentially abusive sect activities.

In 1996 a former leader of the Scientologists in Lyon was convicted of involuntary homicide and fraud, sentenced to 3 years in prison, and fined approximately \$100,000. The charges stemmed from a 1988 suicide of one of the church's members. The court found that psychological pressure by the leaders of the Lyon Scientologists caused the member's suicide but avoided ruling on the issue of whether Scientology is a religion. Other Scientologists were also convicted of fraud related to this incident, and given suspended sentences. In July a court of appeals in Lyon upheld the leader's conviction, but commuted his jail term to a suspended sentence. Five members were fined and given suspended jail terms of between 8 months and 1 year, lighter sentences than those previously handed down, while seven were acquitted of being accessories to fraud. The court, in its written decision, recognized the Church of Scientology as a religion. In response the Minister of Interior stated that the court exceeded its authority and declared that the Government does not recognize Scientology as a religion.

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.

The Government provides first asylum and provided it to approximately 17,200 persons in 1996 (latest available data). The Government generally cooperates with the United Nations (U.N.) High

Commissioner for Refugees and other humanitarian organizations in assisting refugees. However, in July the United Nations Human Rights Committee raised concerns about reports of unreasonable delay in the Government's processing of asylum seekers in airport waiting areas and of the Government's efforts to limit U.N. access to these areas. The Committee questioned the Government's practice of penalizing air and ship carriers that transported refugees without legal documentation, arguing that the policy disadvantaged legitimate refugees. There were no reports of forced return of persons to a country where they feared persecution.

Protests continued this year in response to a proposed law aimed at tightening procedures to stem illegal immigration. In March approximately 20,000 artists, intellectuals, and immigrants demonstrated in Paris, while 8 undocumented foreigners staged a hunger strike in the town of Lille. After 58 days, the Lille protesters were forcibly evacuated by the police. In June police evacuated 30 undocumented residents who were demonstrating in a town hall in Paris. The protesters were celebrating the 1-year anniversary of the occupation of Saint Bernard's church in the summer of 1996, an incident in which 300 undocumented aliens occupied Saint Bernard's Church in Paris, protesting against immigration laws and asking to be allowed to remain in France. Virtually all of the 300 were allowed to remain legally.

In June the newly elected Prime Minister ordered local authorities to accelerate the granting of residence papers to immigrants who complied with conditions established by the National Consultative Commission on Human Rights (see Section 4). The conditions favor families "well-integrated" into society, spouses of immigrants with legal status, children born in France and their parents, students, patients receiving medical care, and refugees who would be in danger if sent home.

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. Eight of 27 cabinet members, 19 of 321 senators, and 59 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 1995 (latest available data) there were 20,000 reported cases of mistreatment (physical violence, sexual abuse, mental cruelty, or severe negligence) of children, an 18 percent increase from 1994. Of these cases, 5,500 involved reports of sexual abuse. 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. Authorities have prosecuted more than 23 cases of FGM since 1984 under the provisions of the Penal Code, which states that acts of violence towards children that result in mutilation shall be tried in the highest criminal court. In 1996 a French African mother was sentenced to 5 years' imprisonment, 4 of which were suspended, for having her daughter mutilated. Later in 1996, another parent was given a suspended sentence. Since 1993 the Government and private associations 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 approximately the same number of threats or attacks against Jews: a total of 88 incidents in 1996 (latest available data), compared with 89 in 1995. In April four former skinheads and neo-Nazi group members were sentenced to 2 years in jail for the 1990 desecration of a Jewish cemetery in the southeastern city of Carpentras. Two additional defendants received 20-month sentences for their role in the incident, in which 34 Jewish tombs were vandalized and freshly buried corpses unearthed and impaled.

In January seven youths were arrested in the town of Saint-Files for the bombing of a Muslim prayer cultural center. A second bomb exploded outside of a Paris mosque in March, slightly injuring the caretaker.

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, which doubled between 1994 and 1995, from 207 to 454, decreased to 195 in 1996. No deaths were attributed by the NCCHR to racist violence in 1996 for the first time since 1993.

The Government strongly condemns such actions and attacks and has strict antidefamation laws. 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.

Racial attacks resulted in five deaths in 1995; in all cases suspects have yet to be tried. Three FN youths await trial in the 1995 killing in Marseille of Ibrahim Ali, a 17-year-old shot in the back when FN opened fire on a dozen Comoriens during a political rally. Three skinheads were arrested and 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.

In November the National Assembly adopted a law granting automatic French nationality to children born in France of foreign parents once they reach the age of 18, provided that they have lived in France for at least 5 years since the age of 11, continuously or during different periods. If they choose, they can also become French as young as age 13, with the residence period dating from the age of 8. The new law relaxes tough legislation passed by the previous conservative government in 1993. Under the new law, teenagers have the right to reject French nationality in the 6 months before turning 18 years of age or within a year afterward. A foreigner who marries a citizen can now claim French nationality a year after marriage instead of 2 years.

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 occur frequently and receive extensive media coverage. The number of workdays lost to strike action approached a postwar low in 1997, despite several widely publicized national strikes. Interns and workers at a number of teaching hospitals went on strike for nearly 2 months starting in early March over government-proposed cutbacks in national medical benefits, wages, and working conditions. Airline pilots disrupted domestic and international air traffic during April, May, and November in protest over pay, working conditions, and the implementation of a merger between Air France and a domestic airline. Conductors on the state-owned railway in April sporadically disrupted service, particularly in the south of France, through a series of brief strikes over staff reductions, work schedules, and allowances. A 1-day nationwide railway strike in October, which included Paris subway trains, caused more widespread disruptions. Truck drivers in May mounted a limited strike to protest the failure of some trucking companies to honor the terms of an agreement that ended a late 1996 nationwide truckers strike. A 5-day national truckers' strike in November blocked or slowed down traffic on major highways. Other notable labor actions included: a peaceful occupation of the headquarters of Credit Immobilier bank in January over prospective job losses; a 1-day strike by journalists in November over government plans to end a tax break for members of their profession; strikes in December at two government-owned television channels over pay, working conditions, and reorganization plans; transit workers' strikes in regional cities over pay, work time, and job security; a strike in November by lawyers, clerks, and judges demanding more staff; and recurrent strikes by shipyard workers in Brest over cutbacks in the defense industry. The turnout was low for a general strike called by public sector workers in early March. European and French unions in early June staged a march in Paris protesting high unemployment throughout the continent.

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, including that performed by children, 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. Status of Child Labor Practices and Minimum Age for Employment

With a few exceptions for those enrolled in certain apprenticeship programs or working in the entertainment industry 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. Forced or bonded child labor is prohibited by law, and the Government effectively enforces this prohibition (see Section 6.c.). 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 \$6.57 (F 39.43) 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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