

[Home](#)[Issues & Press](#)[Travel & Business](#)[Youth & Education](#)[About State Department](#)

France

Country Reports on Human Rights Practices - [2005](#)

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France, with a population of approximately 62.9 million, is a multiparty constitutional democracy. The Union for a Popular Movement is the ruling party and Jacques Chirac is the president. The most recent national elections took place in 2002 and were considered free and fair. The civilian authorities generally maintained effective control of the security forces.

The government generally respected the human rights of its citizens; however, there were problems in some areas. The following human rights problems were reported:

- excessive use of force by law enforcement officers
- overcrowded prisons
- lengthy pretrial detention
- protracted trial proceedings
- anti-Muslim incidents
- anti-Semitic incidents
- societal violence against women
- child abuse and child marriage
- trafficking in persons
- discrimination based on ethnic origin

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of life

The government or its agents did not commit any politically motivated killings; however, the Ministry of Defense officially confirmed that French soldiers deployed to the Ivory Coast under UN peacekeeping auspices were to blame for the May 13 suffocation of Ivorian national Firmin Mahe. At year's end a senior warrant officer was in custody for the killing, an army colonel was under investigation by a military tribunal for suspicion of ordering the killing, and two other soldiers were under investigation for not preventing it. General Henri Poncet, the former commander of French peacekeepers in the Ivory Coast, and his deputy, Renaud de Malaussene, were each given an official warning and relieved of their commands for failing to report French involvement in the death. Poncet was under investigation for his role in the death at year's end.

In February six individuals filed a lawsuit claiming that French soldiers were guilty of "complicity in genocide" and "crimes against humanity" while deployed to Rwanda during the 1994 genocide. In December a military tribunal opened an investigation into accusations of two of the plaintiffs, which included allegations that French soldiers stood by passively and permitted massacres to occur and that military personnel participated. French military authorities have denied that French troops aided or directed forces involved in the genocide, and a 1998 parliamentary panel absolved the military of responsibility in the genocide.

At year's end the National Commission on the Conduct of Police and Security Forces (NCCPSF) and the Human Rights League (HRL) had not released their findings regarding the January 2004 use of tear gas by police and the subsequent death of a man.

There were no reported developments in any reported 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, including during the civil unrest that occurred in October and November. There were reports that security forces abused detainees. Authorities investigated reports of abuse by officials and punished those responsible when the reports were substantiated.

However, an April Amnesty International (AI) report claimed that the government's continued failure to address abuses has led to a climate of effective impunity for law enforcement officials, resulting in a lack of public confidence that law enforcement officials always operate under the rule of law and are held accountable for their actions. In its annual report for 2004 released on April 16, the NCCPSF cited "significant breaches" by those involved in public security and an increase in complaints of police abuse and violence. The number of cases submitted to court increased from 70 in 2003 to 107 in 2004.

Police officers were videotaped striking a young man during the unrest in early November (see section 5).

The investigation of the February 2004 case of three police officers who allegedly beat and sodomized a driver and a fourth officer who allegedly destroyed evidence was ongoing at year's end.

On July 13, the NCCPSF issued a decision in the April 2004 case of Sukhwinder Singh, an Indian asylum seeker who alleged a police officer beat him and stole his money while apprehending him for illegally operating as a street vendor. The NCCPSF found that the actions of the police officer involved were not only against the code of conduct for security forces but subject to criminal prosecution. The NCCPSF did not present specific recommendations on the case because the officer involved had already been fired and was under criminal investigation.

Two of three Lille police officers who allegedly raped a prostitute in 2003 were released under strict judicial control and charges were dropped against the third. The case had not gone to court by 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 5).

Prison and Detention Center Conditions

Prison conditions generally met international standards; however, credible nongovernmental organizations (NGOs) reported overcrowding and unacceptable hygiene conditions in some prisons. The government continued to replace old prisons and construct new facilities. According to the Ministry of Justice, there were 57,163 persons in custody on October 1, in facilities designed to hold 51,144 persons, an overpopulation rate of 112 percent.

Although there were no known deaths in prison due to mistreatment or adverse conditions during the year, prison suicides have been a problem in recent years. According to the Ministry of Justice there were 53 suicides in the first six months of the year, compared to 115 in all of 2004.

On October 20, the International Observatory of Prisons released a report that criticized prisons for being overcrowded and unsanitary. The report also indicated that drug use in prison was rising and that inmates appeared increasingly to be in need of psychiatric and other medical care, but that the prison staff was unable to diagnose and treat such needs.

The government permitted prison visits by independent human rights observers.

d. Arbitrary Arrest or Detention

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

Role of the Police and Security Apparatus

The civilian force of 118 thousand national police, under the direction of the Ministry of Interior, and the military force of 90 thousand national gendarmes, under the direction of the Ministry of Interior in coordination with the Ministry of Defense, ensure internal security. The police and gendarmes were considered generally effective.

Despite criticisms by some human rights observers such as AI, impunity generally 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 NCCPSF 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 allegations of police corruption.

Arrest and Detention

Police are required by law to obtain warrants prior to taking persons into custody. Persons are apprehended openly with warrants based on sufficient evidence and issued by a duly authorized official. The law provides a person in detention with the right to a prompt judicial determination of the legality of the detention, and authorities respected this right in practice. Detainees are promptly informed of charges against them. There is a system of bail, and it is used. Detainees generally have prompt access to lawyers; however, in cases involving

terrorism or other major crimes, suspects may be held up to 96 hours without access to a lawyer. If detainees are indigent, they are provided a lawyer by the state.

There were no reports of political detainees.

Long delays in bringing cases to trial and lengthy pretrial detention were problems. Pretrial detention is generally allowed only if there is a possibility that the suspect would be sentenced to more than three years in prison for crimes against persons and to more than five years in prison for crimes against property; however, a few suspects spend many years in detention before trial, which government officials blamed on insufficient government resources for the investigation and trial process. In July 35 percent of those held in jails and prisons were awaiting trial.

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 judge's investigation to determine the appropriateness of the charges lodged against the accused. The court of assizes investigates and decides cases involving serious criminal offenses.

Trial Procedures

The law provides for the right to a fair trial, and an independent judiciary generally enforced this right. Trials are public and held before a judge or tribunal of judges. In instances where the sentence is potentially more than 10 years' imprisonment, a combination of professional and lay judges hear the case. Defendants are able to question the testimony of prosecution witnesses against them and present witnesses and evidence in their own defense. Defendants and their attorneys have access to government-held evidence relative to their cases. Defendants enjoy a presumption of innocence and have the right to appeal.

The Tribunal of the Armies is a military court that exists to judge crimes committed outside of the country by members of the armed forces, issuing approximately 300 to 350 judgments annually. This tribunal was investigating both the death of Mahe and allegations regarding military actions during the Rwanda genocide (see section 1.a.). The tribunal abides by most of the rules of civil courts; however, the prosecutor seeks the advice of the military authorities before most proceedings, and difficulties have been reported in obtaining documents from military authorities that are classified as "secret." A former prosecutor has criticized the influence of the military on the tribunal and has questioned whether it should continue to exist.

Political Prisoners

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.

On November 9, a court convicted 6 of the 12 individuals accused of having illegally listened to telephone conversations of nearly 150 persons between 1983 and 1986. Those convicted were given suspended sentences of up to eight months and fines of up to \$6 thousand (5 thousand euros). The court placed the ultimate responsibility on former president Francois Mitterand, noting that the decision to create the group responsible for the wiretaps originated with him and that the wiretaps were carried out with his knowledge.

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; 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.

In 2004, in response to sermons from several Muslim clerics determined to have threatened public order by inciting violence, 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.

On December 22, the European Court of Human Rights (ECHR) ruled that the government had violated the freedom of expression of Christian Paturel, author of a 1996 book titled *Sects, Religions and Public Freedoms* in which he attacked antisect organizations which received government funding, particularly the National Union of Associations for the Protection of the Family and the Individual (UNADFI). UNADFI brought suit against the author, and in 1997 Paturel and the publisher were found guilty of defamation, a ruling that was upheld on

appeal by French courts. Reversing the French courts' decisions, the ECHR ruled that organizations like UNADFI were in the public domain and "ought to show a higher degree of tolerance to criticism of their aims by opponents." The ECHR also found that the combination of fines and awards to UNADFI had not been justified in the circumstances. The ECHR awarded Paturel \$8,280 (6,900 euros) in damages and \$9,384 (7,820 euros) in costs and expenses.

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

There were no government restrictions on the Internet or academic freedom.

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 law provides for freedom of religion, and the government generally respected this right in practice. A 1905 law on the separation of religion and state prohibits discrimination on the basis of faith. 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 or gain official recognition.

The government has modified the manner in which it encourages public caution toward some minority religious groups that it considers 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. In May former prime minister Jean-Pierre Raffarin issued a circular indicating that the parliamentary list should no longer be used to identify sects, and authorities should instead focus their efforts on those sects that represent the greatest threat, notably those "small, fluid" groups that are "less easily identifiable" and use the Internet for recruitment. Some religious groups hailed the move as a step forward but called for Ministry of Justice circulars emphasizing repressive measures against minority religions to be rescinded.

The interministerial monitoring mission against sectarian abuses (MIVILUDES) is charged with observing and analyzing sect/cult movements that could constitute a threat to public order or violate the law, coordinating the appropriate response, informing the public about potential risks, and helping victims to receive aid. In January MIVILUDES published a guide for public servants instructing them how to spot and combat "dangerous" sects. There are several instances where the law regarding the right of patients to refuse medical treatment is noted, as well as subsequent court decisions. Some groups expressed concern that the guide would be misused by overzealous public servants against legitimate religious organizations.

There was continuing concern about the 2001 About-Picard law. Although provisions of the law that permit the dissolution of groups have never been applied, in November 2004 Arnaud Mussy, the founder and spiritual head of the group Neo-Phare, was convicted of fraudulent abuse of the state of ignorance and the weakness of four followers. Mussy claimed to be the reincarnation of Christ and made several predictions in 2000 regarding the pending apocalypse; one of his adherents killed himself and two other followers attempted suicide allegedly because of the state of mind brought on by Mussy's manipulation. His appeal of the decision was ongoing at year's end.

In March 2004, on the recommendation of an interministerial commission established by the president to study secularism, integration, and the place of religion in the country, the government passed a law prohibiting the wearing of "conspicuous" religious symbols--including Muslim headscarves, Jewish skullcaps, and large crosses--by employees and students in public schools. In June 2004 the ECHR ruled that the law did not violate the freedom of religion and was implemented in September 2004. Some Christian, Jewish, Muslim, and Sikh leaders, human rights groups, and foreign governments voiced concerns about the law's potential to restrict religious freedom. At the end of the school year, the Ministry of Education reported that 44 Muslim girls and 3 Sikh boys had been expelled from public school for violating this law; all had reportedly enrolled in private schools, distance education courses, or schools abroad. One Muslim group indicated that the law has adversely affected 806 Muslim girls by causing them to seek alternative educational options or requiring them to remove their veil. Media reports estimate that of 13 million schoolchildren, approximately 12 hundred Muslim school age girls wore veils. The Sikh community reported that of the approximately 200 school age Sikh boys, 84 percent were affected by the legislation.

In September UN Special Rapporteur for Freedom of Religion or Belief Adma Jahangir conducted a fact-finding mission in the country. In comments made at the conclusion of her visit, Ms. Jahangir characterized the controversial law banning religious symbols from school as "double-edged" and noted that veiled women appeared to suffer from discrimination. She also expressed cautious optimism for minority religions, calling MIVILUDES "more balanced" than its predecessor. The rapporteur's report to the UN, including recommendations for the country, was expected in early 2006.

Societal Abuses and Discrimination

Members of the Arab/Muslim community experienced incidents of harassment and vandalism (see section 5), particularly on the island of Corsica. The government was investigating at least 26 anti-Islamic Web sites for links to anti-Muslim attacks.

On November 11, a mosque in near Lyon was attacked with little damage reported. On November 13 and 14, two firebomb attacks were attempted against the Grand Mosque of Lyon. On November 20, a mosque in the eastern town of Fougères was hit with two firebombs, but no one was injured, and the main prayer room was not damaged. Political and religious leaders condemned the attacks, and authorities actively investigated the incidents. Many suspect the attacks may have been committed by right-wing militants in response to the social unrest occurring nightly at the time.

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 was resolved when the young woman, previously prevented by the government from leaving the country to attend the school abroad, decided she would wait until she reached the age of 18 and could legally make the choice herself.

On December 14, a Paris court rejected a lawsuit brought by a collective of associations asking for the dissolution of the National Union of Associations for the Defense of the Family (UNADFI). The organizations accused UNADFI, a state-subsidized NGO "specializing in information about sects," of regularly overstepping its informative role and acting against religious freedom. Instead, the court ruled that the suit constituted an "abusive procedure" and ordered the plaintiffs to pay UNADFI \$18 thousand (15 thousand euros) in damage and court costs, and ordered the plaintiffs to print the decision in 8 newspapers. The plaintiffs planned to appeal the decision.

On February 25, the 2004 Jehovah's Witnesses tax case was submitted to the ECHR and was ongoing at year's end. Members of Jehovah's Witnesses claimed that they were selected for discriminatory and punitive auditing because of their classification as a cult. Jehovah's Witnesses in the Vosges Department reported difficulty gaining permission to build a house of worship in the town of Deyvilliers; despite official requests presented to authorities on January 13 and March 4, the Jehovah's Witnesses reported having received no reply or acknowledgement of their requests. Jehovah's Witnesses also reported several acts of vandalism against houses of worship. On December 1, the Paris Court of Appeal overturned a 2001 decision and ordered the Ministry of Interior to turn over to the Jehovah's Witnesses documents relating to the 1996 parliamentary report and to pay \$1,800 (1,500 euros) for costs.

In a March annual report to the prime minister, the NCCHR indicated that there were 1,565 racist and anti-Semitic incidents in 2004, nearly double the 833 recorded in 2003. The number of anti-Semitic incidents, including physical assaults, attacks against property, cemetery desecrations, threats, and reported insults, increased from 601 in 2003 to 970 in 2004, and the number of incidents occurring in schools nearly tripled. There have been no reported deaths due to anti-Semitic violence since 1995, but 36 persons were injured in anti-Semitic attacks in 2004.

The Jewish community in France was estimated at 600 thousand persons. According to the Ministry of Interior, police recorded 504 anti-Semitic incidents during the year, as opposed to 974 during 2004, a decrease of 48 percent. There were 98 attacks against persons or property during the year as opposed to 200 in 2004, and 406 threats as opposed to 774 in 2004. There were 40 persons arrested for committing anti-Semitic crimes. The government attributed the decreases to better dialogue with the Jewish community, more focus on the problem by the internal security forces, and a decrease in Israeli-Palestinian tensions. Authorities continued to condemn forcefully anti-Semitism, provided increased protection at Jewish institutions, investigated all attacks, and arrested and prosecuted perpetrators when there was sufficient evidence.

The Representative Council of Jewish Institutions in France (CRIF) operated a hot line to register allegations of threats. Based on its own information and that of the Jewish Community Protection Service (CSPCJ), the CRIF registered 95 anti-Semitic incidents during the first 6 months of the year as opposed to 590 for the entire year in 2004. 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 April the CRIF condemned the alleged sale of anti-Semitic cassettes by the Committee for the Well-being and Rescue of Palestinians (CBSP) at the annual meeting of the Union of Islamic Organizations in France (UOIF).

In July three students from a different school threw bottles of acid into the courtyard of a Jewish school. No injuries were reported. The three minors were released into judicial custody and their trial remained ongoing at year's end.

On May 18, the government approved a ministry of interior decision to disband the neo-Nazi group Elsass Korps. The dissolution would prevent the group from meeting publicly and punish individuals found to be reconstituting the group under a different name.

In May a Versailles court of appeals found the authors and publisher of a 2002 article entitled "Israel-Palestine: The Cancer" guilty of "racial defamation" for anti-Semitic content. Journalists Edgar Morin, Daniele Sallenave, and Sami Nair, as well as editor Jean-Marie Colombani have been ordered to pay the legal fees of the prosecuting groups and \$1.20 (1 euro) each in damages. The publishing newspaper, *Le Monde*, was ordered to print the court decision, which ran July 8. The decision has been controversial, particularly as one of the authors, Edgar Morin, is Jewish. A judge dismissed the initial complaint, ruling that any reasonable reader would not equate criticism of Israeli Prime Minister Sharon and his supporters as an attack on all Jews, but an appeals court found that three sentences in the article violated a 1990 antiracism law. *Le Monde* and the authors of the article appealed the decision, and a ruling was expected in early 2006.

On June 13, a Paris court ordered French Internet service providers to block the Web site of the revisionist Holocaust-denying organization, the Association of Former Connoisseurs of War and Holocaust Stories, to French users.

For a more detailed discussion, see the [2005 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 requires those who exercise an itinerant activity and who have a fixed domicile to sign a declaration, which is renewable periodically.

Persons having no domicile or fixed abode must be in possession of travel documents, one type of which must be renewed every three months, and must choose a commune for administrative purposes. Members of the Roma community, who make up the majority of those who require travel documents, have protested the requirement and indicated that they often experience discriminatory treatment from officials when renewing the documents.

The law also requires municipalities with more than 5 thousand residents to provide an "encampment" where people may reside temporarily. However, members of the Roma community indicated that only one in four municipalities required to provide a designated encampment actually do so in practice, and that many encampments do not meet the legal requirements of infrastructure provision and environmental adequacy. Roma groups have asserted that some municipal leaders prefer to pay the fines rather than provide encampments. The law also designates some towns where encampment is prohibited. Compounding problems created by a lack of encampments is a law that makes it illegal to set up residency outside of designated areas.

Protection of Refugees

The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and 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 also provided temporary protection to individuals who may not qualify as refugees under the 1951 convention and the 1967 protocol.

Even if it does not grant asylum to an individual, the government generally did not deport individuals with children.

The government cooperated with the UN High Commissioner for Refugees and other humanitarian organizations in assisting refugees and asylum seekers.

On September 2, the National Association for Assisting Foreigners at Borders (ANAFE) released a statement citing a decline in the number of foreigners detained in the waiting areas of airports and ports, noting there were 14,291 individuals not admitted in 2004, as opposed to 15,498 in 2003 and 20,800 in 2002. However, it expressed concern that the government was focusing on combating illegal immigration to the detriment of the protection and welcome offered foreigners, especially asylum seekers. ANAFE noted that there were allegations of abuse against foreigners in waiting areas, particularly during attempts to re-embark them on aircraft. ANAFE also criticized incidents of unaccompanied foreign minors without proper documentation being detained in waiting areas at airports rather than admitted to the country without exception, a position recommended by UNAFE and NCCHR.

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

The law 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.

Individuals without a fixed domicile and who must carry travel documents were permitted to vote in municipal elections only after a three-year period of "attachment" to a municipality. Roma groups asserted that this was discriminatory since other citizens, including the homeless, were able to vote after an attachment period of only six months.

Elections and Political Participation

The most recent national legislative and presidential elections took place in 2002 and were free and fair.

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, elected deputies and senators to the French parliament.

In February new elections were held for 37 of the 57 seats in the Polynesian national assembly and were considered generally free and fair; the state council in November 2004 annulled the May 2004 elections because of irregularities.

There were 129 women in the 2 bodies of the 908-seat legislature and 6 women ministers in the 32-member cabinet. Women made up 48 percent of municipal councils, but held only 6.7 percent of mayoral positions. Political parties are required to present equal numbers of male and female candidates, within two percentage points; however, a March report by the Observatory for Parity Between Men and Women indicated that the three major political parties were fined for failing to fulfill this requirement in the 2002 elections.

The law 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 significantly underrepresented in the government.

Government Corruption and Transparency

On May 13, an agreement was signed between the Union for a Popular Movement (UMP) political party and the Mayor of Paris' office whereby the UMP agreed to repay the city for salaries paid to a number of individuals who were in fact working for the UMP's predecessor party, Rally for the Republic Party (RPR), led by then mayor of Paris Jacques Chirac. The UMP was to reimburse the city approximately \$1.07 million (890 thousand euros) for the fictitious salaries, legal expenses, and interest.

On May 30, the Paris Public Prosecutor's office opened an investigation into 11 French nationals suspected of involvement in corruption related to the UN "Oil-for-Food" program. Among the investigated were former interior minister Charles Pasqua and two former diplomats.

On October 26, a Paris court convicted three individuals on corruption charges stemming from a kickback scheme that took place in the early 1990s whereby companies involved in the construction of Paris-area high schools funneled 2 percent of their revenue to political parties, including the now defunct RPR, the Socialist Party (PS), and the now defunct Republican Party. The greatest part of the monies, totaling an estimated \$84 million (70 million euros), went to the RPR, which was then headed by Jacques Chirac.

Corruption charges remained pending against President Chirac; however, as long as he remains in office, the president is immune from prosecution.

The law provides for public access to government information and the government provided access in practice for citizens and noncitizens, including foreign media.

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.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination based on race, gender, disability, language, or social status, and the government generally enforced these prohibitions. However, violence against women and children, child marriage, trafficking in persons, and ethnic discrimination were problems.

Women

While not common, violence against women was a problem. The law prohibits violence against women, including spousal abuse, and the government generally enforced it. In 2003 and 2004, there were 164 women whose deaths were attributed to spousal abuse. The penalties for domestic violence vary according to the type of crime and range from 3 years' imprisonment and a fine of approximately \$54 thousand (45 thousand euros) to 20 years' imprisonment. The government sponsored and funded programs for women who were victims of violence, including shelters, counseling, and hot lines. Numerous NGOs also assisted abused women.

Rape, including spousal rape, is illegal, and the government generally enforced the law effectively. Rape occurred rarely. The Ministry of Interior reported that the number of sexual assaults fell by 9.3 percent. According to the Ministry of Interior, there were 4,412 rapes, 4,743 instances of sexual aggression, and 16,859 reports of sexual assault during the year. However, the Ministry of Interior statistics did not specify the gender of the victim. The penalty for rape is 15 years' imprisonment, 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 and NGOs provided shelters, counseling, and hot lines for victims of rape. 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.

In 2003 the High Council on Integration (HCI) published a report indicating that approximately 35 thousand women 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 may be punished by up to 20 years' imprisonment; however, in most cases the 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; however, the law prohibits procuring, including aiding, assisting, maintaining, or profiting from the prostitution of another. Public solicitation is illegal. Enforcement of these laws varied, and prostitution remained a problem. In 2004 there were 943 arrests and 1,719 convictions for procuring. The higher conviction number was due to the fact that a person could be convicted outside of the calendar year in which they were arrested, and a person could be convicted of multiple procuring charges.

In March the Central Office on the Treatment of Human Beings (OCRETH) conducted a nationwide dragnet for pimps, arresting 72 persons over a 5-day period. Five were sentenced to prison terms within days of the arrests, while others were still being questioned. Preliminary interior ministry statistics show that police arrested 897 persons on procuring charges from January through October.

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, OCRETH,

addresses trafficking in women, prostitution, and procuring.

Sex tourism to other countries was a problem, which the government took steps to address. The law includes extraterritorial provisions that apply French law to sexual depredations committed abroad by citizens or residents.

On October 20, Tourism Minister Bertrand launched an initiative at a European Union (EU) tourism ministers' meeting to give new impetus to the EU's fight against child sex tourism. The government proposed increasing the voluntary commitments made by travel industry professionals to fight the problem (by means of a charter along the lines of the country's model); setting up an informal group and a Web site on child sex tourism to facilitate exchange of best practices between EU member states; and sharing information and planning joint actions with the countries plagued by child sex tourism.

In May 20 leading tourism companies signed a charter with Tourism Minister Bertrand pledging to increase their efforts against child sex tourism. Under the charter, the companies agree to conduct several actions to aid in the fight. The government started a review of the actions in November, and they were to be evaluated annually.

The law prohibits sex-based job discrimination and sexual harassment from superiors but not peers 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.

Under the law women enjoy the same rights as men, including rights under family law, property law, and in the judicial system. The Ministry of Parity and Equality ensured the legal rights of women.

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. According to a study by INSEE, the government's statistical agency, less than 20 percent of executives in the private sector were women, and although they made up 57 percent of the public workforce, women were underrepresented in managerial jobs and positions of responsibility.

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 free through the age of 18, and education is compulsory for citizens and noncitizens between the ages 6 to 16. However, after the October unrest, the prime minister proposed that some youth be allowed to leave school at age 14 to enter into apprenticeships. Although not compulsory, preschool and kindergarten for children under age six is free and widely available. According to INSEE, during the school year 2003-2004, the percentage of school age children who attended school was 100 percent for ages 3 to 13; but the percentage dropped to 99.6, 98.6, and 97.3 percent for ages 14, 15, and 16, respectively. Most children completed the equivalent of high school. There was no evidence of significant differences between the attendance of girls and boys at the primary, secondary, and postsecondary levels.

The government provided universal health care to all residents, and boys and girls had equal access.

Although not common, child abuse was a problem. There are strict laws against child abuse, particularly when committed by a parent or guardian, and the government generally effectively enforced the law and prosecuted abusers; however, a 2003 report by a rapporteur for the UN Commission on Human Rights (UNCHR) criticized the justice system and a government-chartered doctors' group over their handling of child sex abuse cases.

In October authorities arrested 15 persons and rescued 7 babies in connection with the baby trafficking ring discovered in 2004, and five persons were arrested. A Roma family in Bulgaria headed the network, which sold babies to other Roma families for approximately \$6 thousand to \$7,200 (5 thousand to 6 thousand euros). OCRETH continued to work with Bulgarian authorities on the investigation. The head of the ring was to be prosecuted under a 2003 trafficking in person's law.

According to the Interior Ministry, there were 14,713 incidents of rape, sexual harassment, or sexual attacks against minors during the year as opposed to 16,791 acts recorded in 2004. There were 12,404 cases of abuse, poor treatment, or negligence reported during the year as opposed to 11,283 incidents in 2004. The government provided counseling, financial aid, foster homes, and orphanages for victims, depending on the extent of the problem. Various NGOs also helped minors seek justice in cases of mistreatment by parents.

In the country's largest-ever criminal case involving pedophilia, in July a court in the department of Maine and Loire sentenced the principal defendants. Of a total of 65 defendants (39 men and 26 women), 23 to 73 years of age, 63 were convicted of crimes ranging from prostitution, rape, and sexual assault of 45 children, in many cases their own, between January 1999 and February 2002. The children varied in age from a few months to 12 years. The penalties were from several months' suspended sentence to 28 years' imprisonment. The court also gave a social services worker a 12-month sentence, with 6 months suspended, for having failed to report 4 sexual assaults, in which 2 of the victims were her own children.

Child marriage was a problem, which primarily took place outside of the country and which authorities took steps to address. In 2003 the HCI published a report that approximately 70 thousand girls in the country 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 offered some education programs to inform young women of their rights, and the HCI said it was important to distinguish between arranged and forced marriages. Both houses of parliament have passed legislation to harmonize the age of marriage for boys and girls at 18; a final reading is expected at the end of January 2006.

Trafficking in girls was a problem (see section 5, Trafficking).

Trafficking in Persons

The law prohibits the trafficking of persons; however, trafficking in women and children for sexual exploitation, forced domestic labor, and petty crime was a problem (see sections 6.c. and 6.d.).

Trafficking in persons is punishable by up to 7 years' imprisonment and a fine of \$180 thousand (150 thousand euros). Persons convicted of organizing a criminal network that exploits children and forces them to beg face a prison sentence of 3 to 10 years' imprisonment and a fine of \$54 thousand. Penalties for soliciting child prostitutes range up to 10 years' imprisonment. However, under the trafficking-related sentencing guidelines, sentences for some types of 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 three years' imprisonment or substantial fines.

In 2004 the special antitrafficking police arrested 717 individuals on trafficking-related charges. Foreigners were a little more than 54.7 percent of those arrested. During the year 47 trafficking networks were dismantled, a one-third increase over the number dismantled in 2004. Government efforts were considered increasingly effective.

In February police arrested a man and three accomplices for organizing a prostitution network that brought in transvestite prostitutes from Brazil.

In 2003 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 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 \$240 (200 euros) a day or face severe physical punishment. The child-traffickers remained in jail awaiting trial at the end of the year.

Several law enforcement agencies were involved in the effort to combat trafficking. The government regularly cooperated on a bilateral basis or with international institutions such as the European Police Agency (Europol) to investigate, track, and dismantle trafficking rings. Authorities worked with officials in other countries, especially source countries, to counter human trafficking. For example, in September the foreign affairs ministry led a delegation of officials and NGOs to Romania to share best practices and increase cooperation. OCRETH had an officer serving in the French Embassy in Bulgaria. Police from local jurisdictions also worked with their counterparts in source countries, particularly in Eastern Europe.

The country was 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 was also a destination for trafficked Romanian children, many of Romani descent.

Police estimated that 90 percent of the 15 thousand to 18 thousand female prostitutes working in the country were trafficking victims, and that 3 thousand to 8 thousand children were forced into prostitution and labor, including begging. In a 2003 report the UNCHR rapporteur 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 the 2003 UNHCR report, 50 were children, mostly citizens and Eastern Europeans. Preliminary ministry of interior statistics for the year indicated nine children were questioned as possible trafficking victims.

Principal traffickers were small, organized criminal networks.

Traffickers used various methods to recruit and retain victims including force, fraud, confiscating the victim's identification papers, isolating him or her culturally, and abusing him or her 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.

Traffickers 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 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 one-year renewable permits. Victims who declined to cooperate with the authorities were processed as illegal immigrants and were sometimes, but not often, detained, jailed, or deported.

The government continued to screen and refer victims to counseling centers and safe houses for comprehensive services. The government

offered victims three to six 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. Social Aid to Children (ASE), the national social services branch for child care, was responsible for caring for and assisting victims under the age of 22.

Persons with Disabilities

The law prohibits discrimination against persons with physical or mental disabilities in employment, education, access to health care, or in the provision of other state services, and the government effectively enforced these provisions.

The law requires new public buildings to be accessible to persons with disabilities; however, many older buildings and public transportation were not accessible. On September 1 a Poitiers court of appeal upheld a \$12 thousand (10 thousand euros) fine stemming from a 2003 court case charging a cinema with lacking access for persons with disabilities. The 2 wheelchair-bound plaintiffs were awarded \$2,400 (2 thousand euros) each, plus interest. A second case from 2003, which remained ongoing at year's end, charged the Ministry of Justice with noncompliance with the law on accessibility.

Nearly 28 percent of persons with disabilities were unemployed, roughly 3 times the national rate of unemployment. A 1987 law requires companies of more than 20 employees to ensure that 6 percent of their workforce is composed of persons with disabilities or the company must pay fines to an association that assists persons with disabilities in finding work. However, many companies admitted to being unaware of their legal obligations, and the average employment rate of persons with disabilities for those companies subject to the law was approximately 4 percent.

On February 11, parliament passed a law to benefit persons with disabilities. The stated purpose of the law is to compensate for the consequences of disability, to promote participation in social life as a whole by guaranteeing the accessibility of buildings and access to education and employment, and to involve persons with disabilities in the decision making process regarding provisions concerning them. The law increases fines for those companies not in accordance with the law on employing those with disabilities, forcing those who have not made significant effort to meet their legal obligations within 3 years to pay a penalty of 1,500 times the minimum wage. Additionally, centers will be set up in each department to assist person with disabilities with receiving compensation and employment assistance. Many of the benefits were to enter into force starting January 1, 2006.

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. Ministry of Interior statistics indicated that there was a decrease in racist and xenophobic attacks during the year. There were 470 acts reported during the year, a 21 percent drop from the 600 incidents reported in 2004.

According to the NCCHR, there were 595 racist acts recorded in 2004, up sharply from the 232 committed in 2003. Far-right extremists were responsible for 18 percent in 2003; however, 2004 marked a resurgence in extreme-right activity, which was cited as the motivating factor in 30 percent of the racist and anti-immigrant incidents. The NCCHR noted a shift, remarking that right-wing elements seemed to target individuals of Arab-Muslim background (292 acts) more often than those of Jewish origin (169 acts).

On February 15, the Council of Europe's European Commission against Racism and Intolerance noted in a report that Roma in the country may be particularly vulnerable to problems of racism, intolerance, and discrimination.

In June the prime minister created a junior ministerial position for the Promotion of Equal Opportunity and named as its first head Azouz Begag, a novelist and university professor who grew up the son of North African immigrants in a poor suburb of Lyon. Begag listed fighting discrimination and providing members of minorities' better access to education and jobs as among his top priorities. He recommended circumventing the constitutional ban on collecting data based on race or religion by including questions on the census asking the place of birth and citizenship of the respondent's parents and grandparents, with the goal of giving companies and universities an accurate reflection of the population so they might better reflect that diversity in their composition.

On October 27, two young boys were electrocuted and a third seriously injured when they hid in a power substation, believing police were pursuing them. The incident triggered three weeks of social unrest that began in the suburbs of Paris where there are large concentrations of immigrant and minority populations, plagued by poor housing conditions and high unemployment, and spread to nearly 300 communities across the country. In all, approximately 10,346 vehicles were burned in the unrest, and 233 public buildings and 74 private buildings were damaged or destroyed by young men. Many, including political leaders, pointed to decades of poor integration of immigrant populations and societal discrimination for fueling the frustration of those responsible for the violence.

In general, law enforcement responded professionally and with restraint during the October/November unrest (see section 5), and there were no deaths directly attributable to their actions. At its peak, 11,500 law enforcement officers were deployed to combat the nightly violence. However, 8 police officers were suspended for the November 7 beating of a 19-year-old youth involved in the unrest in the suburbs of Paris. At year's end, two of the officers were being investigated for using "illegal violence" in attempting to apprehend the youth, who was throwing bottles at the police. The other six officers were considered possible witnesses to the incident.

Violence against immigrants continued to be a problem, particularly on the island of Corsica. The government condemned the incidents and took steps to address the problem. The attacks have caused some families to move to the mainland or return to their countries of origin.

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

On August 2, Joel Damman sentenced to 25 years' imprisonment for the 2002 killing of a 17-year-old youth of Moroccan origin admitted at the trial, "At the time, I was a racist."

Discrimination against minorities was a problem, which the government sought to address. 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 president tacitly acknowledged this discrimination when, in a November 14 address to the nation amidst the unrest, he asked, "How many resumes end up in the trash because of the name or address of the applicant?" One study reported that resumes sent by someone with a North African-sounding name are five times less likely to be called for an interview than one sent by someone with a more traditionally French name.

A report submitted to the labor minister in September by a government-appointed commission concluded that job discrimination is "widely practiced with impunity," mainly against individuals from sub-Saharan and North Africa. The panel found that ethnic origin, whether revealed by name, physical appearance, or even address, is often the basis for hiring discrimination, notwithstanding the applicant's educational or other qualifications. Laws against discrimination have not improved the situation, the report noted.

In June the government created the independent High Authority for the Fight against Discrimination and for Equality (HALDE), to which citizens can report cases of discrimination. The organization can demand inquiries on the practices of a particular agency and bring court cases on behalf of citizens against companies found to be exercising discriminatory practices.

The 2004 discrimination trial against 11 Lyon nightclub bouncers was ongoing at year's end.

The Ministry of Labor and the NGO Group for Study and Combat of Discrimination offered a free hot line to report discrimination. Government programs attempted to combat racism and discrimination by promoting public awareness and bringing together local officials, police, and citizen groups. There also were antidiscrimination educational programs in some public school systems.

Other Societal Abuses and Discrimination

Although there were isolated incidents of violence against homosexuals, the authorities pursued and punished offenders.

Section 6 Worker Rights

a. The Right of Association

The law provides for the right to form and join unions of their choice without previous authorization or excessive requirements, and workers exercised these rights 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. The law provided for the right to collective bargaining, and workers exercised this right freely. Approximately 90 percent of workers operated under such agreements. Workers, including civil servants, have the right to strike except when a strike threatens public safety. Workers exercised this right by conducting legal strikes. 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. However, sweatshop conditions were rare due to effective labor law enforcement. In practice abuses were limited to the informal economy.

Forced or compulsory child labor occurred. Police estimated that three thousand to eight thousand children were forced into prostitution and labor, including begging.

There are strict laws combating trafficking in persons related to domestic slavery, and the committee against modern slavery (CAMS) brought cases of domestic and modern slavery to the authorities for prosecution.

In May the ECHR found that, in contravention of its responsibilities under the European convention of human rights, the government had failed to provide specific and effective protection against forced servitude for a Togolese national living in Paris. The judgment against the government was for \$31,200 (26 thousand euros). The 27-years-old woman was brought to Paris as a 15-year-old by a Frenchwoman of Togolese origin in January 1994. From October 1994 until mid-1998, the girl, whose papers had been confiscated, worked for a French couple without pay for 15 hours a day, with no days off (except for periodic permission to go to Mass), and slept on a mattress on the floor of

the couple's nursery. In July 1998 the girl confided in a neighbor, who informed the CAMS, which reported the matter to prosecuting authorities. The ECHR noted that the government has since strengthened the law.

d. Prohibition of Child Labor and Minimum Age for Employment

The government effectively implemented laws and policies designed to protect children from exploitation in the workplace. 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 generally enforced effectively through periodic checks by labor inspectors, who have the authority to take employers to court for noncompliance with the law.

Trafficking in children was a problem (see section 5).

e. Acceptable Conditions of Work

The national minimum wage was \$9.64 (8.03euros) per hour, which provided a decent standard of living for a worker and family. The Employment Ministry was responsible for enforcing the minimum wage.

The official workweek was 35 hours; however, in certain industries, the government allowed a greater number of overtime hours that could result in a de facto 39-hour workweek. Overtime was limited to 180 hours annually. Maximum hours of work were fixed at 10 hours per day, 48 hours per week, and an average of 44 hours per week over a 12-week work period. Employees were guaranteed a daily rest of at least 11 hours and a weekly break of 24 hours, not including the daily rest period. Employers must accord workers a 20-minute break for a 6-hour workday. Premium pay was required for overtime. These standards were effectively enforced.

The law sets basic occupational health and safety standards. The Ministry of Social Affairs, Labor, and Solidarity was responsible for enforcing the laws and did so effectively. Workers have the right to remove themselves from situations that endangered their health or safety without jeopardy to their employment, and the government effectively enforced this right.

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