



France

Country Reports on Human Rights Practices - [2004](#)

Released by the Bureau of Democracy, Human Rights, and Labor
February 28, 2005

France is a multiparty constitutional democracy. Citizens elect a president, a legislature, and a range of European and local officials in periodic, free, and fair elections. The Union for a Popular Movement is the ruling party, and Jacques Chirac is the President. The most recent legislative elections took place in September. The judiciary is independent.

Law enforcement and internal security services include the Gendarmerie and national and municipal police forces under the control of the Ministry of Interior. Civilian authorities maintained effective control of the security forces. A few members of the police forces committed human rights abuses.

The country, with a population of approximately 61.7 million, had a primarily market-based economy. The rate of economic growth during the year was predicted to be 2.1 percent, and wages kept pace with inflation.

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 addressing individual instances of abuse. There were a few reported instances of abuse of detainees 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. Anti Semitic incidents increased in number; the Government vigorously denounced and continued to take steps to prevent and prosecute such incidents. The Government banned the wearing of "conspicuous religious symbols" in public schools. There were instances of violence and discrimination against immigrants and religious minorities. Societal violence against women and children was a problem, which the Government took steps to address. Trafficking in persons 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, there was at least one allegation of death due to excessive police force. At year's end, the National Commission on the Conduct of Police and Security Forces and the Human Rights League had not released their findings regarding the subsequent death of a man involved in a January 1 use of tear gas by police.

There were no reported developments in any reported 2002 or 2003 killings by police.

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 occasional reports that law enforcement officers used excessive force. The Inspector General of the National Police received 469 registered complaints about illegitimate police violence during the first 11 months of the year, down from 500 during the same period in 2003. There were 59 confirmed cases of police violence, compared to 65 in the previous year. Disciplinary actions against police officers who committed infractions increased compared with previous years, with 157 police officers removed from the service for impropriety as opposed to 128 in 2003 and 94 in 2002. There were 2,561 lesser punishments given for a variety of infractions, an increase compared with 2,215 recorded the previous year. The decrease in complaints and increase in disciplinary action has been attributed to an emphasis on professional ethics within the Interior Ministry.

In its annual report for 2003, the National Commission on the Conduct of Police and Security Forces cited "significant breaches" by those involved in public security and an increase in complaint of police abuse and violence. The number of cases submitted to court increased from 39 in 2002 to 70 in 2003. Law enforcement representatives blamed lack of training for young officers and increasing ratios of inexperienced officers to veteran leaders for the rising numbers.

In February, three police officers were placed under investigation for allegedly beating a driver after a high-speed chase through Paris. A fourth officer was placed under investigation for destroying evidence when he turned off the car mounted camera that would have recorded the incident. According to police, the driver was injured as he resisted arrest and a sobriety test. The driver claimed that he was sodomized during the beating. Both the head of the Paris police and then-Interior Minister Nicolas Sarkozy condemned the beating. The investigation was ongoing at year's end.

In April, Sukhwinder Singh, an Indian asylum seeker, alleged a police officer struck his head against the street, beat him in the police station, and stole his money while apprehending him for illegally operating as a street vendor. Mr. Singh further claimed that the officer responsible had a history of requiring money from asylum seekers who sell goods without authorization. Mr. Singh filed a complaint with the Inspector General, which had not issued a report on the case by year's end.

Karim Latifi's 2002 private lawsuit for police abuse was ongoing at year's end.

In April, the European Court of Human Rights (ECHR) condemned the Government for "inhumane and degrading treatments" in the 1997 case of a teenager beaten while in police custody. The court ordered the Government to pay Giovanni Rivas \$20,500 (15,000 euros) in damages and \$13,500 (10,000 euros) in court costs.

In April, three Lille police officers were put under investigation for allegedly raping a prostitute three or four times in October and November of 2003. According to the woman, the officers threatened criminal prosecution if she did not provide them with sexual services. The investigation was ongoing at year's end.

Separatist-related violence in Corsica, aimed at both immigrant populations and government authorities, continued to concern the Government, which took steps to address the problem (see Section 3).

Prison conditions generally met international standards; however, credible nongovernmental organizations (NGOs) reported overcrowding and unacceptable hygiene conditions in some prisons. In a May report, the Council of Europe's Committee for the Prevention of Torture criticized prisons for being overcrowded and offering insufficient recreational activities, educational opportunities, and programs to prepare inmates for social reintegration. In the case of the prison in Toulon, the occupancy rate had reached levels as high as 270 percent; however, a new penitentiary opened in June with facilities for 600 persons. The Government continued to replace old prisons and construct new facilities. According to the Ministry of Justice, there were 58,231 persons in custody at year's end in facilities designed to hold 50,094 persons.

There was no evidence of deaths in prison due to mistreatment during the year. The Ministry of Justice did not have exact figures for suicides during the year, but estimated that they were likely similar to the 120 recorded in 2003. As a result of a 2003 report on prison suicides, directives were issued outlining preventative measures for especially sensitive prisoners or those having recently received disturbing news.

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

The Government permitted prison visits by independent human rights observers. Between December 13 and 20, a delegation from the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment visited various prisons on Reunion Island. No report was released by year's end.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions; however, prolonged pretrial detention was a problem.

The civilian force of 118,000 national police and the military force of 90,000 national gendarmes were responsible for internal security, under the direction of the Minister of Interior. During the year, these services registered a total of 3,825,422 crimes and misdemeanors, a decrease of 3.76 percent from 2003, and collected sufficient evidence to charge suspects in 31.83 percent of the recorded cases.

There were allegations that authorities abused detainees; however, 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 (NCCHR) also monitored police conduct. Corruption was generally not a problem. The Government actively investigated and prosecuted persons accused of police corruption.

Police are required by law to obtain warrants prior to taking persons into custody. Detainees have access to lawyers. In cases involving terrorism or other major crimes, suspects may be held up to 96 hours without access to a lawyer. 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.

In January, a woman claimed police prevented her from visiting her son in the hospital. He was injured in an altercation with police. She was arrested and held for 48 hours for allegedly injuring a police officer, although a doctor at the scene indicated that no police asked to be medically examined. At the hearing, a judge found that the police were at fault and exonerated the woman, noting that there was no evidence indicating violence on her part.

Long delays in bringing cases to trial and lengthy pretrial detention were problems. Some suspects spent many years in detention before a trial, which government officials have acknowledged was due in part to insufficient government resources to expedite the investigation and trial process. According to the Ministry of Justice, 20,134 of the 58,231 persons held in jails and prisons were awaiting trial at year's end.

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.

In cases of serious crimes, investigating judges detain suspects while they conduct the investigation against them. The Chamber of Accusation reviews the investigating judge's investigation to determine the appropriateness of the charges lodged against the accused. The Court of Assises investigates and decides cases involving serious criminal offenses.

The law provides for the right to a fair trial, and an independent judiciary generally enforced this right.

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 recourse.

The trial of 12 individuals accused of illegally listening to telephone conversations, allegedly at the behest of former President Francois Mitterrand, remained ongoing at year's end.

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 and did not restrict academic freedom. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press; 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.

In July, in response to sermons from several Muslim clerics who called for jihad (holy war), Parliament passed a law stating that a foreigner can be deported for publicly proclaiming deliberate and explicit acts of provocation proposing discrimination, hatred, or violence against any specific person or group of persons.

The independent media were active and competitive and expressed a wide variety of views without government restriction.

Unlike in the previous year, the Government did not prohibit the publication of any books.

In May, the ECHR condemned the Government for the 1996 prohibition on publishing a book alleging that former president Francois Mitterrand lied about the state of his health. The court ruled that a continued ban on the publication of the book "The Great Secret" was a violation of the freedom of expression and awarded the publishing company \$36,104 (26,500 euros) for costs and expenses.

The Government did not restrict Internet access.

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 law prohibits discrimination on the basis of faith and establishes the country as a strictly secular republic. Under the law, religious groups must apply to the local prefecture for recognition as an association of worship and disclose certain management and financial information in order to receive tax-exempt status.

The Government has encouraged public caution toward some minority religious groups that it considered to be "cults." A 1996 parliamentary commission identified 173 groups as so called cults. These included the 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 discrimination due to the ensuing publicity. The Inter-ministerial Monitoring Mission Against Sectarian Abuses is charged with observing and analyzing sect or cult movements that could constitute a threat to public order or that might violate French law, coordinating the appropriate response, informing the public about potential risks, and helping victims to receive aid.

A cause for concern was the tax authorities' scrutiny of the financial records of some religious groups. In October, the Association of Jehovah's Witnesses lost their appeal to the Court of Cassation on a 2002 ruling that they must pay \$62.3 million (45.7 million euros) in back taxes. The members claimed that they were discriminatorily and punitively audited because of their classification as a cult, and that authorities adopted a new administrative doctrine to retroactively tax "manual donations" offered by adherents. The association further alleged that this tax had not been applied to any other not for profit or religious organization, and the amount of the tax exceeds the assets of the Association of Jehovah's Witness in the country.

There was continuing concern about the 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.

On March 15, Parliament passed a law banning the wearing of "conspicuous religious symbols" in public schools by employees and students. Implementing regulations, finalized in May, provide for the display of "discreet religious symbols" and grant considerable discretion to individual schools to interpret and implement the law. Items of clothing such as bandannas and turbans can be allowed in schools if such items are worn as fashion accessories without religious significance. The law took effect in September. By year's end, 39 Muslim girls and 3 Sikh boys had been expelled from public school; all had enrolled in private schools, distance education courses, or Belgian schools. On June 29, the ECHR ruled that the law did not violate the freedom of religion.

The Paris Court of Appeals rejected a telemarketing firm's appeal of a 2003 ruling in favor of a young woman who sought reinstatement, damages, and interest after she was fired by the telemarketing firm for refusing to wear her headscarf in a manner deemed appropriate by her employer. A Lyon administrative appeals court rejected the case of a civil servant who filed a lawsuit after being disciplined in May 2002 for wearing a Muslim headscarf at work, ruling that she had violated the principle of neutrality in the public service and disobeyed the orders of her superiors. Some Muslim and Sikh groups have protested the government policy prohibiting the wearing of the head coverings in national identity photos.

During the year, some religious minorities experienced problems. According to the Ministry of Interior, police recorded 950 anti-Semitic incidents during the year as opposed to 601 in 2003. There were 187 people arrested for committing anti-Semitic crimes. Authorities vigorously condemned anti-Semitism, increased security at Jewish institutions, investigated all attacks, and arrested and prosecuted perpetrators when there was sufficient evidence.

The NCCHR released an extensive analysis of anti-Semitic incidents reported by the police in 2003. Such incidents ranged from graffiti and desecration (256) and verbal or written harassment (166) to the distribution of written tracts (31) and bomb threats (10). There have been no reported deaths due to anti-Semitic violence since 1995, but 21 persons were injured in anti-Semitic attacks in 2003. Based on investigations of the incidents, the NCCHR concluded that disaffected French-North African youths were responsible for many of the incidents, which 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. According to the CRIF's website, 341 anti-Semitic incidents were reported during the year.

Cemeteries and religious places were often targets; the Interior Ministry announced desecrations and destructive acts at 92 Christian, 31 Jewish, and 28 Muslim sites.

Jewish organizations and the Government criticized al Manar, a Lebanese Hezbollah satellite channel, for airing an anti-Semitic

television series during Ramadan in 2003. In July, the telecommunication laws were amended, giving new regulatory powers over satellite broadcasts to the Audio Visual Superior Council (CSA). The CSA signed a 1-year, limited license with al-Manar in November that included provisions banning expression of anti-Semitic sentiments, favorable coverage of suicide bombers and other terrorists, and incitement to racial and religious hatred. Shortly thereafter, the CSA petitioned the State Council, the country's highest administrative court, to ban the station based on the broadcaster's failure to curb anti-Semitic programming despite the restricted license agreement. In December, the State Council banned altogether the transmission of al-Manar in the country. Prime Minister Raffarin called al-Manar's anti-Semitic programming "incompatible with French values" and urged the issue of satellite broadcasts be taken up at the European Union (EU) level. Authorities were also investigating Iranian broadcast channel Al-Alam at year's end.

The Government took steps to combat anti-Semitism and other forms of intolerance, particularly among the youth; however, some groups asserted that the judicial system was lax in its sentencing of anti-Semitic offenders. In March, the Government published an educational tool on the country's values, intended to help public school teachers promote tolerance and combat anti-Semitism and racism. During the year, schools have emphasized the need for tolerance and copies of the Holocaust film "Shoah" were distributed to all high schools for use in history and civics classes.

The Government has taken other proactive steps to fight anti-Semitic and anti-Islamic attacks, including instructing police commissioners to create monitoring units in each national department and announcing in June the creation of a department-level Council of Religions that will raise public awareness of increased racial and anti-sectarian incidents. In September, the Mayor of Paris launched a campaign to fight all forms of intolerance that included 1,200 municipal billboards and bulletins in major newspapers.

Members of the Arab and Muslim communities experienced incidents of harassment and vandalism (see section 5), particularly on the island of Corsica. The Government is investigating at least 26 anti-Islamic websites for links to anti-Muslim attacks.

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.

For a more detailed discussion, see the [2004 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 prohibits forced exile, and the Government did not employ it.

The law provides for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees or its 1967 Protocol, and the Government has established a system for providing protection to refugees. In practice, the Government provided protection against refoulement, the return of persons to a country where they feared persecution. The Government 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, the Government received 54,429 initial requests for asylum or requests for re-examination in 2003--compared with 53,777 in 2002--totaling more than 60,000 when considering the children of asylum seekers. There were also 27,741 applications for territorial asylum, similar to temporary protection, but renewable. In 2003, the Government considered 67,030 cases and issued 9,790 refugee certificates, documents issued to successful asylum applicants.

The National Association for Assisting Foreigners at Borders (ANAFE) released a report in November criticizing the high refusal rates for asylum requests and the actions of border police in dealing with asylum seekers at Charles de Gaulle International Airport. ANAFE reported numerous claims of excessive force and verbal insults by police; however, it praised improved conditions in the waiting area.

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 that took place in September were generally free and fair; the President was elected in May 2002.

In November, the State Council, the highest appeals court for administrative matters, annulled the May elections for 37 of the 57 seats in the Polynesian National Assembly, citing various irregularities. New elections for the seats were expected to take place in February 2005.

In January, former Prime Minister Alain Juppe was convicted on charges of corruption, relating to political party financing while Juppe was deputy mayor of Paris. At the time, President Chirac was mayor of Paris. Juppe appealed his conviction; in

December, the conviction was upheld, with a reduction of sentence to a 14 month suspended jail term and 1 year of ineligibility from holding political office. Similar charges are pending against President Chirac; however, as long as he remains in office, the President is immune from prosecution.

There were 129 women in the two bodies of the 908-seat legislature and 9 women in the 41-member Cabinet. Of the 190 members of the Court of Cassation, 74 were women. Of the 78 elected representatives to the EU Parliament, 33 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 Constitution prohibits the Government from holding information about the racial or ethnic background of its citizens; therefore, no statistics on minority participation in the Government were available. However, minorities generally appeared underrepresented in the Government.

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 the country by means of referendums and, along with the overseas departments, 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 restriction, investigating and publishing their findings on human rights cases. Government officials were generally 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, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination based on race, sex, ethnic background, or political opinion; however, discrimination against immigrants was a problem. In December, Parliament passed legislation creating a High Authority to Fight Discrimination and Promote Equality. The body is an independent authority charged with combating discrimination based on sex, race, ethnic origin, religion, handicap, age, or sexual orientation. The High Authority is to assist with individual claims of discrimination, request the help of public authorities in their investigations, and recommend disciplinary action.

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 10,506 rapes and 15,732 instances of other criminal sexual assault during the year. The penalties for domestic violence vary according to the type of crime and range from 3 years' imprisonment and a fine of approximately \$60,750 (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 hotlines. Numerous private associations also assisted abused women.

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 2002 killing of 17-year-old Sohane Benziane, who burned alive by an ex boyfriend in a suburb of Paris, a women's rights movement emerged among inhabitants of these "difficult neighborhoods" around Paris. The trial against the man who confessed to the killing remained ongoing at year's end.

In 2003, the High Council on Integration (HCI), a government body, published a report that approximately 70,000 girls in France between ages 10 and 18, primarily from North Africa, sub Saharan Africa, and Turkey, were threatened with forced marriages. Women and girls could seek refuge at shelters if they were 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 was important to distinguish between arranged and forced marriages. The age of consent for marriage is 18 for men and 15 for women; however, many of these marriages took place overseas and were often designed to facilitate immigration.

In 2003, HCI also published a report indicating that the country was home to 35,000 women who were victims of female genital mutilation (FGM), the majority of whom were immigrants from Africa, Asia, and the Middle East. The practice is illegal and could be punished by up to 20 years' imprisonment; however, in most cases FGM occurred outside of the country. Cases were seldom reported to the authorities, and most were discovered in routine school medical examinations. Several NGOs existed to prevent FGM and worked with the Government to educate women about their rights.

Prostitution is legal; pimping is illegal. Authorities cited a drop in the number of prostitutes resulting from the implementation of the Law on Internal Security; however, NGOs charged that the changes in the law had succeeded only in moving the prostitutes to different areas at later times rather than reducing the real number of prostitutes.

Trafficking in women for the purpose of sexual exploitation was a problem (see Section 5, Trafficking). A government agency, the Central Office on the Treatment of Human Beings (OCRETH), addresses trafficking in women, prostitution, and pimping. The Government worked to prevent sex tourism (see Section 5, Trafficking).

The law prohibits sex-based job discrimination and sexual harassment in the workplace. Sexual harassment was not widely considered a problem in the workplace. The laws prohibiting it were well publicized by both the Government and NGOs and effectively enforced. These laws make sexual harassment punishable under civil, labor, and criminal code and provide for recourse in instances of unwanted sexual advances from superiors, but not from peers. The law also bans "moral harassment", which is defined as a violation of dignity, a danger to health, and a form of discrimination. The prohibited conduct did not necessarily have to be related to the gender of the victim.

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; in November, the unemployment rate for women was 11 percent. Only 1 of every 10 chief executive officers was a woman.

Women have increased their representation in the armed services, accounting for 12.7 percent of the military workforce in 2003 as opposed to 7.1 percent in 1992. Women serve as fighter pilots and in the Republican Guard; only specialized units such as the French Foreign Legion and submariners remained strictly male.

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 was provided through age 18, and education was compulsory for citizens and noncitizens between ages 6 and 16. Although not compulsory, pre-school and kindergarten for children under age 6 is free and widely available. According to INSEE, the government statistical agency, during the school year 2001-02, the percentage of children who attended school was 100 percent for ages 3 to 13; but the percentage dropped to 99.8, 98.4, and 97.7 for ages 14, 15, and 16, respectively.

There are strict laws against child abuse, particularly when committed by a parent or guardian, and the Government effectively prosecuted abusers; however, a 2003 report by a rapporteur for the U.N. Commission on Human Rights criticized the justice system and a government chartered doctors' group over their handling of child sex abuse. In 2003, there were approximately 18,000 reported cases of mistreatment (physical violence, sexual abuse, mental cruelty, or severe negligence) of children. Approximately 5,200 of these cases involved reports of sexual abuse. Special sections of the national police and judiciary were 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 and commercial exploitation of girls were problems (see Section 5, Trafficking).

Trafficking in Persons

The law prohibits the trafficking of persons; however, trafficking in women and children for prostitution, forced domestic labor, and petty crime was a problem.

Trafficking in persons is punishable by up to 7 years in prison and a fine of \$204,360 (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 exploited children and forced them to beg face a prison sentence of 3 to 10 years and a fine of \$60,750 to \$6.1 million (45,000 to 4.5 million euros). This law provides the Government with the means to arrest and prosecute child traffickers. Penalties for soliciting child prostitutes range up to 10 years' imprisonment. However, under the trafficking-related sentencing guidelines, sentences for some types of trafficking convictions, such as for rape, were light. The exploitation of foreign labor and exposing laborers to inhumane conditions are criminal offenses under other statutes punishable by up to 3 years' imprisonment or substantial fines.

In 2003, the special anti-trafficking police arrested 709 individuals on trafficking-related charges, an increase of 10 percent over the previous year. As in 2002, nearly 66 percent of those arrested were foreigners. In 2003, 40 trafficking networks were

dismantled, a 33 percent increase over the number dismantled in 2002. In July, Bulgarian officials notified police that a young Bulgarian woman had complained that her baby had been kidnapped; the police investigation revealed a baby trafficking network in which young Bulgarian mothers were forced to sell their babies in Paris. Authorities arrested 10 persons in connection with the baby trafficking ring. Police found \$6,800 (5,000 euros) on the prospective baby purchaser.

In 2003, police arrested 67 adults in a Roma encampment outside Paris and charged them with organizing sexual enslavement of Romani children who were kidnapped from Romania, brought to the country, 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 \$272 (200 euros) a day or face severe physical punishment. The child traffickers remained in jail awaiting trial at the end of the year.

Prostitution is legal; however, the law prohibits pimping, including aiding, assisting, maintaining, or profiting from the prostitution of another. Public solicitation 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' imprisonment and a fine of up to approximately \$190,735 (140,000 euros). Penalties increase to a maximum of 10 years' imprisonment and approximately \$1.9 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' imprisonment and a fine of up to \$3.8 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 \$5.7 million (4.2 million euros) in fines. Enforcement of these laws varied, and prostitution remained a problem.

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 \$96,730 (71,000 euros). When the crime applies to more than one victim, punishments increase to 5 years' imprisonment and \$190,735 (140,000 euros) in fines. The Committee Against Modern Slavery brought cases of domestic and modern slavery to the authorities for prosecution.

Several law enforcement agencies were involved in the effort to combat trafficking. OCRETH, which was under the authority of the Central Criminal Investigation Directorate of the Judicial Police, 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. 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 the European Police Agency to investigate, track, and dismantle trafficking rings. By year's end, no trial date was set for a British man arrested in 2003 for operating a call girl service.

The country is a destination for trafficking victims, primarily women from Eastern Europe, the Balkans, the former Soviet Union, and West Africa--and to a lesser extent, South and Central America--for the purposes of sexual exploitation and domestic servitude. Trafficking of Brazilian women and girls into sexual exploitation in French Guiana was a problem. The country is also a destination for trafficked Romanian children, many of Romani descent.

Police estimated that 90 percent of the 15,000 to 18,000 prostitutes working in the country were trafficking victims, and that 3,000 to 8,000 children were forced into prostitution and labor, including begging. In 2003, a report by a rapporteur for the U.N. 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. Of the 900 victims questioned in 2003, 50 were minors, mostly citizens and Eastern Europeans.

Traffickers used various methods to recruit and retain victims including force, fraud, confiscating the victims' identification papers, isolating them culturally, and abusing them physically or psychologically. Some victims came to the country willing to work as prostitutes, not knowing they were going to become trafficking victims. Traffickers kidnapped or "bought" some women and girls and sold them to Balkans-based prostitution networks, which smuggled the victims into the country. NGOs and police characterized the bulk of traffickers in the country as "micro-trafficking networks" that included both citizens and foreigners.

Handlers of the Romanian children of Romani descent have traditionally used the children as beggars and thieves, but many of the children have increasingly turned to or been forced into prostitution. Under the terms of a French-Romanian agreement, Romanian children and adults who had been trafficked into the country were repatriated on a voluntary basis. Some NGOs and grassroots organizations have criticized the voluntary repatriation program because the Government has limited its participation to providing transport back to Romania and \$208 (153 euros) for resettlement.

Under the Government protection program established in 2003 to aid trafficking victims who chose to cooperate with police and judicial authorities, the Government granted 204 women temporary residence; 11 obtained 1-year renewable permits. Victims who declined to cooperate with the authorities were processed as illegal immigrants and were sometimes detained or jailed.

The Government continued to screen and refer victims to counseling centers and safe houses for comprehensive services. The Government offered victims 3 to 6 months' renewable temporary residency according to their need and cooperation with police. The Government assumed child victims to be in danger and provided immediate shelter while assessing the child's best

interests.

Numerous NGOs dealt with trafficking in persons and 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.

Social Aid to Children (ASE), the national social services branch for childcare, was responsible for caring for and assisting victims under age 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 focused outreach and prevention programs on domestic prostitution and sex tourism abroad. The Prime Minister's Inter-ministerial Commission on Clandestine Workers and Illegal Labor continued its work, and a new interministerial working group on sex tourism began work on recommendations for the Tourism Ministry.

The Government worked closely with other countries and NGOs to combat trafficking, funding programs in Central and Eastern Europe as well as West Africa. Within the EU, the Government supported anti-trafficking programs, including information campaigns, seminars, and bilateral training programs for police units and lawmakers, and assigned criminal liaison officers throughout Europe to identify trafficking networks.

In September, the interministerial Commission to Combat Child Sex Tourism released its initial report. The group, which composed of government officials, NGOs, doctors, lawyers, airline, hotel, and tour agency professionals, made 12 recommendations. The commission called on the Government to enhance the effectiveness of its own efforts against sexual tourism; to reinforce and mobilize law enforcement and the judiciary in order to strengthen the efficacy of measures to punish citizens who travel abroad to exploit children for sex; to help countries fighting the sexual exploitation of children with bilateral accords, including even the possibility of calling on domestic companies present in the foreign country to provide training or other opportunities for children to enable the children to make a living other than by prostitution; to condition assistance funds to the third country's formalization of a plan of action to fight the sexual exploitation of children; and to convince Europe to join the country in its efforts to combat child sex tourism.

Persons with Disabilities

The law prohibits discrimination against persons with disabilities in employment, education, access to health care, 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. A 2003 court case charged a cinema with lacking access for persons with disabilities, but no decision was rendered by year's end. A second case from 2003, which charged the Ministry of Justice with noncompliance with the law on accessibility, remained ongoing at year's end.

Nearly 40 percent of persons with disabilities were unemployed. A 1987 law requires companies of more than 20 employees to ensure that 6 percent of their workforce consists of persons with disabilities or the company must pay fines to an association that assists persons with disabilities in finding work. However, in practice, this law was not effectively enforced. Of the companies subject to this law, 37 percent did not employ any persons with disabilities, and most of those that did comply fell short of the 6 percent quota.

In January, the Government passed legislation that drastically reformed and updated the disability law; however, the law was not scheduled to go into effect until 2005. Under the new law, for the first time, psychological handicaps are considered disabilities and qualify individuals for government benefits. The new law mandates stipends to individuals with disabilities, forbids academic institutions from rejecting handicapped students, gives additional benefits for companies who respect the 6 percent quota, and increases penalties for companies who fail to hire enough individuals with disabilities. Additionally, the law allows 6 years for the public transportation system to provide complete access to those 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 2003, there was a decrease in violence and racial threats, as documented by the NCCHR. The annual NCCHR report noted a decline in the number of reported incidents of racist threats--137 in 2003, compared with 262 in 2002; there were 92 incidents of racist violence in 2003, compared with 119 in 2002. According to the report, there were no deaths due to racist violence in 2003; however, 11 persons were injured. Of the 137 racist threats reported, 105 were directed at immigrants of North African origin.

Violence against immigrants has increased significantly in recent years on the island of Corsica. The Government condemned the incidents and took steps to address the problem. During the year, the Ministry of the Interior reported that there were 107 acts of violence committed against individuals of immigrant, mostly Arab background, more than twice the number of such attacks as reported in 2003. In October, it was estimated that more than 25 percent of the racist attacks committed since

January occurred in Corsica. For example, in November, assailants opened fire on an imam as he answered a knock at the door of the Muslim Cultural Association of Sartene, in southern Corsica. The imam was uninjured. In December, there were two attacks against a building housing immigrants. The attacks have caused some families to move to the mainland or return to their countries of origin.

The attacks were blamed on sectors of the island's nationalist movement, and many incidents involved graffiti with such slogans as "Arabs Out" and "Corsica for the Corsicans" written in the Corsican language. In November, police placed 14 members of the nationalist group Clandestini Corsi under investigation. In December, Corsican authorities held a week of events aimed at increasing awareness of the danger of racism and promoting coexistence between immigrant and native Corsican populations.

Immigrant advocacy groups continued to criticize a 2003 law aimed to restrict illegal immigration and to ensure that illegal immigrants are deported for being too harsh and encouraging discrimination against foreigners.

Judicial authorities may consider racist motivation as an aggravating factor in a crime. In September, a court handed down a 4-month suspended sentence and a \$13,624 (10,000 euros) fine to a woman who refused to sell property to an Arab couple.

At year's end, Joel Damman remained in jail awaiting trial for the 2002 killing of an immigrant, which he confessed was motivated by racism.

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. A report submitted to the Prime Minister in November concluded that discrimination was a reality and recommended, among other things, that resumes be free of pictures, names, sex, age, or other criteria that might permit prejudice in hiring.

As the result of an investigative story run by a Lyon magazine, 11 nightclub bouncers went to trial in November on discrimination charges for refusing entry to individuals of North African appearance. In the experiment described in the magazine, 11 of 18 nightclubs refused entry to a couple of North-African appearance but permitted a couple of European appearance to enter several minutes later. The trial was ongoing at year's end.

The Ministry of Labor and the NGO Group for Study and Combat of Discrimination offered a free hotline to report discrimination. 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 anti-racist educational programs in some public school systems.

Other Societal Abuses and Discrimination

Societal discrimination and abuse against persons because of sexual orientation was not a problem; although there were isolated incidents of violence, the authorities pursued and punished offenders.

Section 6 Worker Rights

The Constitution provides for freedom of association for all workers, and workers exercised this right in practice. Approximately 7 percent of the work force was unionized.

b. The Right to Organize and Bargain Collectively

The law allows unions to conduct their activities without interference, and the Government protected this right in practice. Workers have the right to organize and bargain collectively, and workers exercised this right in practice. Workers, including civil servants, have the right to strike except when a strike threatens public safety. Workers exercised this right in practice.

There are no special laws or exceptions from regular labor laws in the three export processing zones.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children; however, there were reports that such practices occurred (see Section 5). There were press reports of substandard pay and working conditions, often within the immigrant community, suffered by undetermined numbers of undocumented immigrants of Chinese origin. For example, late in the year, there were several press reports of "cooking sweatshops" in apartments used to supply the burgeoning number of Chinese carry-out restaurants in the capital and suburbs.

d. Prohibition of Child Labor 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, minors are prohibited from performing work considered arduous, or work between the hours of 10 p.m. and 5 a.m. 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 of \$10.27 (7.61 euros) per hour provided a decent standard of living for a worker and family. The official workweek is 35 hours; however, in certain industries, the government allows a greater number of overtime hours that can result in a de facto 39-hour workweek. Overtime is limited to 180 hours annually.

The Ministry of Social Affairs, Labor, and Solidarity is responsible 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, had fully functioning health and safety committees. Workers have the right to remove themselves from dangerous work situations without jeopardy to their employment, and the Government effectively enforced this right.