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U.S. Department of State

France Country Report on Human Rights Practices for 1998

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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 the Gendarmerie, the national police, and municipal police forces in major cities, all of which are under effective civilian control. Members of those police forces committed some human rights abuses.

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

The Government generally respected the human rights of its citizens, and the law and judiciary provide a means of dealing with individual instances of abuse. There were instances of unwarranted use of lethal force and the abuse of detainees, particularly foreigners, by law enforcement officers. Long delays in bringing cases to trial and lengthy pretrial detention are problems. Violence and threats against ethnic and religious minorities continued to decline. The Government has taken important steps to deal with violence against women and children. Women continue to face wage discrimination. Claude Erignac, the Government's Prefect in Corsica, was killed in February in Ajaccio.

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 by government officials.

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.).

In March the authorities investigated two police officers in the "Bouziane affair," which involved the December 1997 fatal shooting of 16-year-old Abdel-Kader Bouziane. The police claimed self-defense when they fired at Bouziane's car as it approached them head-on, shooting him when he attempted to break through a roadblock near Fontainebleau. Ballistics experts stated that the shots were fired after Bouziane's vehicle passed through the roadblock.

In Lyon in December 1997, Fabrice Fernandez, who was handcuffed and arrested by the anticrime brigade, was shot and killed while undergoing interrogation at the police station. The police officer who fired the fatal shot with a confiscated shotgun was suspended from duty, detained, and charged with manslaughter, which was later increased to murder by the investigating judge. Also in Lyon an unemployed 24-year-old was killed during interrogation at police headquarters in the same month.

In March 1997, gendarmes killed two homeless men who were robbing a store in Machecoul (Loire-Atlantique). The police claimed self-defense, but witnesses said that 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 December 1997, the appeals court in Aix-en-Provence overturned the decision that the border police officer who shot and killed 8-year-old Serbian refugee Todor Bogdanovic in 1995 acted in self-defense. Border police were accused of using excessive force in attempting to halt a convoy of refugees that ran a border checkpoint. The case was passed on to the Court of Assizes on a charge of manslaughter.

In November 1997, the gendarme who shot and killed Franck Moret was released by the correctional court in Valence, prompting the family of the deceased to appeal the judgment. Also in November 1997, the family of Ibrahim Sy, a Senegalese youth who was shot and killed by a gendarme in 1994, appealed the Rouen Court of Appeals judgment that no grounds for prosecution existed in the case to the Court of Cassation.

In January 1997, 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 1997. Charges were filed, and in October 1997 the officer was sentenced to a suspended 5-year prison term.

An administrative inquiry was opened into the 1991 death of 18-year-old Aissa Ihich, who was allegedly beaten by police officers and subsequently died of an asthmatic attack because he was allegedly refused medication.

In May the Interior Minister released a study that acknowledged that government authorities hid the scope of a 1961 crackdown on Algerians who were beaten, shot, and thrown into the Seine River during a 1961 protest tied to Algerian independence. The Interior Ministry report stated that it was likely that "dozens" of persons died on October 17, 1961. Prior to the release of the report, officials insisted that only seven persons were killed. Government authorities at the time of the incident stated that only three

persons were killed.

Four skinheads were sentenced in May for their roles in the 1995 killing of a Moroccan (see Section 5).

In February the Prefect for Corsica, Claude Erignac, was killed in Ajaccio. While no one has claimed responsibility, the investigation continues to focus on separatist groups. The Corsican separatist group FLNC-Canal Historique claimed responsibility in May for bombings in Marseille and Aix-en-Provence and in August for the July 21 drive-by shooting attack on the national police compound at Aspretto, as well the July 31 bombing of a gendarmerie station at Avignon. During 1998 there were approximately 132 terrorist attacks or attempts in Corsica, but there were no other fatalities.

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 were tried in absentia and 38 were present at the trial. The group was accused of providing financial support, false documents, and other assistance related to the bombings to Algerian extremists. Most of the defendants were convicted and sentenced in February to jail terms ranging from 4 to 10 years.

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 continuing.

The investigating magistrate completed his investigation into the 1989 terrorist bombing of UTA flight 772 and forwarded the case for trial. The six Libyan nationals accused in the case were expected to be tried in absentia in early 1999. The brother-in-law of Libyan dictator Mu'ammar Al-Qadhafi is included in the group.

The police arrested German national Hans-Joachim Klein, who was subject to an international arrest warrant issued through the European Union Schengen Accords, in early September in northern France where he had lived under another identity for more than 5 years. Klein was wanted for murder and attempted murder for his participation with internationally known terrorist Ilich Ramirez Sanchez, also known as "Carlos the Jackal," in the 1975 hostage taking at OPEC headquarters in Vienna that resulted in several deaths.

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 abuse occurred, but there is no evidence of a pattern.

In March a police officer and former member of the National Front was sentenced to 8 months in prison for assaulting a North African who was taken into custody for disrupting the peace.

In March police in New Caledonia fired rubber bullets at Chinese refugees, wounding several (see Section 2.d.).

The United Nations Human Rights Committee expressed concern in July 1997 about the number and

gravity of allegations of mistreatment of detainees by law enforcement officials and the unnecessary use of force and firearms which resulted in a number of deaths. According to the Committee, such mistreatment was more often prevalent in cases of foreign detainees. The Committee also cited lengthy proceedings involving law enforcement officers and investigations of alleged human rights violations by law enforcement officials that "lacked vigor" as potential problems. Additionally, the European Committee for the Prevention of Torture (CPT), an organ of the Council of Europe, in a June report criticized the National Police forces of Paris, Marseille, and Montpellier for the mistreatment and poor conditions of detainees in police stations. Most of the complaints came from persons of North African or African origin.

In February 1997, 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.

An administrative investigation was launched after a few dozen persons demonstrating against the FN in March 1997 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.

Prison conditions generally exceed minimum international standards. The 1998 report of the French international nongovernmental organization International Observer of Prisons (IOP) noted a decrease in the number of deaths of inmates, which reversed the previous year's increase. In 1997 there were 203 deaths of persons in custody, compared with 272 in 1996. A lack of response or the poor medical care and supervision of prison personnel were often the causes of several deaths. The IOP cited the case of Carole Debuine as an example. With medical treatment suspended since the beginning of her incarceration, she waited 3 weeks to be transferred to a hospital for tests before she died on September 11, 1997, from severe encephalitis. The report also noted that despite the implementation of preventive policies at 11 sites, suicide continued to be the leading cause of death of imprisoned inmates. There were 125 suicides in detention in 1997, compared with 138 in 1996. In addition, the report criticized incidents of brutality, particularly against prisoners of African origin, by prison officials--incidents that resulted in the number of disciplinary sanctions against surveillance personnel increasing threefold. In Grasse during the night of December 31, 1997, seven inebriated prison guards brutalized eight inmates of African origin, of which three were minors, strangling one.

In its 1998 report reflecting conditions in 1996, the CPT found that police holding cells did not satisfactorily accommodate prisoners' needs. For example, police prison cells frequently had inadequate natural light, sleeping space, and blankets. In addition, prisoners received inadequate meals, outdoor exercise and medical care, according to the CPT.

In an attempt to reduce prison overcrowding, a December 1997 law called for experimentation with the "electronic bracelet" in 1998 for inmates serving less than a 1-year sentence or for those finishing their sentences. The IOP report also highlighted an increase in the number of minors incarcerated in 1997.

The Government permits prison visits by human rights monitors.

d. Arbitrary Arrest, Detention, or Exile

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

A 1994 case continues against 6 of 26 resident non-French Muslims detained by police on suspicion of

supporting Algerian terrorists. After several weeks' detention, 20 of the detainees were deported in 1995.

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.

The mass trial of the "Chalabi network" was completed in October, and those convicted received sentences ranging from 4 months to 10 years' imprisonment. The case involved 138 suspects, most of North African origin, who were accused of providing logistical support in France for terrorists in Algeria. Arrested by police between November 1994 and June 1995, 27 had been in detention since that period. Because the Government feared that adequate security could not be assured at the main tribunal in central Paris, the trial was held outside Paris in a converted gymnasium on the grounds of the National School for Penitentiary Administration. Attorneys for the accused as well as the nongovernmental organization League of Human Rights criticized the "circus" atmosphere of a mass trial and boycotted the proceedings, in protest at their stated inability to provide a fair defense for such a large number of clients at once.

In September Omar Raddad, the Moroccan gardener accused and convicted of brutally killing his employer in 1994, was released from prison on conditional terms after having served 4 years and several months of his 18-year sentence, which was reduced by President Jacques Chirac in 1996. Raddad and his attorneys continued to insist that the court in Nice denied him an adequate and fair trial. According to Raddad's attorney, immigration officials expelled a key witness for his defense because the witness did not have proper residence papers. His attorney is submitting a motion for a retrial.

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 April Prime Minister Lionel Jospin called for an individual examination of each wiretapping case deemed inappropriate by the National Commission for the Regulation of Wiretapping (NCRWT). According to the most recent report compiled by the NCRWT, the number of wiretaps by police authorities increased slightly in 1997. However, other official wiretaps, of which the number is set by the Prime Minister, increased by 30 percent in 1997. Wiretapping is legally recognized as a right of the government, but its improper use during former president Mitterrand's tenure led to Jospin's action.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The law provides for freedom of speech and of 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 1997 a Paris court dismissed on technical grounds a lawsuit against an institution affiliated with Georgia Tech University. The suit alleged that the organization violated the law because its Internet site was not available in French. The suit was resolved amicably out of court after the organization agreed to publish its site in French and English.

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 the separation of church and state and for freedom of religion, and the Government generally respects this right in practice. However, the Government took some actions during the year that targeted religious minorities that it describes as "sects."

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. A category of groups known as "cultural associations" with religious affiliations may also qualify for government subsidies. For historical reasons, contrary to practice in the rest of the country, 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, the Conseil d'Etat, 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, the Ministry of Education issued a directive in 1994 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 and subsequently struck down some decisions to expel girls for wearing headscarves.

In 1995 the National Assembly created a parliamentary commission (known alternatively as the Gest or Guyard Commission, after the names of its chairman and rapporteur respectively) that was "charged with studying the phenomenon of sects and of proposing, if necessary, the adaptation of existing laws" to address sects. In 1996 the commission issued a report that identified 172 groups as sects, including Jehovah's Witnesses and the Church of Scientology. The report was prepared without the benefit of full and complete hearings regarding the groups identified on the list. The ensuing publicity contributed to an atmosphere of intolerance and bias against minority religions. Some religious groups reported that their members suffered increased intolerance after having been identified on the list. According to the International Helsinki Federation, in its November report to the OSCE Human Dimension

Implementation Meeting in Warsaw, the identification of the 172 groups "resulted in media reports libeling minority religions, the circulation of rumors and false information, and incitement of religious intolerance." The Commission's findings also led to calls for legislative action to restrict the activities of sects, which the Government rejected on freedom of religion grounds. Instead, the Justice Ministry issued a directive to all government entities to be vigilant against possible abuses by sects, and government offices were instructed to monitor potentially abusive sect activities.

In 1996 the Government created an interministerial working group on sects (known as the Observatory on Sects) to analyze further the phenomenon of sects and to develop proposals for dealing with them. The working group's final report (issued during the summer) proposed to: (1) give legal standing to organizations that oppose sects, thereby allowing them to initiate civil actions against sects; (2) modify the law to require associations to divulge information regarding the sources and management of their finances in order to obtain tax-exempt status; (3) limit the allocation of public campaign funds to groups and parties having over 2 percent of the eligible voting population's support; (4) place a "resource" representative in each prefecture to communicate information to local officials regarding sects; (5) create a permanent commission at the European Union level to reinforce international and European cooperation in controlling sect activities; and (6) implement measures to restrict group members' entry into professional training programs.

In October the French government issued a new decree creating an "Interministerial Mission to Battle Against Sects" ("mission interministerielle de lutte contre les sectes"). The new decree disbanded the Observatory on Sects. Although the decree instructs the commission to "analyze the phenomenon of sects," the decree itself does not define what is meant by sect or how sects differ from "religions." The commission also is charged with serving as a coordinator of periodic interministerial meetings at which government officials are to exchange information and coordinate their actions against sects. Some observers are concerned about the creation of a commission that targets groups not on the basis of their presumed illegal activities but on the basis of their religious or other beliefs.

In December the Ministry of Justice issued a circular urging state prosecutors to cooperate with the new commission in bringing actions against sects. In December the National Assembly also created a new parliamentary commission to study the way that sects are financed.

According to the 1905 law separating church and state, religious associations are not taxed on voluntary donations that they receive, but the Government does not recognize Jehovah's Witnesses or the Church of Scientology as qualifying religious associations. For tax purposes the Government therefore treats them as commercial enterprises, which makes them subject to a 60 percent tax on all donations they receive. Although international human rights standards prohibit discrimination on the basis of religion or belief, the Government used this distinction to find that certain groups are not qualifying religious associations for tax purposes.

In January 1996, the tax authorities began an audit of the French Association of Jehovah's Witnesses, and in May the tax authorities formally assessed the 60 percent tax against donations received by Jehovah's Witnesses from September 1992 through August 1996. In June tax authorities began proceedings to collect the assessed tax, including steps to place a lien on the property of the National Consistory of Jehovah's Witnesses. The total amount claimed (including taxes, penalties, and interest) is over \$50 million (300 million francs). According to the International Helsinki Federation's 1998 report, Jehovah's Witnesses "have been singled out for close scrutiny" and their "fiscal management has been examined with an intensity that suggests harassment."

The authorities previously took similar action against the Church of Scientology. Tax claims asserted in 1994-95 against several Scientology churches forced them into bankruptcy. In the case of the Paris

church the Ministry of Finance refused to grant the church authorization to import funds to pay the claimed taxes even though the church offered to pay the total amount of all taxes assessed, a percentage of which would have come from outside the country. Subsequently, in December 1997, the Government filed a legal action for the claimed amount against the former officers of the Paris church and against the Church of Scientology International, a California nonprofit religious organization.

Hearings in this legal action have been deferred pending a decision on an underlying administrative claim by the Paris church that the Ministry of Finance acted improperly in refusing to allow the church to import the funds needed to pay the assessed taxes.

In July 1997 a Court of Appeals in Lyon recognized Scientology as a religion in its opinion in the conviction of Jean-Jacques Mazier, a former leader of the Scientologists, for contributing to the 1988 suicide of a church member. In response the Minister of the Interior stated that the court had exceeded its authority and that the Government does not recognize Scientology as a religion. The Government appealed the Court of Appeals decision.

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 statistics). The Government generally cooperates with the United Nations (U.N.) High Commissioner for Refugees and other humanitarian organizations in assisting refugees. However, in July 1997 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 about 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.

However, the National Consultative Commission on Human Rights (NCCHR) expressed concern about the methods that the authorities employed in attempting to force 110 "Chinese boat people" to leave New Caledonia in March after they had taken refuge on the island for 4 months (beginning in November 1997). Police fired rubber bullets at the Chinese refugees, who refused to descend from rooftops, wounding several. The Government subsequently suspended the expulsion.

In June 1997, the newly elected Prime Minister ordered local authorities to accelerate the process for considering the issuance of residence papers to illegal immigrants using criteria established in 1996 by the NCCHR. Between June of 1997 and the end of 1998, approximately 143,000 illegal aliens requested residence papers and approximately 80,000 of these requests were granted. An immigration law passed by the National Assembly in May 1998 establishes the new rules applicable to resident illegal aliens. Such aliens who applied for but did not receive residence papers between June 1997 and the end of 1998 can apply for residency under the new law.

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

The Constitution provides citizens with the right to change their government peacefully, 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. Nine of 27 cabinet members, 5.6 per cent of senators, and 10 percent of deputies in the National Assembly are women. The European Union Parliament includes a larger French female presence, with 30 percent of the country's elected representatives being women. To increase women's participation, some parties have established quotas for them on electoral lists or in party management. The President and the Prime Minister continued discussions on modernizing the country's political institutions, including measures to encourage a greater number of women in political, social, and public positions.

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, along with the overseas departments. In November the citizens of New Caledonia approved a referendum modifying their political system. The referendum provides that for a period of from 15 to 20 years the territory will be governed by executive officials elected on a proportional basis by the legislative body (the New Caledonia Congress). Then, between the years 2014 and 2018, the citizens of New Caledonia will have an opportunity to vote (through another referendum) for independence.

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 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.

A parliamentary commission convened in the spring was charged with investigating government actions in Rwanda during the genocide of 1994. It concluded its public hearings and investigations after conducting broad-ranging interviews of relevant government and foreign officials. The Commission's report was expected to be issued in December. The Commission was convened in response to press allegations that France supplied arms to the Hutu-dominated Rwandan army forces, which used them in the genocide committed against Tutsis in violation of the May 1994 U.N. Security Council embargo forbidding such sales.

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. There were 6,540 reported rapes or sexual assaults in 1995 (latest available statistics). Some 15,700 incidents of wife beating (including 98 which resulted in death) were reported to police in 1993 (latest available statistics). 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.

Although in general France serves primarily as a transit point rather than a destination, there were cases

in which women were trafficked to France for prostitution. For example, in March a judge began an investigation into an alleged international prostitution ring that lured girls into prostitution by promising them acting jobs. Early in the year, Paris police uncovered a network of pimps in the Bois de Vincennes involving African women. Police also dismantled another organization that promised work as flight attendants to around 40 women, mostly Russians who were brought to France on fake Croatian passports, and subsequently forced them into prostitution. There is a government agency, OCRTEH, the Central Office on the Treatment of Human Beings, that deals with the problem, but the Government primarily relies on Lyon-based Interpol to combat the illegal trafficking of women. While prostitution is legal, acting as a pimp is not.

The law requires that women receive equal pay for equal work, but this requirement is often not the reality. Large salary disparities between men and women persist. According to recent statistics, on average, men earn 22.5 percent more than women, down from 29 percent in 1991. While women earned less than men in general, women were more likely to be affected by long-term unemployment: in 1994 (latest available statistics) the rate for women was 4 percentage points higher than that for men. Among persons earning or receiving less than \$650 per month, 80 percent are women.

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 statistics) 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 prosecute FGM cases 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. 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.

There is no societal pattern of abuse against children.

Between October 13 and October 20, thousands of high school students conducted three nationwide demonstrations for better schools and more teachers. The students were joined on the margins by other young people from the suburbs who committed various acts of property damage. During an October 15 demonstration, 5 people, including 2 policeman, sustained minor injuries, and 110 people were arrested.

During an October 20 demonstration 300 people were arrested.

People With Disabilities

There is no discrimination against disabled persons in employment, education, or in the provision of other state services. 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 on racism and xenophobia, released in March, confirmed a downward trend in the number of threats or attacks against Jews since 1992: a total of 80 threats and 3 acts of violence in 1997 compared with 90 and 1 in 1996, respectively.

In April a Bordeaux court sentenced Maurice Papon to 10 years' imprisonment for his actions as secretary general of the Prefecture of Gironde from 1942 to 1944. Papon was found guilty of complicity in committing crimes against humanity for his role in the deportation of hundreds of Jews to Nazi concentration camps during the World War II German occupation.

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 a continuing decrease in the number of reported incidents of racist violence and threats: down to 112 threats in 1997 from 199 in 1996 and 5 cases of violence, down from 9 in 1996. One death attributable to racist violence was recorded in 1997.

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.

The annual NCCHR report warned against "racism with a new face." The Commission noted increasing job discrimination against youth of North African origin and it highlighted the overrepresentation of youths of Arab origin in unemployment statistics. It cited the example of a technical high school in the Parisian region that maintains lists of companies that offer internships to students, with some companies specifying "no Arab names." The report noted the ineffectiveness of existing laws to combat this form of racism, as well as the difficulty in proving discriminatory intentions. The Commission suggested the implementation of several voluntary measures, including a type of affirmative action program. If such a "quota" arrangement were not selected, the Commission suggested that public authorities encourage good practices using their power to allocate contracts.

In a 1997 poll, 18 percent of respondents admitted to being "quite racist;" 40 percent said they could be "tempted" by racism; 33 percent said neither of the first two categories applied to them; and 9 percent had no opinion.

In Vitrolles the city government led by the National Front (NF) instituted a system of bonuses ("national preference") offering couples of European origin a one-time bonus of approximately \$800 (Fr 5,000) for children born after January 1, 1998. Eligible parents must have lived in the city of Vitrolles for 2 years and must originate from member states of the European Union. In April a Marseille administrative

tribunal ruled that the bonus system was illegal. A similar measure was implemented in Paris in 1985 with the intent of maintaining the "demographic equilibrium" of the city. The Paris administrative tribunal struck down the earlier Paris law in 1986 on the basis that it conflicted with the legal principal of equality. The NF also uses its "national preference" dictum in the allocation of jobs in municipalities under its control.

The reformed law concerning French nationality, originally passed by the National Assembly in November 1997, came into effect in September and was publicized by a government campaign that is to last until 1999. The new law grants children born in France of foreign parents full citizenship at the age of 18 and replaced the stricter 1993 "Mehaignerie Law" which required persons to apply for French nationality upon turning 21 years of age. Under the new law, youths can obtain certificates of nationality by proving that they were born in France and have lived at least 5 years, continuous or not, on French territory since the age of 11. A youth can apply for nationality as early as the age of 16, or a child's parents, with his or her agreement, may apply when the child reaches the age of 13.

The press reported that authorities continued to deny residence status to Daniella Dragotel, the 5-year-old daughter of Romanian immigrants. Daniella was born in a house trailer outside the Strasbourg city hall. Authorities cited uncertainty as to the infant's date and place of birth as the reasons for the denial of civil status. According to the law, in the event of any uncertainty in the child's place of birth, the responsible tribunal is that for the area in which the guardian resides, with the sole condition being that said guardian resides in France. Daniella's parents both possessed legal residence permits. According to court precedent, uncertainty as to the date of birth is insufficient grounds to deny residence status. The same court precedent states that every individual is obligated by law to have civil status.

The press reported that in November 1997 the authorities at Reze (Loire-Atlantique) refused the naturalization of Moroccan national Khaddouj Tahir, who had been a resident of France since 1977, because she wore a hejab veil on her head during her final interview. In February newspapers quoted naturalization officials who stated that her garments signaled a "refusal to integrate into the French community...if she wants to be French, she must dress like a French woman." According to the law, applicants for naturalization must demonstrate their assimilation into French society as well as their loyalty to the French nation.

In May a court sentenced four skinheads for their role in the 1995 killing of Moroccan Inbrahim Bouraam. Mickael Freminet was sentenced to 8 years' imprisonment for pushing Bouraam into the Seine River. David Halbin, David Parent, and Christophe Calame were sentenced to prison for 5 years÷4 of them suspended÷for failing to assist a person in danger.

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 less than 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. However, many of the leaders of the General Confederation of Labor and its unions belong to the Communist Party.

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. The number of workdays lost to strike action in the private sector reached a postwar low in 1998. Most of the widely publicized national strikes or protests occurred in the public sector or affected state-owned companies, and were called principally over salaries, privatization/ reorganization plans, and working conditions (of which hours and staffing were the primary issues). Teachers and health care workers mounted several strikes and protests over pay, personnel levels, and government efforts to reform the educational and health care systems. Railway workers disrupted train service during peak travel periods during the spring and late fall in support of manning levels, pay claims, and to force government concessions on reorganization plans. Rail unions supported a 1-day European rail strike in December over plans to privatize freight services. Prison workers in April mounted a limited strike over personnel levels and working conditions. A 2-month strike at a military shipyard in Toulon from April to June disrupted some operations at a nearby naval base. An Air France pilots' strike in May and June over the establishment of a two-tier personnel system and pay issues led to the suspension of nearly all Air France flights and the serious disruption of other air traffic. French truckers in September blocked international border crossings and some major highways as part of a European-wide, 1-day action to protest low wage rates in the trucking sector. Public transportation workers in Paris and other major cities struck throughout the year but particularly in October over mounting violence directed against them. In December journalists again struck for retention of a special tax break threatened by the Government. Workers at some museums and national monuments in Paris struck in the late fall over staffing, pay, and work hours, while workers at the National Library struck over working conditions and malfunctioning equipment.

The law prohibits retaliation against strikers, strike leaders, and union members, and the Government effectively enforces this provision. In September Peugeot settled a legal claim of discrimination against members of the General Confederation of Labor by agreeing to compensate 169 affected workers.

Unions can freely join federations and confederations, including international bodies.

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.

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 enforced effectively 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 hourly wage was changed to \$7.18 (Fr 40.22) as of July 1. The legal workweek is 39 hours, with a minimum break of 24 hours per week. Overtime work is restricted to 9 hours per week.

In June the President signed legislation lowering the legal workweek to 35 hours for firms with more than 20 employees, to become effective on January 1, 2000. Firms with less than 20 employees are to have until January 2002 to adjust to the new law.

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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