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## 1999 Country Reports on Human Rights Practices

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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.

### 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.

In January a judge initiated an investigation into the November 20, 1998 death of 26-year-old Mohammed Ali Saoud in Toulon. Saoud, who had a history of mental illness, died following police intervention in a violent domestic disturbance. After a struggle, the police succeeded in physically restraining him. Saoud lost consciousness and the police called a medic, but the medic could not revive him. An autopsy determined that Saoud died from a fractured skull. The police had fired rubber bullets at Saoud to subdue him, and Saoud's mother said that the police kicked and hit him while he was on the ground. The judicial investigation was opened in response to requests by Saoud's family and the Human Rights League, a French nongovernmental organization (NGO). The investigation continued at year's end.

An investigating judge is considering manslaughter charges against the police officer who shot and killed 17-year-old Habib Mohamed while he attempted to steal a car on December 13, 1998 in Toulouse. After being shot, Mohamed allegedly staggered away and later was found dead by a passerby. The police officers involved reportedly failed to follow Mohamed or to follow required procedures to report that their weapons were fired.

In August the judge investigating the December 1997 fatal shooting of 16-year-old Abdel-Kader Bouziane changed her investigation of one of the police officers involved from manslaughter to murder. A second police officer remains under investigation for manslaughter. 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.

On December 10, the Court of Assizes in the department of Rhone convicted the police officer who fired the fatal shot in the December 1997 shooting in Lyon of Fabrice Fernandez of manslaughter, and sentenced him to 12 years in prison. In March the chambre d'accusation (the prosecuting chamber of the criminal court) had confirmed an investigative judge's 1998 decision to increase the charge to murder. The officer had been removed from the police force in January 1998.

In October 1997, the public prosecutor declined to bring charges against the gendarmes who killed two homeless men who were robbing a store in Machecoul (Loire-Atlantique). The public prosecutor decided that the gendarmes had not used excessive force and an investigating judge agreed.

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, and the officer was acquitted in December 1998.

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. In July 1998, the appeals court overturned the decision of the correctional court and sentenced the officer to an 18-month suspended prison term. The officer has appealed

the court's decision. On September 23, 1998, the Court of Cassation refused the appeal of a ruling that no grounds for prosecution existed, by the family of Ibrahim Sy, a Senegalese youth who was shot and killed by a gendarme in 1994. An administrative inquiry was opened into the 1991 death of 18-year-old Aissa Ihich, who allegedly was beaten by police officers and subsequently died of an asthmatic attack because he allegedly was refused medication. In June the chambre d'accusation decided that three police officers and one doctor involved in the case should be tried before a correctional court.

In May the Court of Cassation sent a new report to the Prime Minister, which described the Government's involvement in the case of the Algerians who were beaten, shot, and thrown into the Seine river during a 1961 protest in Paris. The report, based on a detailed review of the judiciary archives, concluded that 48 Algerians died on the night of October 17, 1961. In May 1998, the Interior Ministry had concluded that it was likely that "dozens" of persons had died; government authorities at the time of the incident had stated that only three persons were killed. In May Prime Minister Lionel Jospin's office announced that government archives on the incident would be opened to historians; at year's end, both the national archives and the archives of the city of Paris were open to the public.

In May the authorities arrested Corsican nationalists Didier Maranelli, Alain Ferrandi, Pierre Alessandri, and Marcel Istria for the February 1998 killing of Corsican Prefet Claude Erignac. According to press reports, only Istria has denied any participation in the killing. Yvan Colonna, who is presumed to have fired the shots that killed Erignac, was still at large at year's end, and was believed to be hiding somewhere on the island. The investigation continued at year's end.

On September 15, a court convicted 21 persons and sentenced them to between 6 months and 10 years in prison; the defendants were members of a network that provided logistical support in Paris, Lyon, and Lille for a group which in 1998 a court found to be responsible for a 1995 wave of bombings in Paris that killed 8 persons and injured over 170 others.

There were no developments in the case of two Iranian nationals suspected of killing Reza Mazoulman, an Iranian deputy education minister under the Shah, in Paris in 1996. The investigation continued at year's end.

On March 10, a special Court of Assizes issued guilty verdicts and imposed life sentences on six Libyan nationals (including the brother-in-law of Libyan dictator Mu'ammar al-Qadhafi), who were tried in absentia for the 1989 bombing of UTA flight 772. According to press reports in July, Libya paid approximately \$33 million (211 million francs) to France to compensate the families of the 170 persons killed.

On May 20, German national Hans-Joachim Klein, who was arrested in September 1998 for murder and attempted murder in a 1975 hostage taking at OPEC headquarters in Vienna, was extradited to Germany.

In June a court rejected the appeal by Ilich Ramirez Sanchez, a.k.a. "Carlos the Jackal," of a December 1997 conviction in which he had received a life sentence for a 1975 murder in Paris of two French secret agents and their informer. On January 15, the chambre

d'accusation of the Paris Court of Appeal decided not to prosecute him for a 1974 bombing of a Paris drugstore which killed 2 persons and wounded 34 others. However, in mid-December the Court of Cassation set aside the Court of Appeal's decision and reopened the case.

On May 19, a Paris court acquitted Bob Denard, a 70-year-old soldier of fortune, and Dominique Malacrino of charges that they killed President Ahmed Abdallah of the Comoros in 1989.

On September 1, an investigating judge decided that Nazi war criminal Alois Brunner should be tried in absentia on charges of crimes against humanity. Brunner previously was sentenced to death in absentia by a French military court in 1954, but vanished and was believed to have been living in Syria. According to press reports, in 1992 the Damascus publication *Lettre d'Orient* announced that Brunner had died, but Syrian authorities and Brunner's ex-wife and daughter refused to confirm or deny the report. The *chambre d'accusation* is to review the investigating judge's decision to determine whether Brunner should be tried by the Court of Assizes.

#### 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.

On July 28, the European Court of Human Rights decided unanimously that France violated two articles of the European Convention on Human Rights in the case of Ahmed Selmouni, a Moroccan-Dutch drug smuggling suspect, who was arrested in November 1991. France was found guilty of violating Article 3, the prohibition against torture, and Article 6, the right to a hearing within a reasonable time. Selmouni had been arrested without incident by police officers in Paris, but he was beaten numerous times during his subsequent detention. The public prosecutor in France began an investigation of the police officers in February 1992. In December 1992, Selmouni was convicted of various drug charges, and he is serving a 13-year prison term. In February 1993, Selmouni lodged his own complaint against the police officers and asked to join the prosecutor's proceedings as a civil party. These proceedings resulted in the conviction of five police officers in March on various charges of assault. The officers' original sentences ranged from 3 to 4 years and were reduced on appeal in July to range between 10 and 18 months. Four of the police officers had their reduced sentences completely suspended. Only the supervisory officer, whose sentence was reduced from 4 years to 18 months (with 15 months suspended), actually served any time in prison. The officers remained in their positions with the police force until the commencement of their trial in February. The supervisory officer is not required to return to prison because he already had served the unsuspended portion of his sentence (3 months) during provisional detention. The European Court of Human Rights ruled that the over 6-year delay in the processing of Selmouni's complaint (some aspects of which are still being considered by the French courts) violated his right

to a hearing within a reasonable time. The court also ruled that the physical abuse of Selmouni was "inflicted intentionally for the purpose of making him confess to the crime which he had been suspected of committing." It caused "severe pain and suffering and had been particularly serious and cruel." The court concluded that "such conduct had to be regarded as acts of torture."

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 1998 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.

The Government is in the process of instituting certain judicial and administrative reforms that address mistreatment of detainees by law enforcement officials. One such reform currently being debated in the Parliament, known as the "presumption of innocence" bill, would require a senior judge, rather than an investigating judge, to review decisions on pretrial detention. In addition, under the bill most detainees would have the right to see their lawyer 1 hour after being detained by the police (as compared with 20 hours under the current law). A second reform, also being debated in the Parliament, is the creation of a national commission on security ethics to oversee the actions of police officials and to investigate complaints of police abuse from witnesses or victims.

In April an unauthorized beach restaurant was burned, reportedly by members of a secret antiterrorist police unit. The event led to the dismissal and arrest of the prefet for Corsica, Bernard Bonnet, under whose authority the unit operated. Bonnet was incarcerated briefly and then released. A judicial investigation of the unit's activities, and Bonnet's role in its direction, continued at year's end.

An administrative investigation into a March 1997 incident in which riot police beat a few dozen persons demonstrating against the National Front (FN) in Marseille continued at year's end. 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.

On July 2, the authorities arrested Mauritanian army Captain Ely Ould Dah in Montpellier, where he was attending a training course at a French army college. The arrest was in response to accusations by two Mauritanian refugees living in France, who alleged that Dah is responsible for torture inflicted upon them when they were soldiers in Mauritania in 1990 and 1991 and were suspected of taking part in an attempted coup d'etat against Mauritanian President Maaouya Ould Taya. Dah was arrested pursuant to a complaint filed by the International Federation of Human Rights Leagues and the French League of Human Rights under the International Convention Against Torture. The authorities detained him for questioning; the Montpellier Court of Appeal released him on September 29, but required that he remain in the country. The investigation continued at

year's end.

There were numerous bombings in Corsica throughout the year. Many of these attacks were not politically motivated; however, several attacks were made against symbols of the French state (such as police stations, customs offices, and tax offices) or against financial institutions that Corsican separatists view as harmful to the economic interests of Corsicans. Such attacks usually occurred when offices were closed, and there were no deaths or injuries reported during the year.

Prison conditions generally exceed minimum international standards. However, public debate continued on the adequacy of prison conditions. Some observers continued to criticize prisons for not providing inmates with adequate light, sleeping space, blankets, meals, outdoor exercise, and medical care. There were 201 deaths of persons in custody in 1998, including 118 suicides. (There were 203 deaths of persons in custody in 1997 and 125 suicides). The 1998 report of the French international NGO International Observer of Prisons (IOP) noted that despite the implementation of preventive policies at 11 sites, suicide continued to be the leading cause of death of imprisoned inmates. Other deaths resulted from poor medical care and supervision of prison personnel. The report also 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 severely beat eight inmates of African origin, of whom three were minors, strangling one. In June a correctional Court convicted three of the prison guards, and gave them each a 3-month suspended sentence.

The Government is in the process of considering a draft code of ethics for prison guards and is forming a working group, to be chaired by the head of the Court of Cassation, to make recommendations for additional administrative oversight of the actions of prison officials. Observers have criticized the current oversight mechanism as being ineffective because there is no external administrative oversight outside of the Ministry of Justice, which is responsible for both prison administration and the discipline of prison officials.

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 July the Government announced plans to improve prison conditions by renovating five existing prisons and building six new ones.

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 a 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 and detention, and the Government observes these prohibitions.

The judicial system has been criticized by credible sources for its inability to process suspects quickly. Some suspects spend many years in prison before a trial even starts. According to the Prison Administration, as of January 1, 20,610 of the 53,055 persons held in jails and prisons were awaiting trial. A system of bail exists.

As part of heightened security concerns during the visit of Iranian President Mohammad Khatami to Paris at the end of October, police briefly detained and then released several dozen Iranian activists, including members of the Mujahedin-e Khalq organization, which had been responsible for previous violent incidents in France.

The six resident non-French Muslims detained in 1994 by police on suspicion of supporting Algerian terrorists are believed to have been tried in the "Chalabi network" case in October 1998, or released.

The law prohibits 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 (see Section 1.d.).

On December 14, the European Court of Human Rights ruled that France violated Article 6 of the European Convention on Human Rights in the case of Faouzi Khalifaoui. Khalifaoui was required to present himself to be taken into custody by law enforcement officials the day before consideration of his case by the Court of Cassation if he wished that court to consider his appeal. The European Court of Human Rights ruled that such a procedure violated Khalifaoui's right to a fair trial.

In case of serious crimes, investigating judges detain suspects for questioning and direct the criminal investigation that occurs before a case is tried. In some cases this procedure has resulted in lengthy detentions of suspects before they are tried. The chambre d'accusation reviews the investigating judge's investigation to determine whether the charge established by the investigating judge is appropriate. The Court of Assizes investigates and decides cases involving the most serious offenses.

On January 22, the Paris Court of Appeal confirmed the sentences of those convicted in the October 1998 "Chalabi network" trial. According to press reports, the sentences of the 3 main defendants were reduced to 8 years from the 10 years requested by the prosecutor. Fifty-one of the 138 defendants were acquitted of the charge of criminal conspiracy. However, 20 of those 51 were sentenced for related offenses. A total of 31 persons were

acquitted of all offenses. Attorneys for the accused, as well as the NGO League of Human Rights, continued to criticize the fairness of the proceedings due to the "circus" atmosphere of the mass trial. In addition, on November 9, the European Court of Human Rights ruled that France violated the human rights of one of the defendants, Ismail Deboubb, due to his lengthy pretrial detention. Although Deboubb ultimately was convicted and sentenced to 6 years in prison, he spent over 4 years in detention before being tried. The European Court of Human Rights found that he was not tried within a reasonable time, in accordance with the European Convention on Human Rights.

In September 1998, 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. Raddad's attorney submitted a motion for a retrial in January, which was pending at year's end.

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 1998, 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 press reports, the judge investigating the matter nearly had completed his case-by-case investigation by year's end, and is expected to submit his findings to the public prosecutor's office in early 2000. According to the most recent report compiled by the NCRWT, the number of wiretaps by police authorities remained constant in 1998. The limit on the number of wiretaps established by the Prime Minister in 1997 did not change during the year, and according to the NCRWT, the actual number of wire taps during 1998 was below that limit. Wiretapping is legally recognized as a right of the government, but its improper use during former President Francois Mitterrand's tenure led to Jospin's action.

Debate continues over whether Muslim girls have the right to wear headscarves in public schools (see Section 2.c.).

### 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.

On January 21, the European Court of Human Rights decided that that France had

violated Article 10 of the European Convention on Human Rights (on freedom of expression) in the case of publishing director Roger Fressoz and journalist Claude Roire of the newspaper *Le Canard Enchaîné*. The September 27, 1989 issue of the newspaper carried an article written by Roire with reproductions of incriminating tax forms belonging to Jacques Calvet, chairman of Peugeot motor company. The public prosecutor brought charges of theft, breach of professional confidence, and handling of unlawfully obtained goods against Roire and Fressoz. Calvet joined the proceeding as a civil party and claimed damages. The Minister for Budget also joined the proceeding as a party and added further allegations of unlawful removal of government documents and breach of professional confidence. On June 17, 1992, the Paris criminal court ruled in favor of the defendants, finding that the tax forms had been sent to Roire in an anonymous envelope and that the source could not be determined. In March 1993, the Court of Appeals reversed the criminal court's decision, finding that the defendants knowingly handled documents that were the result of a breach of professional confidence. In April 1995, the Court of Cassation dismissed the defendants' appeal. Fressoz and Roire took the case to the European Court of Human Rights, and on January 21 the court ruled that their actions were protected by the freedom of expression contained in the European Convention on Human Rights, and that the decisions of the Court of Appeals and the Court of Cassation constituted a breach of the Government's obligation to abide by the Convention. The court ordered the Government to pay Fressoz and Roire approximately \$1,670 (10,001 francs) in monetary damages and approximately \$10,000 (60,000 francs) for costs and expenses.

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 affected religious minorities that it describes as "sects."

Religious groups may register as "associations cultuelles" (associations of worship) or as "associations culturelles" (cultural associations); religious groups normally register in both of these categories. Associations in these two categories are subject to certain management and financial disclosure requirements. An association of worship is exempt from taxes, but can organize only religious activities; it may not operate a school, print publications, or employ a board president. A cultural association is a type of for-profit association whose goal is to promote the culture of a certain group; although not exempt from taxes, it may receive government subsidies for its cultural and educational operations (such as schools). Religious groups must apply with the local prefecture to be recognized as an association of worship and therefore receive tax-exempt status under a 1905 statute. The prefecture, upon reviewing the documentation supplied regarding the association's purpose for existence, then can grant that status. However, the prefecture can decide to review a group's status if the association receives a large donation or legacy that comes to the attention of the tax authorities. If the prefecture determines that the association is not in fact in conformity with the 1905 law, its status can be changed, and it can be required to pay a 60 percent tax rate on present and past donations.

For historical reasons, contrary to practice in the rest of the country, the Jewish, Lutheran,

Reformed (Protestant), 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.

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.

Some religious minorities have experienced problems with the wearing of special religious clothing. For example, 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, and there has been no definitive national decision on the issue. 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. In 1994 the Ministry of Education issued a directive that prohibits the wearing of "ostentatious political and religious symbols" in schools; however, the directive does not specify the "symbols" in question, leaving school administrators considerable authority to do so. In 1995 the Conseil d'Etat affirmed 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. On June 18, the Government Commissioner recommended that the administrative court repeal its October 1998 expulsion decision regarding a girl less than 10 years of age who refused to remove her headscarf. The Government Commissioner stated that no threat to public order was posed and that the school administrator was incompetent to make the definitive decision.

According to the press reports, in January teachers at a junior high school in Normandy refused to teach Muslim students with headscarves. Also that month, the press reported that Interior Minister Jean Pierre Chevenement said that headscarves often mark women as inferior to men, and make their integration into French society more difficult. In September the Government upheld a decision to expel two Muslim girls from their junior high school after they wore scarves in class. In October the Conseil d'Etat reaffirmed a ban on headscarves in public schools.

The Government's response to some minority groups that it views as "sects" or "cults" has been to continue to encourage public caution. In 1995 after the release of poisonous gas in the Tokyo, Japan, subway by the Aum Shinrikyo cult, the National Assembly formed a parliamentary commission, also known as the Gest or the Guyard Commission, to study so-called "sects." In 1996 the Commission issued a report that defined sects as groups that place inordinate importance on finances; cause a rupture between adherents and their families; are responsible for physical as well as psychological attacks on members; recruit children; profess "anti-social" ideas; disturb public order; have "judiciary problems;" and/or attempt to infiltrate organs of the State. Government officials have stated that "sects" are "associations whose structure is ideological and totalitarian and whose behavior seriously oppresses fundamental liberties as well as social equilibrium." (These attributes are in addition to specific criminal behavior prohibited by law.) The Commission's report identified 173 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. Groups were not told why they were placed on the list, and, because the document exists as a commission report to the

National Assembly, there is no mechanism for changing or amending the list short of a new National Assembly commission inquiry and report. 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. A number of individuals who belong to groups on the list continued to report discrimination during the year--for example, the loss of a job or the denial of a bank loan--which they believe occurred because of their affiliation with a "sect." In a November 1998 report, the International Helsinki Federation criticized the identification of the 173 groups, which it stated "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 grounds of religious freedom. Instead, the Justice Ministry issued a directive to all government entities to be vigilant against possible abuses by sects, and all 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 the phenomenon of sects and to develop proposals for dealing with them. The working group's final report in 1996 made several proposals, including the granting of legal standing to organizations that oppose sects; a modification of the law requiring associations to divulge information regarding the sources and management of their finances related to their effort to obtain tax-exempt status; a limit on the allocation of public campaign funds in order to limit public financial support for small fringe groups; the creation of a representative in each prefecture to provide information on sects to local officials; the creation of a permanent commission at the European Union level to reinforce international cooperation in controlling sect activities; and measures to restrict group members' entry into professional training programs.

In October 1998, the Government issued a new decree disbanding the Observatory on Sects and creating an "Interministerial Mission to Battle Against Sects" (mission interministerielle de lutte contre les sectes). Although the decree instructs the commission to "analyze the phenomenon of sects," it does not define what is meant by the term "sect," or how sects differ from religions. The Interministerial Mission 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.

The Interministerial Mission continued to carry out its mandate during the year. However, publication of the Mission's 1999 report was delayed. According to press reports, this delay was due to government reservations about the content of the report, which reportedly advocated new legislation aimed at abolishing a number of so-called "dangerous sects." The Prime Minister's office, as well as some prominent government figures, publicly opposed such measures, citing concerns about the constitutional provision for "freedom of conscience."

In December 1998, the National Assembly debated and passed a proposal that would allow two specific antisect groups, both classified as "public utilities," to become parties to court actions involving sects. During the year the Senate passed a version of the same bill; the proposed legislation was sent back to the National Assembly for further consideration.

In December 1998, the Ministry of Justice issued a circular urging state prosecutors to

cooperate with the Interministerial Mission in bringing actions against sects.

Also in December 1998, the National Assembly created a new parliamentary commission to study the way that sects are financed. On June 18, the Commission released its report, based on questionnaires sent to groups listed as "sects" in the 1995 Gest Commission report. The questionnaires, which were sent out in March, requested detailed information about the finances of these groups, including donations, investments, financial activities, and other sources of income. The report focused on multinational groups, especially Jehovah's Witnesses and Scientologists. The stated basis of concern was that these groups may use excessive or dishonest means to obtain donations, which then are transferred out of the country and beyond the reach of French tax authorities. The report also raised questions about volunteers, who should be compensated under the law for providing free labor to "for profit" organizations.

Some observers are concerned about the scrutiny with which tax authorities have examined the financial records of some religious groups. The Government currently does not recognize Jehovah's Witnesses or the Church of Scientology as qualifying religious associations for tax purposes, and therefore subjects them to a 60 percent tax on all funds they receive.

In January 1996, the tax authorities began an audit of the French Association of Jehovah's Witnesses, and in May 1998, the tax authorities formally assessed the 60 percent tax against donations received by Jehovah's Witnesses from September 1992 through August 1996. In June 1998, 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." The tax proceedings continued at year's end.

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 legal action for the claimed amount against the former officers of the Paris church and against the Church of Scientology International (a California nonprofit organization). The hearing in this legal action was deferred pending a decision regarding a 1998 administrative claim filed with the Conseil d'Etat by the Paris church that the Minister of Finance acted improperly in refusing to allow the church to import funds to pay the assessed taxes. In January the Conseil d'Etat requested the advice of the European Court of Justice, and was awaiting a response at year's end.

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, but on June 30, the Court of Cassation rejected the Government's appeal, but the

Court stated that it lacked the authority to decide if Scientology was a religion.

There have been a number of court cases against the Church of Scientology, which generally involved former members who sue the Church for fraud, and sometimes for the practice of medicine without a license. A September case in the Marseilles Correctional Court received wide media attention after judicial officials admitted that 31/2 tons of documents pertaining to the case had been destroyed by mistake. In November the court found a former local leader of the Church of Scientology and four other Church employees guilty of fraud for swindling money from former members. The court sentenced the local leader to 2 years in prison, of which 18 months were suspended and the remaining 6 months served prior to sentencing, and a fine of approximately \$16,700 (100,000 francs). The other four members received suspended sentences; charges against two other persons were dropped. 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 law includes provisions for the grant of refugee/asylee status in accordance with the provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In 1998 the Government began implementing a new law that addresses both asylum requests and illegal aliens. The Government provides first asylum. During the year, the Government accepted approximately 6,500 persons from Kosovo; these persons were not allowed to file asylum applications, and are expected to return to Kosovo. In 1998 the Government received 22,375 requests for asylum and issued 4,342 refugee certificates (a document issued to successful asylum applicants). The Government generally cooperates with the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees. There were no reports of the forced return of persons to a country where they feared persecution.

### 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. Eleven of 28 cabinet members, 5.9 percent of senators, and 10.9 percent of deputies in the National Assembly are women. The European Union Parliament includes a larger French female presence--40 percent of the country's elected representatives are female. 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.

On June 28, a joint session of both the Senate and the National Assembly approved a constitutional amendment on the principle of "equal access of men and women to electoral mandates and elective functions."

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.

#### 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.

In December 1998, the Parliamentary Commission released its final report on government actions in Rwanda during the genocide of 1994. 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. The report was critical of France's overall involvement in Rwanda, but it cleared the Government of any direct implication in the 1994 genocide.

#### 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 rape and spousal abuse, and law enforcement authorities vigorously enforce these laws; however, violence against women remains a problem. The Ministry of Interior has reported that in 1998 there were 7,828 rapes and 12,809 instances of other criminal sexual assault. The Government sponsors and funds programs for women who are victims of violence, including shelters, counseling, and hot lines. Numerous private associations also assist abused women.

Trafficking in women occurs (see Section 6.f.). Prostitution is legal; acting as a pimp is not. A government agency, the Central Office on the Treatment of Human Beings (OCRTEH), deals with trafficking in women, prostitution, and pimping.

The law requires that women receive equal pay for equal work, but this requirement is often not the reality. Reports by various governmental and nongovernmental organizations indicate that men continue to earn more than women, and unemployment rates continue to be higher for women than for men. For example, a report released on September 2 by National Assembly Deputy Catherine Genisson indicates that in the 5,000 largest French firms, the average difference in salary between men and women is 27 percent. A study prepared for the Ministry of Employment, which was made public on August 11, indicates that in March 1998 (the month the study was completed) the unemployment rate for women was 14 percent versus 11 percent 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 1998 there were approximately 19,000 reported cases of mistreatment (physical violence, sexual abuse, mental cruelty, or severe negligence) of children. Of these cases, approximately 5,000 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 would be prosecuted.

On February 17, a Paris court sentenced a Malian woman, Hawa Greou, to 8 years in prison for performing FGM on 48 girls between the ages of 1 month and 10 years. The jury also convicted 27 parents, who received suspended sentences ranging from 3 to 5 years' imprisonment. Most were from Gambia, Mali, Mauritania, and Senegal. The case attracted significant public attention because it was brought by a victim, Mariatou Koita, age 23, who told a judge in 1995 that Greou performed FGM on her and her sisters when they were children.

In the fall, high school students again conducted demonstrations for better schools and more teachers; the demonstrations were not as extensive as those in 1998.

### 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

According to the annual NCCHR report on racism and xenophobia, released in the spring, the downward trend since 1992 continues in the number of threats or attacks against Jews. There were a total of 81 threats and 1 act of violence in 1998 compared with 85 threats and 3 acts of violence in 1997.

On October 21, the Court of Cassation upheld a Bordeaux court's 1998 conviction of Maurice Papon 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. The Bordeaux court had sentenced him to 10 years' imprisonment; however, he had not been detained because he had appealed to the Court of Cassation, and just before that court's ruling, Papon fled from his home. His failure to appear resulted in an automatic rejection of his appeal. On October 22, he was arrested in Switzerland and returned to France; he was in prison at year's end. According to press reports, his lawyer intends to take the case to the European Court of Human Rights.

#### National/Racial/Ethnic Minorities

Anti-immigrant sentiments sparked incidents including occasional attacks 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--84 threats were reported in 1998, a decrease from 121 in 1997. The number of reported incidents of racist violence increased to eight in 1998 from five in 1997. There were no deaths due to racist violence in 1998, compared with one death 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 expressed concern about a possible trend toward increased tolerance by the public for racist propaganda and racial speech. The Commission suggested that the Government take action to strengthen the law to address the problem of racist propaganda and speech, and that public political figures take every opportunity to speak out strongly against racism.

According to the 1998 public opinion poll reported in the annual NCCHR report, 10 percent of those polled admitted to being "rather racist," 28 percent admitted to being "a little racist," 24 percent said they were "not very racist," 36 percent said they were "not at all racist," and 2 percent had no response.

The Ministry of Labor estimated that in 1998 approximately 5,300 persons between the ages of 16 and 18 and 5,500 persons between the ages of 13 and 16 applied for French nationality under the new law that went into effect on September 1, 1998. The Government's High Council on Integration reported that 13,764 persons between the ages of 16 and 18, and 11,781 persons between the ages of 13 and 16 applied during the first half of 1999.

Romani asylum seekers often remain in the country after their claims have been denied. They do not have official papers, which limits their access to health care and education.

They often live in crowded conditions without proper sanitary facilities. According to an NGO report, on July 19, police expelled approximately 100 Romanian Roma from a camp near Paris. Also according to NGO reports, on August 12, a mayor in Tonnoy ordered a roughly 3-foot ditch dug along the front and side of one Romani camp. The law allows Roma to use public land for up to 8 days, and makes the local authorities responsible for providing water and sanitation.

The Administrative Court in Nantes continued to consider the June 1998 appeal of Moroccan national Khaddouj Tahir at year's end. In November 1997, Tahir was refused naturalization because she wore a hejab veil during her final interview. Naturalization officials stated that "her garments showed a refusal to integrate into the French community." According to the law, applicants for naturalization must demonstrate their assimilation into French society as well as their loyalty to the French nation.

## 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 remained at or near postwar lows until the end of the year, when the number of strikes increased. Most of the widely publicized national strikes or protests occurred in the public sector or affected state-owned companies, and were called principally over implementation of the 35-hour workweek, salaries, privatization or reorganization plans, and working conditions (of which hours, staffing, and personal security were the primary issues). Teachers and health care workers mounted several strikes and protests over pay, personnel levels, and government efforts to reform the health and educational systems. Public transportation workers in Paris and other cities struck repeatedly in support of demands related to the implementation of a 35-hour workweek or the deployment of additional security personnel to deal with violence directed at transportation personnel. Railway workers also mounted strikes in support of demands related to the 35-hour workweek. Firemen and rescue workers throughout the country mounted sporadic strikes to support demands to reclassify their work as dangerous and thus allow them to retire early. In September violent demonstrations broke out in the overseas territory of Guadeloupe following the arrest of a union official for attacking police and threatening the life of another union official. In the French Caribbean island of Martinique, steadily deteriorating relations between employers and unions led to a wave of strikes that culminated in worker disruption of activities at the main harbor and airport in October.

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

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 are 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, the duration of the legal workweek, 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 the country'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. 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. The law prohibits forced or bonded child labor, and the Government effectively enforces this prohibition (see Section 6.c.).

#### 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 \$6.57 (40.72 francs) 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 December Parliament adopted a law establishing the principles that would guide implementation of a reduction of the legal workweek to 35 hours, starting in 2000, for firms with more than 20 employees. Firms with less than 20 employees are expected 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. 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. Workers have the right to remove themselves from dangerous work situations.

#### f. Trafficking in persons

The law prohibits the trafficking of persons. The Penal Code prohibits facilitating prostitution by another person, and associated activities, including acting as an intermediary for persons who prostitute themselves. Penalties are significantly higher if a minor is involved, or if the activity is accompanied by violence. The Government enforces these laws vigorously. However, trafficking in women occurs.

France is primarily a transit point for trafficked women rather than a source or destination. The Office for the Repression of Trafficking in Humans (OCRTEH), located within the Ministry of the Interior, reported that in 1998 the authorities dismantled 16 international trafficking rings, and charged 518 persons with trafficking or pimping. According to OCRTEH, nearly a third of female victims of trafficking were foreigners, and the number of minors who were victims remained constant from 1996 to 1998. Law enforcement authorities believe that women transiting France come primarily from Eastern Europe and go to Africa or South America.

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[Europe and NIS Index](#) | [Table of Contents](#) | [1999 Report Homepage](#) | [Human Rights Reports Index](#)