



France

Country Reports on Human Rights Practices - [2003](#)

Released by the Bureau of Democracy, Human Rights, and Labor
February 25, 2004

France is a constitutional democracy in which citizens elect the President and the Legislature in periodic, free, and fair elections. The most recent elections took place in May and June 2002. The judiciary is independent.

The law enforcement and internal security apparatus consist of the Gendarmerie, the national police, and municipal police forces. Civilian authorities maintained effective control of the security forces. Some members of the police forces committed human rights abuses.

The country's population was approximately 60 million. The highly developed, diversified, and primarily market-based economy provided residents with a high standard of living.

The Government generally respected the human rights of its citizens, although there were a few problems in some areas; the law and judiciary provided effective means of dealing with cases of individual abuse. There were instances of the abuse of detainees, particularly foreigners, and reports of the use of excessive force by law enforcement officers. Long delays in bringing cases to trial and lengthy pretrial detention were problems. Societal violence against women and children were problems, which the Government took steps to address. Anti-Semitic attacks were a problem, but decreased in number; the Government continued to take steps to prevent and prosecute such incidents. There were instances of violence and discrimination against immigrants and religious minorities. Trafficking in women and children was a problem, which the Government took steps to address.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of life

There were no reports of political killings by the Government or its agents; however, the Ministry of Interior reported 10 cases of deaths due to police brutality during the year. There was no evidence of a pattern of abuse. The Government investigated these deaths to determine whether they constituted cases of the use of excessive force.

At year's end, the court of Nanterre continued an investigation into allegations that the police used excessive force against Georges Mondesir, who died in custody in 2002.

In March, in a suburb of Nimes, gendarmes shot a 17-year-old boy while in pursuit of suspects fleeing an attempted robbery in a stolen car. His accomplices later took him to the hospital, where he died of his wounds. The killing sparked riots, car burnings, and looting in the boy's housing project. The Nimes court investigated the killing; results had not been released at year's end.

In March, police in Lyon shot and killed a 23-year-old man as he fled in a stolen car. The Inspector General of the Police was tasked with examining the case. His conclusions had not been made public at year's end.

In March, a gendarme in the Loire killed a 24-year-old man, Aurelien, suspected of attempted burglary. The police brigade of Feurs investigated and deemed it an accidental killing. After detaining Aurelien, gendarmes had returned with him to his vehicle, which could not be impounded until two Doberman pinscher dogs in it were removed. One of the dogs reportedly startled a gendarme, whose weapon discharged, and a bullet ricocheted, killing the suspect.

In January, Mariame Getu Hagos, a Somali woman, became ill and died during a deportation flight from Charles de Gaulle airport. Two other deportees were also ill. Some observers criticized the Government's apparent failure to recognize the seriousness of Hagos' illness, and the decision to handcuff her during the deportation, which may have made breathing difficult and contributed to her death.

The Inspector General of Police Services' investigation into the death of Jerome H., who jumped to his death in 2002 during a police interrogation, remained ongoing at year's end.

The investigation into the 2000 lethal bombing of a restaurant near Dinan remained ongoing. The eight Breton separatist militants charged with the crime unsuccessfully appealed for a dismissal in July 2002 and remained in jail pending trial.

In the case of the 1998 assassination of Corsican Prefect Claude Erignac, eight Corsican nationalists were convicted in late June. Four of the conspirators were sentenced to life in prison, and the remaining four were given lesser sentences. After a 5-year manhunt, the alleged shooter, Yvan Colonna, was arrested in southern Corsica in early July; he awaited trial at year's end.

The Government appealed a lower court's decision to release former Vichy official Maurice Papon from prison to the Court of Cassation. In February, the high court ruled that a 2002 law that frees mortally ill and elderly prisoners had been correctly applied in his case.

b. Disappearance

There were no reports of politically motivated disappearances.

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

The law prohibits such practices; however, there were reports that law enforcement officers used excessive force. According to press reports, the Ministry of Interior recorded and investigated 611 complaints of police brutality during the year; 87 of those cases involved serious injuries. There was no evidence of a pattern of abuse, although some observers criticized police forces because the number of reported incidents of abuse has increased.

On January 1, in the town of Gonesse, police officers reportedly assaulted a Turkish man, Yucel Yildiz, who was in the middle of a crowd of persons fleeing police officers. He suffered a punctured eardrum. The mayor of Gonesse acknowledged that the incident gave a bad image to the police, but there was no further investigation.

Some observers, including Amnesty International (AI), have expressed concern with the use of rubber "flash balls" by law enforcement officers. AI reported that the weapon's rubber projectiles can cause extreme injury and death if fired from a close range; however, according to the Ministry of Interior there have been no documented cases of such problems.

Several nongovernmental organizations (NGOs) have criticized detention zones for aliens at Roissy-Charles de Gaulle Airport because of overcrowding and violence. The Minister of Interior visited the detention centers and stated that they were within international norms. A December law reforming immigration policy called for the expansion of detention facilities and a December law on asylum and refugee policy established procedures to expedite asylum hearings to reduce overcrowding (see Section 2.d.).

In March, the Government of the Ivory Coast expressed its concern with the treatment of African deportees during a March 3 flight to Abidjan, Ivory Coast, and Dakar, Senegal. The International Federation of Human Rights and the League of Human Rights also criticized the treatment of deportees during chartered deportation flights. The Government maintained that police have acted appropriately on all charter flights. The Government now films all flights using mounted on-board cameras. Two members of the Red Cross are present at boarding, and a doctor is present throughout the flight.

After the public prosecutor of Paris opened an inquiry into the case of reported police abuse of Karim Latifi in 2002, the case was closed in July 2002 when the prosecutor found insufficient grounds "to sufficiently distinguish the nature of the offense."

In 2002, Latifi pursued a private prosecution, which continued at year's end.

In April, the Movement Against Racism and for Community Friendship (MRAP) reported that police brutalized and

insulted suspects with racist comments. MRAP demanded that the Ministries of Interior and Justice punish the guilty parties in such incidents.

Separatist-related violence in Corsica continued to concern the Government, which took steps to address the problem (see Section 3). According to police statistics reported in the press, 199 bombings or attempted bombings took place in Corsica from January to August, up from 127 during the same period the prior year.

Prison conditions generally met international standards; however, public debate continued on the adequacy of prison conditions. Credible NGOs have reported overcrowding and unacceptable hygiene conditions in some prisons. The Government continued implementation of the 2002 prison reform bill to replace old prisons and construct new space. According to the Ministry of Justice, there were 59,741 persons in custody as of December. Of those, 22,300 were pretrial detainees.

There was no evidence of deaths in prison due to mistreatment during the year. The country does not keep official statistics on causes of deaths of prisoners other than suicide. The Ministry of Justice reported 120 suicides during the year. The rate of suicide in prison was 22.8 per 10,000 prisoners in 2002. In January, the Ministry of Health created a Mission of Reflection on Suicide in Prisons, which worked with psychiatrists to develop a program for suicide prevention.

Men and women were held separately, juveniles were held separately from adults, and convicted criminals were held separately from pretrial detainees and those serving sentences of less than 1 year.

The Government permits prison visits by independent human rights observers. The Council of Europe's Committee for the Prevention of Torture (CPT) visited in June and in 2002. Although its final report had not been made public, to allow the Government an opportunity to respond, press reports indicated that the CPT criticized prisons for being overcrowded and offering insufficient programs to prepare inmates for social reintegration.

d. Arbitrary Arrest, Detention, or Exile

The law prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions; however, credible sources have criticized the judicial system for its inability to process suspects quickly. Authorities investigated allegations of abuse by officials and punished those responsible when the allegations were substantiated.

The civilian force of 118,000 national police and the military force of 90,000 national gendarmes ensure internal security, under the direction of the Minister of Interior. During the year, these services registered a total of 3,974,694 crimes and misdemeanors and collected sufficient evidence to make charges in 28.83 percent of the recorded offenses. Police efficiency since 2002 increased as more investigations were completed and more persons prosecuted.

Impunity was not a problem; the Inspector General of the National Police and the Office of Judicial Police investigated and prosecuted allegations of police brutality. The independent National Commission on the Conduct of Police and Security Forces investigated and reported to the Prime Minister and Parliament on cases of misconduct by national and municipal police, gendarmes, and private security forces. The National Consultative Commission on Human Rights also monitored police conduct. Corruption was generally not a problem. The Government actively investigated and prosecuted allegations of police corruption. The courts were particularly severe where corruption was concerned, particularly within the police force.

The Inspector General of the National Police received 592 registered complaints about illegitimate police violence in 2002, 566 such complaints in 2001, and 548 in 2000. The majority of these complaints were registered in the Paris region. In Paris, 32 officers were disciplined for violence on duty in 2002; 23 officers were disciplined for violence on duty in 2001; 27 officers were disciplined in 2000. The Ministry of Interior attributed the upward trend to a combination of increased crime, increased police vigilance, and the reinstatement of police patrols in the most dangerous neighborhoods. Police training emphasized minimizing the use of force.

Police are required by law to obtain warrants prior to taking persons into custody. Detainees have access to lawyers. Suspects must have access to a lawyer within 1 hour of being detained. Pretrial detention is generally only allowed if there is a possibility that the suspect would be sentenced to more than 3 years in prison for crimes against persons and to more than 5 years in prison for crimes against property. There is a system of bail.

Some suspects spend many years in prison before a trial, which government officials have acknowledged is due in part to insufficient government resources to expedite the investigation and trial process. According to the Ministry of Justice Prison Administration, as of September, 21,278 of the 57,440 persons held in jails and prisons were awaiting trial.

The law prohibits forced exile, and the Government did not employ it.

e. Denial of Fair Public Trial

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

The court system includes local courts, 35 regional courts of appeal, and the highest criminal court, the Court of Cassation, which considers appeals on procedural grounds only. Prospective magistrates compete for entry into the National School for Judges; upon completion of their course of study and rigorous exams, magistrates are placed according to their class ranking.

Observers have criticized the judicial system for its inability to process suspects quickly (see Section 1.d.). In cases of serious crimes, investigating judges detain suspects for questioning and direct the criminal investigation that occurs before a case is tried. The *chambre d'accusation* reviews the investigating judge's investigation to determine whether the charge established by the investigating judge was appropriate. The Court of Assises investigates and decides cases involving serious criminal offenses.

In October 2002, without further consultation with the Government, the European Court of Human Rights (ECHR) dismissed Abdelhamid Hakkar's suit charging that the Government violated Article 5 of the European Convention on Human Rights by keeping him in provisional detention for 5 years. In February, Hakkar was convicted of the murder of a police officer in 1984 and sentenced to life in prison with possibility of parole in 18 years.

There were no reports of political prisoners.

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

The law prohibits such actions, and the Government generally respected these prohibitions in practice. Violations were subject to effective legal sanction.

Wiretapping is recognized as a legal right of the Government. The judge investigating a number of wiretapping cases from 1999 deemed inappropriate by the National Commission for the Regulation of Wiretapping (CNCIS) presented his findings to the Paris public prosecutor's office in 2000. In March, the Paris Court of Appeals sent these cases back to the Paris Criminal Court; a judgment is expected in 2004. According to the report of the CNCIS, the number of requests for administrative wiretaps was 3,138 in 2002, of which 3,082 were granted. The vast majority of wiretaps were requested in connection with investigations for terrorism or organized crime.

Some religious minorities have experienced problems with bans regarding the wearing of special religious clothing (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 generally respected these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press, including academic freedom. However, an 1881 press law that may be used to restrict freedom of expression by prohibiting speech that insults heads of state remained in force, despite criticism from the ECHR.

The independent media was active and competitive and expressed a wide variety of views without government restriction. Internet access was widely available and unrestricted.

In September, the publication of a book containing conversations between the Minister-delegate for scholarly instruction, Xavier Darcos and educator Philip Meirieu was suspended. According to some reports, the Government pressured Darcos to suspend publication because the book's revelation of his views on pedagogy

could affect the Government's efforts to reform the education system. The book's publication was postponed until early 2004, after the conclusion of the "national debate on education" launched by the Prime Minister in mid-September.

b. Freedom of Peaceful Assembly and Association

The law provides for freedom of assembly and association, and the Government generally respected these rights in practice.

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respected this right in practice. The 1905 law on the separation of church and state prohibits discrimination on the basis of faith and establishes France as a strictly secular republic. Minority religious groups continued to be concerned about the possible impact of legislation passed in 2001.

In order to receive tax-exempt status, religious groups must apply with the local prefecture to be recognized as an association of worship and disclose certain management and financial information.

The State subsidizes private schools, including church-affiliated schools. Central or local governments own and provide upkeep for religious buildings constructed before the 1905 law separating church and state; buildings constructed after that belong to the respective religious organization.

The Government has encouraged public caution toward some minority religious groups that it considers to be cults. A 1996 parliamentary commission report identified as so-called cults 173 groups, including Jehovah's Witnesses, the Theological Institute of Nimes (an evangelical Christian Bible college), and the Church of Scientology. Members of some of the groups included in the list have alleged instances of intolerance due to the ensuing publicity. In 2002, the Government announced the formation of the Inter-ministerial Monitoring Mission Against Sectarian Abuses (MIVILUDES), charged with observing and analyzing sect/cult movements that constitute a threat to public order or that violate French law, coordinating the appropriate response, informing the public about potential risks, and helping victims to receive aid.

Some observers remained concerned about the June 2001 About-Picard law, which tightens restrictions on associations and provides for the dissolution of groups, including religious groups, under certain conditions. In 2002, the Council of Europe passed a resolution critical of the law and invited the Government to reconsider it. By year's end, the law remained in force; however, its provisions for the dissolution of groups had never been applied.

Some observers were concerned about the tax authorities' scrutiny of the financial records of some religious groups. The Jehovah's Witnesses, some branches of which are not recognized as tax-exempt religious organizations, appealed to the Court of Cassation a 2002 ruling that they must pay \$57.1 million (45.7 million euros) in back taxes.

In December, the ECHR condemned the Government for discrimination against a member of Jehovah's Witness who was denied custody of her children by the Appellate Court of Nimes, which cited concerns about her religious affiliation in its decision. The ECHR awarded the plaintiff \$12,500 (10,000 euros) damages and \$740 (590 euros) for expenses; she is able to appeal the custody decision in domestic courts.

Representatives of the Church of Scientology continued to report cases of societal discrimination, frivolous lawsuits, and prosecution for allegedly fraudulent activity. Church of Scientology representatives reported that a case filed by a parent whose child attended an "Applied Scholastics"-based school remained ongoing.

Foreign missionaries from countries not exempted from visa requirements to enter the country must obtain a 3-month tourist visa before leaving their own country. All missionaries who wish to remain in the country longer than 90 days must obtain visas before entering the country. Upon arrival, they must apply with the local prefecture for a *carte de sejour* (a document that allows a foreigner to remain in the country for a given period of time) and must provide the prefecture a letter from their sponsoring religious organization.

The Government has stated its intention to introduce legislation in 2004 that prohibits the wearing of Muslim headscarves and other religious symbols by students while at public schools and by government employees at their places of work. In the past, various courts and government bodies have considered whether denying Muslim

girls and women the right to wear headscarves in public schools constitutes a violation of the right to religious freedom on a case-by-case basis. In July, the President created a commission to study secularism, integration, and the place of religion in society; the commission's report, issued in December, recommended several measures to address perceived problems with integration in the country. Among the recommendations endorsed by the Government was the introduction of a law that prohibits the wearing of "conspicuous" religious symbols in schools and other public buildings; such symbols would include Muslim headscarves, Jewish skullcaps, and large crosses. In a December 17 speech, President Chirac said, "secularism is not negotiable" and promised to introduce legislation in early 2004 to address this issue. Some Christian, Jewish, and Muslim leaders, human rights groups, and foreign governments voiced concerns about the proposal. Those who support the proposal generally have expressed the belief that, in a secular country, the laws of the State supersede religious practice in certain public spheres, such as the public school system and government offices. Those who are opposed argue that the Government should not restrict or interfere in the practice of religion.

In September, a court in Lyon ruled in favor of a young woman who sought reinstatement and \$6,250 (5,000 euros) in damages and interest after she was fired by the telemarketing firm where she worked for refusing to wear her headscarf in a manner deemed appropriate by her employer, who stated her opposition to headscarves. The telemarketing firm appealed, and the next hearing is scheduled to take place in 2004.

There were several cases where school authorities took action to prevent women and girls from wearing Muslim headscarves in public schools. In October, a school disciplinary board in Aubervilliers voted to expel two female students for wearing the Islamic headscarf in school. In a separate case in November, a school disciplinary board in Haute-Rhine expelled a female student for the same reason. In December, a disciplinary board in Paris suspended a teacher's aide for wearing a headscarf while working in a public school.

During the year, some religious minorities experienced problems. According to the Ministry of Interior, police recorded 463 anti-Semitic threats and 125 anti-Semitic attacks during the year, and 737 threats and 195 attacks in 2002. Authorities condemned anti-Semitic attacks, maintained heightened security at Jewish institutions, investigated the attacks, made arrests, and pursued prosecutions. The Government reported that during the year, police had sufficient evidence to question 91 suspects; arrest 69 suspects, and bring to trial 43 suspects. There were seven convictions for anti-Semitic attacks committed during the year and 15 convictions for attacks committed in 2002; punishments ranged from fines to 4 years' imprisonment.

The National Consultative Commission on Human Rights (NCCHR) released an extensive analysis of anti-Semitic incidents reported by the police in 2002. Such incidents ranged from graffiti and desecration (518) and verbal or written harassment (166) to the diffusion of written tracts (28) and bomb threats (19). There have been no reported deaths due to anti-Semitic violence since 1995, but 17 people were injured in anti-Semitic attacks in 2002. Based on investigations of the attacks, the NCCHR stated its conclusions that disaffected French-North African youths were responsible for many of the incidents, which French officials linked to tensions in Israel and the Palestinian territories. A small number of incidents were also attributed to extreme-right and extreme-left organizations.

The Representative Council of Jewish Institutions in France (CRIF) operated a hotline to register allegations of threats; from January to November 2002, it received 465 reported threats and attacks, all of which were verified. According to the CRIF's website, 320 anti-Semitic incidents were reported during the year. The CRIF stated in the NCCHR report that its figures do not always correspond to those of the Government, as victims do not always report their attacks to both the police and the CRIF.

In March, during anti-war protest marches, two Jewish youths wearing skullcaps were violently attacked. Press reports indicated that their alleged attackers were French-North African youths shouting anti-Semitic slogans. Investigations into the attacks continued at year's end. In a Parisian suburb in October, a rabbi on his way to his synagogue was attacked; two men were arrested and charged in the case. Also in October, an NGO stated its intent to pursue legal action against the website Islamiya for publishing anti-Semitic material on the Internet, specifically an incitement to racial violence and an illegal call to boycott Israeli products.

In November, after an arson attack destroyed a Jewish school in Gagny, President Chirac stated "an attack on a Jew is an attack on France" and ordered the formation of an inter-ministerial committee charged with leading a crackdown on anti-Semitism. At the committee's first meeting in December, the Prime Minister reaffirmed the Government's "total determination" to fight all forms of anti-Semitism and racism and announced plans to improve the means of tracking statistics on attacks, improve the systematic pursuit and prosecution of those responsible, and to improve education and prevention.

Members of the Arab/Muslim community experienced incidents of harassment and vandalism. According to the

NCCHR, 62 percent of racist attacks in 2002 were directed at the North African (largely Muslim) population. At least six mosques were attacked by an extreme-right group in late 2002 and early 2003; the attacks were linked to incitements to hate on a website called "SOS-Garbage." The Government is investigating at least 26 other islamophobic websites for links to anti-Muslim attacks.

For a more detailed discussion, see the [2003 International Religious Freedom Report](#).

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

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

The law provides for the granting of refugee and asylee status to those persons who meet the definition of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In practice, the Government provided protection against refoulement and granted refugee status or asylum. The Government cooperated with the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees. According to the French Office of Protection for Refugees and Stateless Persons, in 2002 the Government received 51,087 requests for asylum and 23,000 applications for territorial asylum (akin to the concept of first asylum, but renewable) or applications from minors. The Government considered 50,206 cases and issued 8,495 refugee certificates (a document issued to successful asylum applicants). According to press reports, in the first 10 months of the year, the Government received 50,288 new applications for asylum and over 30,000 applications for territorial asylum. Of the 50,000 estimated decisions during that period, 17 percent of asylum applicants were granted.

In December, legislation entered into force that reforms the Government's asylum policies and harmonizes them with proposed European Union (EU) policy. The reforms centralize and streamline the application review process. The new law also recognizes "subsidiary protection," which includes protection for persons who fear persecution by nonstate actors. Under the new law, in accordance with developments in EU asylum policy, the Government will establish a list of "safe countries of origin;" applicants from these "safe countries" will be fast-tracked for processing, and those who are found unqualified will be quickly repatriated. In addition, asylum-seekers deemed able to find safety in different regions of their home countries will not be granted asylum. These measures were criticized by NGOs and refugee organizations.

During the year, there were some reports of illegal immigrants inhabiting makeshift camps and shelters and occupying private and public lands. Police intervened in some cases where squatters presented a threat to public order or health. Under the law, illegal immigrants who are eligible to apply for asylum are allowed to do so.

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 exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. The most recent national legislative elections took place in June 2002; the President was elected in May 2002.

There were 101 women in the two bodies of the 898-seat legislature and 10 women ministers in the 38-member Cabinet. Of the 190 members of the Court of Cassation, 74 were women. Of the 87 elected representatives to the EU Parliament, 35 were women. Women represented 33 percent of all municipal counselors and 10.9 percent of mayors. The constitutional amendment requiring parties to have equal numbers of women and men on their list of candidates or face fines remained in force. 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 Constitution prohibits the Government from collecting information about the racial or ethnic background of its citizens; no statistics on minority participation in the Government were available.

In a July 6 referendum, Corsican voters rejected the Government's decentralization plan that was meant to give the region more autonomy. In the aftermath, separatists intensified their attacks against government targets (see Section 1.c.). In September, several Corsican separatist political parties held talks in an effort to prepare a unified list of candidates in advance of regional elections, scheduled for March 2004. In mid-November, Corsica's principal clandestine separatist group, the Corsican National Liberation Front/Union of Combatants, publicly declared an immediate, unconditional truce in advance of the Corsican regional elections, scheduled for March 2004.

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, along with the overseas departments, they elected deputies and senators to the French Parliament.

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

A wide variety of domestic and international human rights organizations generally operated without government restrictions, investigating and publishing their findings on human rights cases. Government officials were cooperative and responsive to their views. The NCCHR--an independent body in the Office of the Prime Minister, which has nongovernmental as well as governmental members--also monitored complaints and advised the Government on policies and legislation.

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

Statutes ban discrimination based on race, sex, ethnic background, or political opinion.

Women

The Penal Code prohibits rape and spousal abuse, and in general these laws were enforced; however, violence against women remained a problem. The Ministry of Interior reported that there were 10,408 rapes and 15,394 instances of other criminal sexual assault during the year. In 2002, there were 10,460 rapes and 15,743 instances of other criminal sexual assault; in 2001 there were 1,610 (including both genders and minors) convictions for rape. The penalties for domestic violence vary according to the type of crime and range from 3 years' imprisonment and a fine of approximately \$56,250 (45,000 euros) to 20 years in prison. The penalty for rape is 15 years in prison, which may be increased due to other circumstances (such as the age of the victim or the nature of the relationship of the rapist to the victim). The Government sponsored and funded programs for women who were victims of violence, including shelters, counseling, and hot lines. Numerous private associations also assisted abused women.

In August, the death of a French actress abroad from an apparent domestic dispute brought publicity to the problem of domestic violence in France. In July, the Government released a 2000 study by the Ministry of Social Affairs on domestic violence that found that 1 adult woman in 10 is the victim of domestic violence, and that 6 women die each month at the hands of their partners.

Press reports and NGOs reported that a "repressive atmosphere" existed in some suburbs of Paris dominated by immigrants from North African countries, causing women in these neighborhoods to feel intimidated. Some men in these suburbs reportedly intimidated women whom they perceived as violating social norms. This abuse ranged from verbal abuse to physical assault and rape. After the killing of 17-year-old Sohane, burned alive by an ex-boyfriend in a suburb of Paris in 2002, a women's rights movement emerged among inhabitants of these "difficult neighborhoods" around Paris. In March Sohane's sister and other young women led a 30,000-person march through 23 cities in France to raise public awareness of the situation for women in these neighborhoods. Representatives of the Government have met with members of this women's movement and supported the march. The man who killed Sohane confessed to the killing but claimed it was "involuntary;" his trial began in October and remained ongoing at year's end.

In September, the High Council on Integration (HCI), a government body, published a report that approximately 70,000 girls in France between 10 and 18 years old, primarily from North Africa, sub-Saharan Africa, and Turkey, were threatened with forced marriages. Women and girls may seek refuge at shelters if they are threatened with forced marriages, and parents can be prosecuted for forcing their children into marriage. The Government offers some education programs to inform young women of their rights, and the HCI said it is important to distinguish between arranged and forced marriages. The age of consent for marriage is 18 for males and 15 for females; however, many of these marriages take place overseas and are often designed to facilitate immigration. French consulates abroad attempted to prevent forced marriages for immigration by requiring proof that marriages took place with the consensual presence of both spouses before issuing visas.

In September, the High Council on Integration also published a report indicating that the country is home to 35,000 women who are victims of female genital mutilation (FGM), the majority of whom are immigrants from Africa, Asia, and the Middle East. The practice is illegal and may be punished by up to 20 years imprisonment; however, in most cases the FGM was believed to take place outside of France. Cases were seldom reported to the authorities, and most were discovered in routine school medical examinations. Several NGOs exist to prevent FGM and worked

with the Government to educate women about their rights.

Prostitution is legal; acting as a pimp is illegal. Trafficking in women for the purpose of sexual exploitation was a problem (see Section 6.f.). A government agency, the Central Office on the Treatment of Human Beings (OCRTEH), addresses trafficking in women, prostitution, and pimping.

The law prohibits sex-based job discrimination and sexual harassment in the workplace. The Social Modernization Law of 2003 prohibits harassment by colleagues as well as supervisors, places on the employer the burden of proof that discrimination did not take place, and creates a mediation process to help workplaces address problems with harassment.

The law requires that women receive equal pay for equal work; however, this standard often was not met in practice. Reports by various governmental organizations and NGOs have indicated that men continued to earn more than women, and that unemployment rates continued to be higher for women than for men. The National Institute of Statistics and Economic Studies reported that the unemployment rate for women was approximately 2 percent higher than the unemployment rate for men. From January to October, the unemployment rate for women remained between 10.5 and 10.7 percent.

Children

The Government was strongly committed to children's rights and welfare; it amply funded systems of public education and medical care. The Ministry for Family Affairs oversees implementation of the Government's programs for children.

Public schooling is provided through the age of 18 and education is compulsory for citizens and non-citizens between the ages of 6-16. Although not compulsory, pre-school and kindergarten for children under age 6 is free and widely available. According to INSEE, the French statistical agency, during the school year 2000-2001, the percentage of school age children who attended school was 100 percent for ages 6-13; but the percentage dropped to 99.6, 98.7 and 96.8 for ages 14, 15 and 16, respectively.

The Government provides equal health care for all employed persons, pensioners, and the unemployed through the Social Security system.

There are strict laws against child abuse, particularly when committed by a parent or guardian, and the Government effectively prosecuted abusers. In 2002, there were approximately 18,500 reported cases of mistreatment (physical violence, sexual abuse, mental cruelty, or severe negligence) of children, compared with 18,000 in 2001. Approximately 5,900 of these cases involved reports of sexual abuse. Special sections of the national police and judiciary are charged with handling these cases. In 2002, there were 427 convictions for rape of minors under the age of 15 and 4,003 convictions for cases of sexual assault against minors. In 2002, there were 7,821 convictions for cases of violence, mistreatment, and abandonment of minors. The Government provided counseling, financial aid, foster homes, and orphanages for victims, depending on the extent of the problem. Various associations also helped minors seek justice in cases of mistreatment by parents.

Trafficking in girls was a problem, which the Government took steps to address (see Section 6.f.). In March, a report by a rapporteur for the United Nations Commission on Human Rights criticized the Government for "continuing to deny the existence and the scale of sexual cruelty against children" with regard to trafficked children and called for the NCCHR to further investigate the situation. The report was particularly critical of the justice system and a government-chartered doctors' group over their handling of child sex abuse.

Persons with Disabilities

The law prohibits discrimination against persons with disabilities in employment, education, or in the provision of other state services.

The law requires new public buildings to be accessible to persons with disabilities; however, many older buildings and public transportation were not accessible. During the year, three cases alleging discrimination or problems with accessibility for persons with disabilities were brought before the courts, and NGOs reported that there were at least 50 more cases that they intend to pursue. One court case charged a cinema with lacking access for persons with disabilities, but no decision was rendered at year's end. A second case, which remained ongoing at year's end, charged the Ministry of Justice with noncompliance with the law on accessibility, since several courts were not accessible to persons with disabilities. In a third case, three train passengers who use wheelchairs sued the

French National Rail Service after an employee placed them in an unlit, un-air conditioned bicycle transport car during their train voyage, rather than a normal compartment outfitted to accommodate wheelchairs. The court ruled that the train company could not be held responsible for its employee's actions.

One in four persons with disabilities was unemployed. The law requires employers at companies of more than 20 employees to hire persons with disabilities or pay fines to an association that assists persons with disabilities in finding work. In December, the Government announced that it would introduce measures to encourage companies to hire more persons with disabilities.

National/Racial/Ethnic Minorities

Anti-immigrant sentiments led to some incidents of violence and discrimination, including occasional attacks on members of the large Arab/Muslim and black African communities. In 2002, there was a considerable increase in violence and racial threats, as documented by the NCCHR. The annual NCCHR report noted an increase in the number of reported incidents of racist threats--261 in 2002, compared with 166 in 2001; there were 120 incidents of racist violence in 2002, compared with 38 in 2001. According to the report, there was one death due to racist violence in 2002 and 21 people were injured. Of the 261 racist threats reported, 169 were directed at immigrants of North African origin.

In November, a new law on immigration took effect. The majority of the law's provisions aim to restrict illegal immigration and to ensure illegal immigrants are deported. Its major reforms include: Improving conditions in detention centers; allowing immigrants convicted of crimes in France who have strong family ties to the country to remain in France after serving their sentences; collecting biometric data from visa applicants; extending the period during which the government can detain an illegal immigrant before determining if they are qualified to remain in France; and establishing more stringent requirements for receiving 10-year residence permits. Immigrant advocacy groups criticized the law's measures for being too harsh and encouraging discrimination against foreigners.

During the year, Joel Damman confessed to killing a 17-year-old man and injuring three people during a drive-by shooting in 2002, which he said was motivated by racism. Damman was in jail awaiting trial at year's end.

The Government has strongly criticized such actions and attacks and has strict antidefamation laws. Government programs attempted to combat racism and anti-Semitism by promoting public awareness and bringing together local officials, police, and citizen groups. There also were antiracist educational programs in some public school systems.

In February, a new law to toughen penalties for crimes of a "racist, anti-Semitic, or xenophobic" nature entered into force. The law calls for harsher sentences for perpetrators of "physical or material violence committed because of the victim's membership or non-membership, real or supposed, in an ethnic group, nationality, race, or specific religion"; it doubles prison sentences and increases fines for racist violence.

In February, the Minister of Education announced a plan to combat racism and anti-Semitism in schools. He held a meeting with educators in March to advance the project, and a national commission was charged with piloting the program.

In March, the Minister of Justice circulated an instruction to judicial authorities that enlarged the list of infractions for which racist motivation could be considered an aggravating factor, increased the penalties for discrimination by officials acting in an official capacity, and lengthened the statute of limitations on prosecuting racist acts.

The Ministry of Labor and the NGO Group for Study and Combat of Discrimination offer a free hotline to report discrimination.

Some NGOs alleged that racist hiring practices prevented minorities from Africa, North Africa, the Middle East, and Asia from equal access to the workplace and worked to sensitize the public to this problem. The NGO SOS-Racism made telephone inquiries about advertised jobs to determine whether employers discriminate against applicants on the basis of race. In January, SOS-Racism sued an employer for refusing interviews to persons with "Maghreb-in-sounding first names;" the judge in Lyon ruled that discrimination could not be proved because no clear conclusion about a person's ethnicity or race could be drawn from a first name alone. In a separate instance, after allegations of racist hiring practices, a private consulting firm worked with SOS-Racism to create a charter of good conduct and to educate employees and employers.

In October, the penal court of Paris sentenced the director of a school of cosmetology to 2 months suspended imprisonment and a \$6,250 (5,000 euro) fine for refusing to hire a black candidate.

Section 6 Worker Rights

a. The Right of Association

The Constitution provides for freedom of association for all workers, and workers exercised this right. Trade unions exercised significant economic and political influence, although less than 10 percent of the work force was 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 and labor federations were independent of the Government, and most were not aligned with any political party.

The law strictly prohibits antiunion discrimination; employers found guilty of such activity are required to correct it, including reinstatement of workers fired for union activities.

Unions were permitted to join federations and confederations, including international bodies, and many did so.

b. The Right to Organize and Bargain Collectively

Workers have the right to organize and bargain collectively, and workers exercised this right. The 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 was 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, were available to resolve complaints.

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

Workers, including civil servants, have the right to strike except when a strike threatens public safety. One-fourth of all salaried employees worked for the Government; however, the Ministry of Social Affairs has not published the number of workdays lost to strike action in the public sector. The number of workdays lost to strike action in the private sector in 2002 decreased by 40 percent, and the number of strikes fell by 37 percent.

A number of strikes occurred in the public sector during the year as the Government moved forward with its decentralization and pension reform plans. The law prohibits retaliation against strikers, strike leaders, and union members, and in general the Government effectively enforced this provision.

In January, teachers went on strike for 1 day, as they judged the Government's offer to hire 30,000 teachers for the 2004-2005 school year to be insufficient. Demanding higher pay, Air France pilots went on strike for 4 days in February, causing considerable disruption to the air transportation system. Teachers again went on strike for 1 day in mid-March after the Government announced plans to transfer certain administrative jobs to local governments. For the first time, the Government decided not to pay those teachers who struck for the days they were on strike.

Public sector employee unions participated in a series of general strikes during May and June to protest the Government's plan to raise the retirement age. The reform also eliminated the 2½-year advantage public workers enjoyed over private sector workers in qualifying for full pension benefits. A majority of the strikers were railroad workers, teachers, bureaucrats and air traffic controllers, but most private sector unions chose not to participate. In July, the Government passed its pension reform package, with few modifications.

During July and August, a series of strikes called by seasonal and temporary theater workers resulted in the cancellation of several summer festivals throughout France. In September, teachers again participated in a 1-day strike to continue the protest against pension reform, but there were fewer participants than organizers predicted and the strike was considered a failure.

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

Teachers and other public sector workers on the island of Reunion went on strike beginning in April to protest the Government's decentralization and pension reform plans. In mid-June, police broke through a picket line surrounding a school so that students could take their graduation exams. Seven strikers were arrested and an unknown number of protesters received minor injuries.

There are three export processing zones.

c. Prohibition of Forced or Bonded Labor

The law prohibits forced or bonded labor, including by children; however, there were reports that such practices occurred (see Section 6.f.).

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. In general, 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 were 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 is revised whenever the cost-of-living index rises 2 percentage points. This year it was \$8.98 (7.19 euros) per hour. This wage represented the maximum rate of a multi-step minimum wage scale, which was created to reduce the burden of the 35-hour workweek for small and medium-sized companies. The minimum wage provided a decent standard of living for a worker and family.

The Government raised the annual overtime ceiling from 130 to a maximum of 180 hours (depending on the employment sector); the plan allowed a de facto return to the 39-hour workweek from the 35-hour workweek that had been in effect since 2001.

The Ministry of Social Affairs, Labor, and Solidarity has overall responsibility for policing occupational health and safety laws. Standards were 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; however, trafficking in women and children for prostitution, domestic slavery, and thievery was a problem.

In February, the Government enacted a law to eliminate human trafficking and slavery and to improve victim assistance. The law creates a specific infraction in the penal code focused on trafficking in persons, which is punishable with 7 years in prison and a fine of \$187,500 (150,000 euros). The law also establishes a specific infraction for persons organizing a begging network, but does not target the child-beggars themselves. Persons convicted of organizing a criminal network that exploits children and forces them to beg face a prison sentence of 3-10 years and a fine of \$56,250 to \$5.6 million (45,000 to 4.5 million euros). This law provides the Government with the means to arrest and prosecute child-traffickers.

In September, police arrested 67 adults in a Roma encampment outside Paris and charged them with organizing sexual enslavement of Roma children who were kidnapped from Romania, brought to France, raped to make them obey, and sent out on the streets of Paris and its suburbs to steal and prostitute themselves. According to press reports, the children were forced to earn \$250 (200 euros) a day or face severe physical punishment. The child-traffickers remained in jail awaiting trial at year's end.

Prostitution is legal; however, the law prohibits pimping, including aiding, assisting, maintaining, or profiting from the prostitution of another. The public solicitation of another person for the purpose of inciting sexual relations also

is illegal. Pimps and traffickers usually were prosecuted under these laws. Aiding, abetting, or protecting the prostitution of another person; obtaining a profit, sharing proceeds, or receiving subsidies from someone engaged in prostitution; or employing, leading, corrupting, or pressuring someone into prostitution are punishable by up to 5 years in prison and a fine of up to approximately \$175,000 (140,000 euros). Penalties increase to a maximum of 10 years in prison and approximately \$1.75 million (1.4 million euros) if a minor or several persons are involved, or if force is used. Pimping by organized groups is punishable by up to 20 years in prison and a fine of up to \$3.5 million (2.8 million euros). The use of "torture" or "barbarous acts" in the course of pimping is punishable by up to life imprisonment and up to \$5.25 million (4.2 million euros) in fines. These laws were enforced to various degrees; there also are strict laws combating trafficking in persons as it relates to domestic slavery. Slavery is punishable by up to 2 years' imprisonment and a fine of \$88,750 (71,000 euros). When the crime applies to more than one victim, punishments increase to 5 years' imprisonment and \$175,000 (140,000 euros) in fines.

Several law enforcement agencies were involved in the effort to combat trafficking. OCRTEH was under the authority of the central criminal investigation directorate of the police judiciaire, which handled organized crime. OCRTEH centralized information and coordinated operations to counter trafficking and maintained contacts with the police, the Gendarmerie, the border police, foreign and international law enforcement authorities, and NGOs. In September, OCRTEH obtained additional government funds, which enabled it to double in size to 50 police officers specializing in prostitution and trafficking networks. Regional services of the police also combat trafficking, and there are police brigades to combat pimping in Paris and Marseille. Local police forces also addressed problems of prostitution and pimping.

The Government regularly cooperated on a bilateral basis or with international institutions such as Europol to investigate, track, and dismantle trafficking rings. In April, a call girl service run by a British man was dismantled and its organizer charged with "aggravated pimping" for employing forty individuals. No trial date was set.

In July, police, in cooperation with Bulgarian authorities, arrested a 19-year-old Bulgarian national accused of collecting money from prostitutes in France and sending it back to the network organizer in Bulgaria. Later that month, a 24-year-old Eastern European, was arrested by local police for pimping three young women, one of whom was a minor.

Also in September, domestic courts opened a case against a woman arrested in May 2002 for operating a high-class escort service advertised in a widely read international newspaper. She was convicted of pimping as many as 250 women, and was sentenced to 4 years in jail and fined \$187,500 (150,000 euros).

The country was a destination and a transit point for trafficked victims, primarily women and children from Eastern Europe, West Africa, Latin America and the Caribbean. Most were between 15 and 18 years old; however, some were as young as 10 years old. The majority of these victims were brought in illegally and exploited by crime networks. In general, victims were trafficked into sexual exploitation or domestic slavery. Government efforts to prevent and monitor such criminal activity were made difficult by the open borders under the Schengen Accords.

The country was also a destination for trafficked Romanian children, many of Romani descent. These children have traditionally have widely been used by their handlers as beggars and thieves throughout the country. Many of these child thieves/beggars increasingly turned to or were forced into prostitution. Charter planes continued to transport back to their country of origin Romanian children and adults who had been trafficked into the country and were being repatriated on a voluntary basis under the terms of a government agreement with Romania. Some NGOs and grassroots organizations have criticized the voluntary repatriation program because the Government's participation is limited to providing transport to Romania and \$191.25 (153 euros) for resettlement.

Police estimated that of the 12,000 to 15,000 women prostitutes who worked in France, as many as 90 percent were forced into the trade by trafficking networks. Traffickers used methods ranging from the confiscation of the victim's identification papers to cultural isolation to physical or psychological abuse. Some victims came as a result of fraud or force, while others had worked as prostitutes in their home countries and were willing to continue the practice to pay for their immigration papers. Some women and girls were kidnapped or "bought" and sold at auction to prostitution networks in the Balkans before being smuggled into the country.

The Government set up a protection program for trafficking victims that choose to cooperate with police and judicial authorities. In exchange for testimony against their traffickers, they are granted a temporary residence card. If the testimony leads to a firm conviction, they are granted full residency. Trafficking victims may be granted temporary residency while they apply for asylum. Victims were encouraged to take legal action against traffickers. Victims who declined to cooperate with the authorities were processed as illegal immigrants and were sometimes detained or jailed. The Committee Against Modern Slavery brought cases of domestic and modern slavery to the authorities for prosecution.

The Ministry of Interior reported that prostitution in Paris decreased by 40 percent since 2002. According to the Government, police arrested 279 pimps, an increase of 82 percent from 2002. Of the foreign prostitutes arrested, 100 agreed to cooperate with police and were granted residence in France; 126 foreign prostitutes were repatriated.

Social Aid to Children (ASE), the national social services branch for childcare, was responsible for caring for and assisting victims under the age of 22. The ASE provides social workers to help victims gain access to social care, legal counsel and asylum assistance. ASE worked closely with the Office for the Protection of Refugees and Stateless Persons.

The Government worked closely with other countries and NGOs to combat trafficking, funding programs in Central and Eastern Europe as well as West Africa. With its EU partners, the Government supported trafficking prevention programs, including information and media campaigns, seminars, and a trafficking prevention project in West Africa.

Numerous NGOs dealt with trafficking in persons and prostitution. The Parada Association worked toward integrating Romanian child beggars and prostitutes into society. The Scelles Foundation, which had a center for international research and documentation of sexual exploitation, provided information to the media on the issue and supported other associations in the country and around the world. The NGO Friends of the Nest worked directly with prostitutes and helped those who wanted to leave prostitution. Many NGOs had "field educators" who routinely met with prostitutes, served as intermediaries between police and prostitutes, offered psychological support, and tried to educate prostitutes about safe sex as well as their rights under the law. One of the best-known NGOs who help prostitutes, Women's Bus (Le Bus de Femmes), gave health advice, distributed condoms, and provided psychological support as well as warm meals.

In the fall, Bordeaux Mayor Alain Juppe launched an initiative called the House of Prostitutes. Jointly run with an NGO association, this program provided prostitutes with a safe place to meet with doctors, legal advisors, and social workers as well as psychologists.

In April, national carrier Air France in conjunction with the NGO End Child Prostitution Tourism in Asia (ECPAT), launched an anti-trafficking/anti-sexual tourism campaign. This initiative entailed prime time television advertisements in France as well as an in-flight video showing a 45-second clip of a sexual offender in jail. Air France also distributed posters in all of its travel agencies.