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France

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France, with a population of approximately 63.4 million, is a multiparty constitutional democracy. The Union for a Popular Movement is the ruling party and Jacques Chirac is president. The president is elected by popular vote for a five-year term. There is a bicameral parliament; the upper house (Senate) is indirectly elected through an electoral college; the lower house (National Assembly) is directly elected. National elections took place in 2002 and were considered free and fair. 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, including overcrowded and dilapidated prisons; lengthy pretrial detention; protracted investigation and trial proceedings; anti-Semitic incidents, including at least one killing; discrimination against Muslims; societal hostility toward immigrants; societal violence against women; child abuse and child marriage; and trafficking in persons.

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 that the government or its agents committed any politically motivated killings during the year.

In November a plainclothes police officer of Afro-Caribbean descent shot and killed one fan and wounded another at the end of a soccer match. The officer was trying to protect a French-Jewish fan who was being chased by a crowd of 100 fans shouting anti-Semitic epithets. The officer used his weapon when the crowd turned on him with racial epithets and physical assault. Police union spokesmen asserted that the officer acted in self-defense (see section 2.c.).

There were developments in several cases from earlier years.

Following an investigation into the actions of French UN peacekeepers deployed to the Ivory Coast that were alleged to have lead to the May 2005 suffocation of an Ivorian national, Firmin Mahe, judicial authorities released all suspects except for regimental Sergeant Major Guy Raugel. On April 20, a court of appeals rejected Raugel's appeal, ruling that he was directly responsible for Mahe's death.

General Henri Poncet, former commander of the country's peacekeepers in the Ivory Coast, and his deputy, Renaud de Malaussene, were each given an official warning and relieved of their commands in November 2005 for failing to report involvement of their troops in the death. At the end of the year Poncet remained under investigation for his role in Mahe's death.

In February 2005 six individuals filed a lawsuit claiming that French soldiers were guilty of "complicity in genocide" and "crimes against humanity" while deployed to Rwanda at the time of the 1994 genocide. In December 2005 a military tribunal opened an investigation into the accusations of two of the plaintiffs, including allegations that the soldiers stood by passively and permitted massacres to occur and that military personnel participated. Military authorities have denied that their troops aided or directed forces involved in the genocide, and a 1998 parliamentary panel absolved the armed forces of responsibility in the genocide. The pretrial investigation was ongoing at year's end. The process has been plagued with delays since its beginning, notably when a military magistrate slowed it with a December 2005 decision challenging the legality of the court hearings. In May the Paris appeals court confirmed the admissibility of four additional complaints, for a total of six to be considered.

In a report submitted on October 6, the National Security Commission (CNDS), an internal investigative body charged with examining complaints brought against police and judicial bodies, supported a magistrate's finding that no direct link existed between a 2004 incident in which police in Paris' 18th arrondissement employed tear gas, and the death of a 62-year old Swedish artist. The CNDS did find, however, that "the violence to which the victim was exposed could only have accentuated the mortal risk to which he was subjected." The CNDS forwarded the report to the Paris prosecutor's office; there was no follow-up action by year's end.

A gang of immigrants kidnapped, tortured, and killed a Jewish man, a crime the interior and justice ministers characterized as motivated partly by anti-Semitism (see section 2.c.).

b. Disappearance

There were no reports of politically motivated disappearances.

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

The constitution and law prohibit such practices; however, there were occasional accusations of police violence.

There were press reports that police employed excessive force in making arrests. Authorities in Senlis sentenced two members of the security police there to six months suspended sentences and fines of approximately \$3,013 (2,300 euros) for "immoderate use of force" in the apprehension of Abdelkader Miloudi in May 2005. There were also charges that police at times subjected young men who appeared to be Muslims to harassment (see section 2.c).

Occasional press reports cited accusations of excessive force by police that could not be confirmed. For example, in February and March student demonstrations against educational reform proposals at times turned violent. The resulting confrontations led some demonstrators to charge that police had used excessive force. Other observers contended that such measures were necessary to rein in violence by demonstrators.

On July 26, lawyers acting on behalf of Muhittin Altun, one of three minors whose conflict with police touched off widespread civil unrest in late 2005, lodged a formal complaint against police for reckless endangerment and falsifying public documents during their examination of Altun. They accused police of misclassifying Altun's case in order to speed the investigation to its conclusion and asserted that Altun's parents had not consented to a police interrogation of their son.

The investigation of the 2004 case of three police officers, Captain Franck Junca and two members of his night brigade, who allegedly beat and sodomized a driver on a highway access road in Val-de-Marne, continued. The captain was accused of destroying evidence. No further information on the case was available at year's end.

In December a court gave three Lille police officers who allegedly raped a prostitute in 2003 suspended prison sentences after the prosecution was unable to meet the evidence standard needed for a heavier punishment.

Prison and Detention Center Conditions

Prison conditions generally met international standards; however, credible nongovernmental organizations (NGOs) reported overcrowding and unacceptable hygienic conditions in some facilities. According to a Ministry of Justice press release, at the end of the year there were 58,402 inmates in a prison system designed to hold a maximum of 50,300, exceeding the intended maximum capacity by 16 percent. The government continued to replace old prisons and add new facilities as part of a project designed to add space for 13,200 additional inmates by the end of 2007, but there were no reports on the progress of this project.

On February 13, Council of Europe (COE) Human Rights Commissioner Alvaro Gil-Robles released *The Effective Respect for Human Rights in France*, an institutional critique based on a two-week visit in September 2005. The report made 71 recommendations to the government with particular emphasis placed on increasing the financial and technical resources allocated to the justice system, including improving prison and detention center conditions. COE observers visited seven prisons and five police stations where persons remanded into police custody were held. The observers concluded that overcrowding and inadequate operating resources were the most serious shortcomings. In some cases, as with the prisons La Santé and Les Baumettes, Commissioner Gil-Robles characterized living conditions as "on the borderline of human dignity." Resource shortfalls were also evident in the conditions of prison health care units and substance abuse rehabilitation programs.

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. Penitentiary officials announced that there were 96 prison suicides during the year.

Authorities maintained administrative holding centers (CRAs) for deportable foreigners whom they could not deport immediately. There were 18 holding centers on the mainland. Human rights observers reported that living conditions at CRAs ranged from generally acceptable to "disastrous and unworthy of France," in the case of the men's holding center located under the Palace of Justice in Paris.

The COE Commissioner for Human Rights reported that the Senate appeared to accept the presence of minors in holding centers as standard practice, although in the commissioner's view the practice contravenes the UN Convention on the Rights of the Child and domestic law.

A new antiterrorism law came into force on January 23. Its provisions included longer periods of incommunicado detention, increased electronic surveillance in public places, and more extensive record keeping by mobile phone providers. The new law extended the maximum legal custody of terrorist suspects from four to six days and increased the sentences of persons convicted of terrorist acts. The law also gives the police wider access to previously confidential information of customers of rail, maritime, and air transport services.

The NGO Amnesty International (AI) was critical of the law, asserting that it removes safeguards against ill-treatment and reinforces what it termed the effective impunity of law enforcement officials. Two other provisions of the new law caused particular concern to many observers. The first allows police to obtain data on citizens' electronic communications without judicial oversight to "prevent and punish" acts of terrorism. The second allows police to monitor motor vehicles on the country's roads, including taking pictures of license plates and people in

the cars, for a variety of purposes ranging from the fight against terrorism to the identification of stolen cars.

Several officials who considered that the reforms gave authorities too much discretion to intrude upon citizens' privacy and encouraged confusion between immigrants and terrorists sent the law to the Constitutional Council. On January 19, the council declared the reforms to be consistent with the constitution.

The government permitted prison visits by independent local and foreign human rights observers. The International Committee of the Red Cross (ICRC) continued to work in cooperation with the Ministry of Justice and the National Prison Administration through a Convention of Partnership in accordance with ICRC standard modalities of independent monitoring.

d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention, and the government generally observed these prohibitions; however, lengthy pretrial detention was a problem. The government provided financial compensation in some cases of wrongful incarceration.

Role of the Police and Security Apparatus

A civilian force of 145,820 national police under the direction of the Ministry of Interior, and a military force of 102,322 national gendarmes under the joint direction of the Ministry of Interior and the Ministry of Defense, ensured internal security. Police and gendarmes were considered generally effective.

Some human rights organizations, including AI, charged that impunity was a problem in the police. AI cited protracted investigations of police misconduct as a contributing factor. However, impunity generally was not widespread. The inspector general of the national police and the Office of Judicial Police investigated and prosecuted allegations of police brutality. The independent National Commission of Security Ethics investigated and reported to the prime minister and parliament on allegations of misconduct by municipal police, gendarmes, and private security forces. The National Consultative Commission on Human Rights (NCCHR) also monitored police conduct. Police corruption was generally not a problem. The government actively investigated and prosecuted allegations of police corruption.

On November 2 the government announced that since its creation in 2000, the CNDS had submitted 419 legal misconduct cases against various authorities, more than half of them against police. Among police offenses, CNDS highlighted the excessive use of coercion during unjustifiably lengthy police custody and aggressive treatment of foreigners in border areas. CNDS recommended increased training in these areas for police.

Another CNDS report attributed increasing delays in investigations of police misconduct to budgetary shortfalls and longer response times from prosecutors' offices. The system of indirect complaints also slowed the process; a person who was the victim of or a witness to police brutality could only apply to the commission through a member of parliament. Additionally, although the CNDS was entitled to conduct investigations, it could only make recommendations for action.

Arrest and Detention

Police are required by law to obtain warrants prior to taking persons into custody. They may apprehend persons with warrants based on sufficient evidence and issued by a duly authorized official. The law gives a person in detention the right to a prompt judicial determination of the legality of the detention, and authorities generally respected this right in practice. Authorities must promptly inform detainees of charges against them. There is a system of bail, and it is used. Detainees generally had 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, the state provides a lawyer for them.

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 property; however, a few suspects spent many years in detention before trial, which officials blamed on insufficient government resources for investigations and trials. In July 2005, 35 percent of persons held in jails and prisons were awaiting trial. According to government statistics released on March 18, detention times for persons awaiting trial increased 13 percent since 2001, to an average of 7.1 months.

e. Denial of Fair Public Trial

The constitution and law provide for an independent judiciary, and the government generally respected this provision in practice. Magistrates and the first president of the Court of Cassation asserted that members of the executive inappropriately criticized judicial practices; critics noted in particular the interior minister's allegations in September that judges were too lenient on youth offenders.

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. A Chamber of Accusation, composed of a named president and two advisors, reviews the judge's investigation to determine the appropriateness of the charges against the accused. The Court of Assizes investigates and decides cases involving serious criminal offenses.

Trial Procedures

The constitution and law provide for the right to a fair trial, and an independent judiciary generally enforced this right. Trials are public and usually 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.

Public outrage over an inexperienced judge's wrongful 2003 conviction of 13 innocent individuals in a case which the media labeled the "Outreau Affair" elicited new debate over how to treat children's testimony and whether a single magistrate should be responsible for assuring the neutrality of a criminal investigation.

The Tribunal of the Armies of Paris is a military court created in 1999 to judge crimes that members of the armed forces committed outside of the country. It has issued approximately 300 to 350 judgments annually. At year's end the tribunal was investigating both the death of Firmin 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 military authorities before most proceedings, and he has reported difficulties obtaining documents from military authorities that were classified "secret." A former prosecutor criticized the influence of military authorities on the tribunal and has questioned whether it should continue to exist. COE research identified cases where military influence may have threatened human rights and due process, delayed trials, restricted the rights of detainees to counsel, hindered their access to witnesses and other relevant persons, and adversely affected the treatment of children.

One cause of delays in trial proceedings was the abrupt and sweeping nature of the 2004 Perben II law, which amended 350 of the 934 articles in the Code of Criminal Procedure and 70 articles in the Criminal Code. Most of these changes took effect almost immediately, creating major problems for legal professionals. According to the state prosecutor at the Marseille's Regional Court, criminal procedure was changing so rapidly that judges had to spend ever increasing time on formal issues, leaving less time for the substance of cases. Another cause of trial delays was chronic underfunding of court administration, including failure to fill vacant positions.

COE research also found that the country's legal system limited the right of accused persons to benefit from legal counsel by limiting access to case files.

Minors accounted for 18.8 percent of court proceedings in 2003, according to the COE. This figure has remained stable. The law provides that penalties for minors should vary according to the minor's age, with three age levels --10, 13 and 16 years--before legal adulthood (18 years). Minors may be placed in a closed educational center. The distinction between serious offences and minor offences is waived with respect to minors aged 16 and 17, who may be remanded into custody regardless of the type of offence committed.

During the year several judges informed human rights observers that the judicial system for minors was failing to deal with juvenile delinquents both in the short term and in the long term. Experts cited the need to reduce the time minors must wait to receive care from specialist social services and criticized the time children spend awaiting trial, currently two to 18 months for a hearing by the investigating judge's office and six months to two years for a court hearing.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

There is an independent and impartial judiciary in civil matters, allowing access to a court to bring lawsuits seeking damages for, or cessation of, a human rights violation. There were no reported problems enforcing domestic court orders.

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

The constitution and law prohibit such actions, and the government generally respected these prohibitions in practice.

Some civil rights and opposition political parties expressed concern about a new antiterrorism law enacted in December that, among other provisions, permits increased video surveillance of railway stations and airports and increased access to records of citizens' electronic communications. Critics asserted that the law gave authorities too much power to invade citizens' privacy (see section 1.c.).

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution and law provide for freedom of speech and of the press, and the government generally respected these rights in practice; however, there were some limitations. An 1881 press law prohibiting insults to the head of state remained technically in force but did not impede open criticism of the president and his actions. By law authorities may deport a noncitizen for publicly proclaiming deliberate and explicit acts of provocation proposing discrimination, hatred, or violence against any specific person or group of persons.

On October 21, Minister of the Interior Sarkozy announced that 18 Muslim imams "who made remarks totally incompatible with the values of the Republic" had been expelled since the beginning of the year.

The independent media were active and expressed a wide variety of views with few restrictions; however denial of crimes against humanity is illegal, as is speech, written or oral, that incites racial or ethnic hatred. There is a law against Holocaust denial, and a Lyon court opened a case against National Front senior official Bruno Gollnisch on November 7, on charges of having publicly questioned, during a 2004 press conference, the existence of Nazi gas chambers.

In October the National Assembly passed a law making it a crime to deny that the killing of Armenians by Ottoman rulers of Turkey during the second decade of the twentieth century constituted genocide. The law, denounced by Ankara and criticized by the European Union, would set fines of as much as approximately \$59,000 (45,000 euros) and a year in prison. Although the Senate had not approved the measure by year's end, its passage in the lower house prompted Turkey to suspend military relations.

Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could generally engage in the peaceful expression of views via the Internet, including by electronic mail. In December the French parliament adopted an antiterrorist law that, among other provisions, permits official probing on the Internet and in mobile telephone records (see section 1.c.). Some civil rights groups and left-wing opposition parties have expressed concern that the law gave authorities too much power to invade citizens' privacy and encourages confusion between immigration and terrorism. Access to the Internet was widely available throughout the country. However, the authorities shut down at least one Internet site during the year for threats against Jews (see section 2.c.).

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association

The constitution and law provide for freedom of assembly and association, and the government generally respected these rights in practice.

On July 26, the Council of Ministers dissolved the organization Tribu Ka because of its anti-Semitic behavior. The decision was based on a 1936 law which permits the dissolution of private militias and other militant antigovernment groups. The members of Tribu Ka, whose founder was reputedly a former member of the Black Muslim organization, consisted primarily of individuals of Sub-Saharan origin whom observers generally described as anti-Semitic and anti-White. Following its clashes with French authorities, the organization changed its name to "The Members of Kémi Séba's Generation" and expressed its intention to submit a candidate list for the March 2008 municipal elections in the city of Sarcelles in the Val-d'Oise region.

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. However, some religious groups remained concerned about legislation passed in 2001 and 2004 that permits the dissolution of groups under certain circumstances and prohibits the wearing of conspicuous religious symbols by public school employees and students. Although authorities based their actions on security grounds, some Muslims described the deportation of a number of radical Islamist religious figures since 2004 as a restriction on religious freedom (see section 2.b.).

Under the law a religious group must apply to the local prefecture for recognition as an association of worship and must disclose certain management and financial information in order to receive tax-exempt status or gain official recognition. Groups of religious believers who do not seek such status are free to meet and conduct religious practice.

A law adopted in 2004 prohibits 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 European Court of Human Rights (ECHR) ruled that the law did not violate freedom of religion, and the law took effect in September of that year. Some Christian, Jewish, Muslim, and Sikh leaders, human rights groups, and foreign governments voiced concerns about the law's potential to restrict religious freedom.

The number of school children affected by these regulations was difficult to determine. Media reports estimated that of the 13 million schoolchildren, approximately 1,200 Muslim school-age girls wore headscarves to school. The Sikh community reported that of the roughly 200 school-age Sikh boys, the legislation affected 168.

During the year authorities registered four legal cases involving infractions of the 2004 law. When school resumed after the summer vacation, schools in Seine-Saint-Denis denied admission to three Sikh students who refused to remove their turbans; two were subsequently accepted into private schools, and the third was awaiting an appearance before a disciplinary council at year's end. A 16-year-old Sikh appealed his expulsion on November 21 for refusal to take off his turban. The Association of United Sikhs was supporting his appeal. Unlike in previous years, there were no reports of Muslim girls being denied admission at the beginning of the autumn term.

A respected Muslim observer complained that police sometimes singled out young Muslim men and demanded their documents, a tactic he described as a form of harassment intended to keep them out of certain neighborhoods.

Public schools made an effort to supply special meals for students with religious dietary restrictions.

Parents may homeschool children for religious reasons, but all schooling must conform to the curriculum standards established for public schools. The government subsidizes private schools, including those that are affiliated with religious organizations.

In September the Council on National Education, citing safety issues, affirmed Lyon authorities' decision to block the opening of what would have been the country's second and largest private Muslim high school. Local Muslim leaders criticized the decision, arguing that their right to open private religious schools was being impeded for fear that Muslim schools would spread across the country in response to the 2004 headscarf ban. According to press reports, there were hundreds of private Catholic and Jewish schools in the country, but there was only one private Muslim high school in a country with almost five million Muslims.

In May 2005 then-prime minister Jean-Pierre Raffarin issued a circular indicating that officials should no longer use an earlier parliamentary list of "cults" to identify sects, and should instead focus their efforts on those sects that represented the greatest threat, notably those "small, fluid" groups that were "less easily identifiable" and used the Internet for recruitment. Some religious groups welcomed the move as a step forward but called for the Ministry of Justice to rescind circulars calling for what they regard as repressive measures against minority religions.

The Interministerial Monitoring Mission against Sectarian Abuses (MIVILUDES) has the task of observing and analyzing sect or cult movements that could constitute a threat to public order or violate the law. MIVILUDES is responsible for coordinating the appropriate government response, informing the public about potential risks, and helping victims to receive aid. On April 16, MIVILUDES published its report for 2005, noting continued concern about the activities of groups it considers cults. The report cited three primary concerns: protecting all children from cult influences, both from parents who may be involved in such groups and from groups' attempts to recruit young members; reducing the demand for "alternative medicines" and spiritual healers; and preventing sects' use of natural disasters and humanitarian aid to promote their public image and proselytize their beliefs. The report specifically cited the Church of Scientology as reaching out to youth in the suburbs following the social unrest there in late 2005. Some groups have expressed concern that public servants could misuse MIVILUDES reporting against legitimate religious organizations.

In December 2005 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 mandate and acting against religious freedom. The court ruled that the suit constituted an "abusive procedure." It ordered the plaintiffs to pay UNADFI \$19,650 (15,000 euros) in damage and court costs and ordered the plaintiffs to print the decision in eight newspapers. The plaintiffs planned to appeal the decision.

On June 28, in response to concerns raised by a 2005 MIVILUDES report, the National Assembly began an investigation into the influence of sectarian movements and their impact on the physical and mental health of minors. The investigative commission, which submitted its findings on December 19, concluded that 60,000 to 80,000 children may be threatened by sectarian groups and that public authorities, notably the Ministry of Interior, had been "negligent" in their supervision of the danger. The commission's report elicited criticism from minority religious groups, particularly the Jehovah's Witnesses organization. Other religious and civil rights groups labeled the commission's conclusions an affront to freedom of conscience and religious belief.

Members of Jehovah's Witnesses also alleged that during the year the rapporteur and the secretary of the newly convened Third Parliamentary Commission of Inquiry on Sects openly attacked them, describing them as delinquents and criminals and labeling their activities as "mafia-like."

The Jehovah's Witnesses organization continued to appeal a case in which they asserted authorities targeted them for discriminatory and punitive auditing because of their classification as a cult. In December 2005 the Paris Court of Appeal overturned a 2001 decision in the case and ordered the Ministry of Interior to turn over to the Jehovah's Witnesses documents relating to a 1996 parliamentary report and pay court costs of \$1,800. The ECHR had the case under consideration at year's end.

There was continuing concern about the 2001 About-Picard law, which permits the dissolution of religious groups. Although authorities have never applied these provisions of the law, in 2004 a court relied on About-Picard to convict a religious leader of "fraudulent abuse" of his followers.

In March the UN released the report of its special rapporteur on religious freedom in the country, which, while generally positive concerning the country's adherence to religious freedom, was critical of what it called the excessively rigid application of the principle of separation of church and state. The report also stated that the authorities may have contributed to a climate of general suspicion and intolerance toward religious groups listed as cults in a 1995 parliamentary report, and suggested that "the stigmatization of the headscarf has provoked acts of religious intolerance when women wear it outside school."

Societal Abuses and Discrimination

According to a World Jewish Congress report issued on November 12, 275 anti-Semitic acts or insults were reported during the first nine months of the year, compared to 236 incidents for the same time period of 2005 and 483 acts reported for the first nine months of 2004. The report emphasized that 61 anti-Semitic acts were reported during July and August, up drastically from the 34 reported incidents in the same period of 2005, suggesting a possible relationship to the July-August conflict involving Israel and the terrorist organization Hizballah in Lebanon. During the first ten months of the year, the national police recorded 436 anti-Semitic acts.

Minister of Justice Pascal Clement stated that, "our society as a whole has perhaps not been vigilant enough in the face of racism and

anti-Semitism." The minister, noting an increase in convictions for anti-Semitic acts, expressed the view that the increase was due not to more incidents, but rather to "better pursuit" of the acts that did occur. He encouraged prosecutors to act swiftly against these types of crimes; prosecutors were under orders to seek maximum punishments in hate crimes and to appeal systematically those sentences not considered strong enough.

The Jewish community was estimated to number approximately 600,000 persons, according to the American-Israeli Cooperative Enterprise. In its annual report to the prime minister released in March, the NCCHR indicated that in 2005 the number of anti-Semitic incidents--including physical assaults, attacks against property, cemetery desecrations, threats, and reported insults--decreased 48 percent (down from 974 in 2004 to 504 in 2005). The NCCHR also indicated that the decrease included incidents in schools, an area that has been of great concern in recent years. According to interior ministry figures, the number of racist, anti-Semitic, and xenophobic incidents in schools dropped by 54 percent in 2005; the number of anti-Semitic incidents saw the greatest decrease. The Ministry of Education likewise reported a 40 percent reduction in racist and anti-Semitic acts for the 2005-2006 academic year. In July authorities banned an organization for anti-Semitic threats and closed its Web site (see section 2.b.).

Strict antidefamation laws prohibit racially or religiously motivated verbal and physical abuse, and denial of crimes against humanity is illegal, as is speech, written or oral, that incites racial or ethnic hatred. There is a law against Holocaust denial, and on November 7, a Lyon court opened a case against National Front senior official Bruno Gollnisch on charges of having publicly questioned, during a 2004 press conference, the existence of Nazi gas chambers.

The government promotes interfaith understanding to combat racism and anti-Semitism through public awareness campaigns and by encouraging dialogue among local officials, police, and citizen groups.

Official figures indicated that the Jewish community was the primary victim of religious intolerance. In 2004 almost 60 percent of such acts targeted Jews or Jewish property.

There was one high profile killing during the year that the interior and justice ministers characterized as motivated partly by anti-Semitism. On January 21, a multiethnic gang of immigrant youths called the Barbarians kidnapped Ilan Halimi, a young French Jew of Moroccan descent. On February 13, five days after his family broke off ransom negotiations on the advice of police, Halimi was found south of Paris, naked, beaten, and covered with cigarette burns; he died on his way to the hospital. Authorities investigated 29 individuals in connection with the crime and eventually imprisoned 18. One of the suspects in custody admitted to authorities that Halimi had been targeted "because he is Jewish, and because Jews are rich." Youssef Fofana, the suspected leader of the gang, was arrested in Cote d'Ivoire in February and extradited back to the country. He stated in a media interview following his arrest that the abduction was carried out for financial ends.

Authorities reacted strongly to the killing, although some members of Halimi's family accused the police of moving too slowly and initially disregarding the anti-Semitic dimension of the crime. The Ministry of Justice classified the crime as a hate crime bearing the aggravated circumstance of anti-Semitism. President Chirac, Prime Minister de Villepin, opposition political figures, and Muslim and Christian religious leaders attended a memorial for Ilan Halimi February 24 at a Paris synagogue. The ongoing investigation was expected to take up to two years or more, in part because authorities were seeking to include all charges in one comprehensive legal proceeding.

On August 5, during a local celebration in Annecy, a group of people attacked a young Venezuelan student after hearing his name called out as "Abraham." They insulted him, calling him "dirty Jew," and beat him until a nearby security guard intervened. According to the police, the Venezuelan student was not Jewish. Police arrested four persons, and a criminal court in Annecy convicted three of them and sentenced them to nine months' imprisonment, the harshest sentence ever imposed for an anti-Semitic attack. On May 28, a group of individuals of African descent calling themselves Tribu Ka staged an anti-Semitic demonstration in the heart of the Jewish area of Paris. With the direct support of Minister of Interior Sarkozy, authorities opened an investigation of the group's death threats against Jews, and on July 26, the minister of justice invoked a presidential decree that dissolved Tribu Ka and forcibly closed the group's Web site. Tribu Ka's founder, Stelio Gilles Robert, reportedly a former member of the Nation of Islam in Paris under the name Kemi Seba, opened a new anti-Semitic Web site in August. On September 25, Le Monde reported that the Paris Tribunal ordered the second Web site closed within two days, adding a \$1,181 (1,500 euros) fine for each day spent in breach of the order. The site closed, but according to October press reporting, Kemi Séba had opened a new Internet site.

On November 9, arsonists set fire to a Jewish school in Gagny, north of Paris. The fire caused little damage, in contrast to an arson attack on the same school in 2003 that destroyed 32,000 square feet of the school. Police opened an investigation. Days afterward, President Chirac announced a tougher policy to combat anti-Semitism.

Also in November the media reported that approximately 100 supporters of the Paris Saint-Germain soccer team chased a Jewish man and shouted racial and anti-Semitic slogans at him, after their side lost a game to Hapoel Tel Aviv. Antoine Granomort, a plainclothes police officer of Afro-Caribbean descent, tried to protect the French fan of the visiting Israeli team, and when he was subjected to racial and physical attack, he drew his gun and shot and killed one Paris Saint-Germain supporter and seriously injured another. Investigating authorities found the officer's actions were justified. Following the incident authorities instituted several new measures aimed at discouraging violence at sporting events, including discontinuing ticket sales to unofficial fan groups, refusing entrance to fans with histories of hooliganism, and promoting more frequent interaction between fan groups and security forces.

In June the administrative tribunal of Toulouse convicted the state and the state railways, the SNCF, for their role in the deportation of Jews during World War II. The family of Georges Liepitz brought the case. The state railway transferred Liepitz and his family in 1944 from Pau to a transit camp north of Paris. (They were ultimately set free; others perished in Nazi camps.) In its decision, the court found that "the French administration could not manifestly ignore that their transfer...facilitated an operation that would normally have been the prelude to the deportation of the concerned persons." The court ordered the SNCF to pay \$74,400 (62,000 euros) to the Lipietz family. At year's end, the SNCF was appealing the decision.

On July 12, a higher court overruled the May 2005 Versailles Court of Appeals verdict against the authors and publisher of a 2002 article for "racial defamation" due to the article's alleged anti-Semitic content. An appeals court had found that three sentences in the article violated a 1990 antiracism law. The higher court annulled the racial defamation judgment, stating that the published text was the expression of an opinion in an ideological debate.

The trial of three minors accused of throwing bottles of acid into the courtyard of a Jewish school in July 2005 continued at year's end.

Members of the Arab and broader Muslim communities also experienced incidents of harassment and vandalism. According to the NCCHR, 470 racist acts were recorded in 2005, a decrease of 22 percent from the 600 committed in 2004. Of these, the largest drop was in the number of violent incidents (88 in 2005 as opposed to 169 in 2004). The NCCHR attributed more than half of the 2005 racist incidents (257) to far-right extremists.

Racism and religious intolerance in Corsica remained a concern. On January 19, unknown persons detonated a bomb outside a Muslim-owned butcher shop of Porto Vecchio (South Corsica). The owner had been a bombing victim on at least two other occasions. No arrests had been made at year's end.

On October 17, the penal court for minors of Paris gave twelve members of the armed group Clandestini Corsi jail sentences of six months to seven years for seven attacks against the Muslim community between March and September 2004. The court cited racism as an aggravating factor.

No arrests were made during the year in connection with a January 2005 bomb detonation outside a butcher shop owned by a Muslim in the Corsican capitol, Ajaccio. It was the fourth such attack against the shop.

There were isolated anti-Islamic incidents on the mainland as well. On October 23, vandals profaned the future central Mosque of Belfort by leaving a pig's head in a window. Muslim worshippers also discovered posters of the National Front on the door of their temporary prayer room. The construction of the mosque, which was scheduled to open in 2007, was source of controversy. Authorities questioned three members of the extreme right-wing movement Jeunesses Identitaires during an April demonstration against the project. Political and religious leaders condemned the attacks, and authorities actively investigated the incidents, but there were no reported arrests.

An investigation continued into attacks on two mosques in Lyon in 2005.

Representatives of the Jehovah's Witnesses organization asserted on December 18 that 78 of their places of worship had been vandalized since the beginning of the year. They attributed these and earlier attacks in part to a 1996 parliamentary commission of inquiry report that described them as a "dangerous sect." On July 3, the Council of State stated that the 1996 designation of the group was based on a sketchy and superficial assessment of the effects of the organization's activities.

Representatives of the Church of Scientology continued to report cases of societal discrimination during the year. Scientologists continued to follow closely the growing body of precedent-setting case law from the ECHR in order to contest what they regarded as unequal treatment. Scientologist representatives noted that the ECHR instructed governments to "remain neutral and impartial" with respect to religious faith and that it ruled that the right to freedom of religion as guaranteed under the COE's Convention for the Protection of Human Rights and Fundamental Freedoms excludes any discretion on the part of the state to determine whether religious beliefs or the means used to express such beliefs are legitimate.

For a more detailed discussion, see the [2006 International Religious Freedom Report](#).

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

The constitution and law provide 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 engaged in itinerant activities, and who have a fixed domicile, to sign a declaration, which must be renewed periodically. Itinerant persons having no domicile or fixed abode must be in possession of travel documents, often requiring renewal every three months, and must choose a commune for administrative purposes. Members of the Romani 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 (see section 5).

The law also requires municipalities with more than 5,000 residents to provide an "encampment" where persons may reside temporarily. However, members of the Romani community indicated that only one in four municipalities required to provide a designated encampment actually did so in practice, and that many encampments did not meet the legal requirements for infrastructure, sanitation, and safety. Romani groups have asserted that some municipal leaders preferred to pay 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 (see section 5).

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 and provided it to approximately 557 persons during the year.

An AI report condemned legal and administrative regulations that in its view restrict the right to seek asylum and the right to have an asylum claim considered on its merits. New regulations of concern include: a shortened time to complete and submit temporary residence applications (down to 21 days; formerly one month); less thorough, or "fast track," consideration of asylum applications for persons from an expanded list of "safe" countries of origin or transit; and cessation of free interpretation services to asylum applicants in detention centers.

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

In September 2005 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 seaports, noting that 14,291 individuals were denied admission in 2004, as opposed to 15,498 in 2003. However, it expressed concern that the government was focusing on combating illegal immigration to the detriment of the protection and welcome offered to foreigners, particularly asylum seekers. ANAFE noted that there were allegations that security officials abused foreigners in waiting areas, particularly during attempts to re-embark them on aircraft.

A 2003 law and 2004 regulations reformed the country's asylum law. Some of the new rules enhanced asylum seekers' rights, particularly by extending the scope of the Geneva Convention and the concept of agents of persecution; persecution by nonstate agents is taken into account if the state concerned is incapable of offering protection to the person in danger. In addition the reforms allow persons who may be exposed to certain serious risks if they return to their country of origin to remain for a renewable period of one year.

The reforms of 2003 and 2004 also created additional difficulties for persons seeking asylum by stipulating that asylum application forms submitted to the Office for the Protection of Refugees and Stateless Refugees (OFPRA) must be completed in French. Observers noted that the chances of a positive response to asylum seekers who speak no French, or not enough to draft a coherent, structured text, were significantly lower than those of French-speaking applicants.

On May 16, the OFPRA expanded to 17 the list of countries said to be "safe" and regarded as respecting human rights: Albania, Benin, Bosnia and Herzegovina, Cape Verde, Croatia, Georgia, Ghana, India, Macedonia, Madagascar, Mali, Mauritius, Mongolia, Niger, Senegal, Tanzania, and Ukraine. Some human rights observers, including UNHCR representatives, questioned whether all these countries could accurately be characterized as "safe." Inclusion on the list of safe countries of origin had significant consequences for asylum seekers who were nationals of one of these countries: authorities systematically refused their applications for temporary residence permits, thus denying them the social rights granted to other asylum seekers.

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

The constitution and law give citizens 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 requirement, which is based on special legislation applied only to itinerant groups, 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 Mayotte and the territories of French Polynesia, Wallis and Futuna, and New Caledonia determine their legal and political relationships to the rest of the country by means of referendums and, along with the overseas departments, elected deputies and senators to the 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 Council of State had annulled the results of the November 2004 elections because of irregularities.

There were 129 women in the two chambers of the 908-seat legislature and six female ministers in the 32-member cabinet. Women made up 48 percent of municipal council members but held only 6.7 percent of mayoral positions. Political parties are required to present voters lists containing equal numbers of male and female candidates, within two percentage points; however, in March the NGO Observatory for Parity between Men and Women reported that the three major political parties had been fined for failing to fulfill this requirement in the 2002 elections.

The law prohibits the government from collecting information about the racial or ethnic background of its citizens; therefore, no statistics on

minority participation in the government were available. However, minorities appeared to be significantly underrepresented in the government.

Government Corruption and Transparency

On May 30, the Paris prosecutor's office opened an investigation of 11 citizens suspected of involvement in corruption related to the UN "Oil-for-Food" program in Iraq. On April 5, former interior minister Charles Pasqua came under formal investigation for possible influence peddling in order to profit from this program. Pasqua denied the charges.

On July 5, a Paris court convicted 38 persons in a financing scandal involving city officials from 1987 to 1993. The court gave the defendants suspended prison sentences of two months to two years and fines of up to approximately \$131,000 (100,000 euros). Among those convicted were four former senior officials in the Paris public housing agency. Investigators charged that approximately 20 public works companies paid more than approximately \$7.4 million (5.7 million euros) from 1991 to 1994 to Jean-Claude Mery, an official in the governing party at the time.

In May 2005 the political party, Union for a Popular Movement (UMP), agreed to repay the city of Paris for municipal salaries illegally paid to a number of individuals who in fact had been working for the UMP's predecessor, the Rally for the Republic Party. The UMP was to reimburse the city approximately \$1.17 million (890,000 euros) for the fictitious salaries, plus legal expenses and interest. According to press reports in September, the UMP paid the reimbursement, but Paris city government officials did not publicly confirm receipt of payment.

In May the anonymous informant at the heart of a scandal that the media labeled the Clearstream affair was identified as a senior executive at the European Aeronautic Defense and Space Company (EADS), a defense firm. According to media accounts, the executive, a friend to Prime Minister de Villepin, compiled a bogus list linking politicians to offshore bank accounts. Targets included Minister of the Interior Sarkozy. General Philippe Rondot, a retired spy, has testified that Prime Minister de Villepin asked him to investigate Sarkozy.

Corruption charges remained pending against President Jacques 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 acts of ethnic hostility and 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. During the first nine months of the year, according to a new study by the Ministry of Employment, Housing, and Social Cohesion, 113 homicides were attributed to domestic violence. Of these, 95 victims were women, and more than half of male victims had a record of violently abusing the women who killed them. The penalties for domestic violence vary according to the type of crime and range from three years' imprisonment and a fine of approximately \$58,950 (45,000 euros) to 20 years' imprisonment. The government sponsored and funded programs, including shelters, counseling, and hot lines, for women who were victims of violence. 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 rapes fell by 24.88 percent (from 10,506 to 9,993 cases) over the previous year. Reported sexual harassment cases for the same period dropped by 11.8 percent. These statistics did not specify the gender of the victims.

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 rape victims. The press and NGOs reported that a "repressive atmosphere" existed in some suburbs of Paris inhabited primarily by immigrants from North African countries, causing women to be intimidated. Some men in these suburbs reportedly sought to intimidate women whom they perceived as violating social norms, using methods ranging from verbal abuse to physical assault and gang rape.

According to the Ministry of Employment, Housing and Social Cohesion, the law treats female genital mutilation under the criminal offense of "violence involving mutilation or permanent infirmity." It is punishable by up to 10 years in prison and a fine of approximately \$196,000 (150,000 euros). The sentence increases to 15 years if the crime involves children 15 years old or younger.

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 criminal activity related to prostitution remained a problem.

On October 29, authorities announced the successful dismantling of an extensive prostitution ring operating between the country and Bulgaria. Police carried out simultaneous raids in Nancy and in Bulgaria and arrested 20 persons, including the four leaders of the network.

Trafficking in women for the purpose of sexual exploitation was a problem (see section 5, Trafficking). A government agency, the Central Office for Action against Trafficking in Humans (OCRETH), addressed trafficking in women, prostitution, and procuring.

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

In May 2005, 20 leading tourism companies signed a charter with the tourism minister pledging to increase their efforts to combat child sex tourism.

In March the government announced the creation of positions related to sex tourism in embassies located in six countries considered most susceptible to child sex tourism. Embassy officials were expected to provide education about combating child sex tourism, assist in prosecutions of French nationals who might be involved, and help victims approach authorities.

The law prohibits gender-based job discrimination and harassment of subordinates by superiors, but it does not apply to relationships between peers. Sexual harassment was not widely considered a problem in the workplace. Both the government and NGOs widely publicized the laws, and the government enforced them effectively.

Under the constitution and law, women have the same rights as men, including rights under family law, property law, and in the judicial system. The Ministry of Parity and Equality is responsible for the legal rights of women.

The law requires that women receive equal pay for equal work; however, reports by various governmental organizations and NGOs indicated that there was a gender pay discrepancy of around 25 percent, according to the European Industrial Relations Observatory. Women continued to face difficulties in attaining positions of responsibility. According to a study by the government's statistical agency, fewer 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. They were also underrepresented in political life (see section 3). Unemployment rates also remained higher for women than for men.

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 from the ages of six to 16. However, after unrest in October 2005 in which minors were disproportionately involved, 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 the government's statistical service, during the 2003-2004 school year attendance by children remained at 100 percent from age three to age 13; however, for children aged 14, 15, and 16 the percentages dropped to 99.6, 98.6, and 97.3 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 by parents or guardians, and the government generally enforced the law effectively and prosecuted abusers. The law provides for a government children's advocate, a position charged with defending and promoting children's rights as defined by law. However, a 2003 report by a rapporteur for the UN Commission on Human Rights criticized the justice system and a government-chartered doctors' group for their handling of child sex abuse cases. The rapporteur concluded that "many individuals in a position of responsibility for the protection of children's rights, particularly within the judiciary, are still largely in denial about the existence and extent of this phenomenon." Among the rapporteur's remedial recommendations was that a children's ombudsman (Défenseur des enfants) should be fully resourced and provided with an adequate number of staff to receive and investigate future cases where there appears to have been a failure of justice concerning children's rights."

A case involving the kidnapping and selling of babies from Bulgaria was pending at year's end. In October 2005 authorities arrested 15 persons and rescued seven babies in connection with a ring discovered in 2004. A Romani family in Bulgaria headed the network, which sold babies to other Romani families for approximately \$6,310 to \$7,860 (5,000 to 6,000 euros). OCRETH continued to work with Bulgarian authorities on the investigation.

According to the Ministry of Interior, the number of reported rapes committed against minors fell by 9.88 percent between 2004 and 2005. 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.

Child marriage was a problem, particularly in communities maintaining cultural ties to their African and Asian origins. Although such marriage

ceremonies took place primarily outside the country, authorities took steps to address the problem. In 2003 the French Integration Council (HCI) reported that there were approximately 70,000 girls in the country between 10 and 18 years of age, primarily from North Africa, Sub-Saharan Africa, and Turkey, who faced the prospect of a forced marriage. Women and girls could seek refuge at shelters if their parents or guardians threaten them with a forced marriage, and parents may be prosecuted for forcing their children into marriage. The government offered some educational programs to inform young women of their rights. The HCI said it was important to distinguish between arranged and forced marriages. Both houses of parliament have passed laws to harmonize the minimum legal age of marriage for boys and girls at age 18.

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

Trafficking in Persons

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

The country was a destination for victims, primarily women, trafficked from Africa, Central and Eastern Europe, and the former Soviet Union for the purposes of prostitution and domestic servitude. Police estimated that 90 percent of the 15,000 sex workers in the country were trafficking victims. Many children, including many Romani children, were trafficked from Romania.

Trafficking of Brazilian women and girls to French Guiana for sexual exploitation was a problem.

An increasing number of Chinese nationals were involved in prostitution in Paris and the surrounding region, a fairly new phenomenon. A 2005 report by the International Labor Office Organization estimated that there were approximately 50,000 Chinese immigrants in the country illegally; many having arrived by means of networks that subsequently exploited them. According to the report, there were approximately 6,000 new arrivals annually.

Traffickers operated principally in small criminal networks. NGOs and police characterized the bulk of trafficking operations as "microtrafficking networks" that included both citizens and foreigners. They used various methods to recruit and retain victims including force, fraud, confiscating the victims' identification documents, isolating them culturally, and abusing them physically and psychologically. Some victims who came to the country willing to work as prostitutes were subsequently exploited by pimps and traffickers. In other cases traffickers kidnapped or "bought" women and girls elsewhere and sold them to Balkans-based prostitution networks that trafficked them into the country.

The specific crime of human trafficking was first introduced in a 2003 law that offers protection for men and women forced to enter prostitution. Apart from social assistance, trafficking victims may be given a provisional residence permit on condition that they cooperate with police in securing the arrest of the person controlling them. If the latter is convicted, the victim may be issued with a residence card.

Trafficking in persons is punishable by up to seven years' imprisonment and a fine of up to approximately \$196,000 (150,000 euros). The punishment for inducing a minor to beg is punishable by two years' imprisonment and a fine of approximately \$59,000 (45,000 euros). In the case of a minor under 15 years of age, the offence is punished by three years' imprisonment and a fine of approximately \$98,000 (75,000 euros). Direct inducement of a minor to habitually commit felonies or misdemeanors is punished by five years' imprisonment and a fine of approximately \$196,000 (150,000 euros). Direct inducement by promises, offers, pressure, threats, or violence to commit a felony is punishable up to by seven years' imprisonment and a fine of approximately \$131,000 (100,000 euros). The commission without violence, constraint, threat or surprise of a sexual offence by an adult on the person of a minor younger than 15 years of age is punished by five years' imprisonment and a fine of approximately \$98,000 (75,000 euros). However, under the trafficking-related sentencing guidelines, sentences for some types of convictions, such as those involving rape, were light. Exploiting foreign laborers and exposing them to inhumane conditions are criminal offenses under other statutes and are punishable by up to three years' imprisonment or substantial fines.

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, particularly source countries, to counter human trafficking.

The government reported that in 2005, in Paris alone, it issued 306 temporary residence permits, 197 of them renewable, under a government protection program to aid trafficking victims who chose to cooperate with police and judicial authorities. Victims who declined to cooperate with authorities were considered illegal immigrants and were sometimes, but not often, detained, jailed, or deported. NGOs criticized the government's lack of a proactive approach to identifying trafficking victims; the reactive approach employed during the year required alleged victims to identify themselves and denounce their traffickers within 24 hours of detention following arrest, offering victims little time to develop assurances against retribution.

The government continued to screen and refer victims to counseling centers and safe houses for comprehensive services. 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, 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, and in the provision of other state services; the government generally enforced these provisions effectively.

The law requires new public buildings to be accessible to persons with disabilities; however, many older buildings and public transportation were not accessible. In October a lawyer in Pas-de-Calais, Maitre Bleitrach, lost her appeal in a discrimination case against the justice ministry in which she asserted that the inaccessibility of most court facilities in her region prevented her from carrying out her professional duties. The appeals court ruled that the scope of the inconvenience did not rise to the standard requiring public remediation. At year's end, Ms. Bleitrach was considering the possibility of bringing her case to the ECHR.

Nearly 28 percent of persons with disabilities were unemployed, roughly three times the national unemployment rate. The law requires companies having more than 20 employees to ensure that 6 percent of their employees are persons with disabilities. Companies found not to be in compliance are liable to fines, which go 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.

In February 2005 parliament passed a law to compensate persons for the consequences of disability and to promote their integration into the country's social life by requiring accessibility to buildings and access to education and employment. The law seeks to involve persons with disabilities in the decision-making process on these issues. It increased fines for companies not in compliance with the legal requirements concerning the employment of persons with disabilities, penalizing those who have not made significant efforts to meet their legal obligations within three years with fines of 1,500 times the minimum wage. In addition the law calls for centers to be set up in each department to assist persons with disabilities with receiving compensation and employment assistance. Many of the benefits were to have entered into force on January 1. However, implementation has lagged somewhat; as of May 31, only 30 departments had established assistance centers as required by law.

National/Racial/Ethnic Minorities

In its annual report, released in March, the NCCHR reported 974 racist and anti-Semitic incidents in 2005, a drop of 38 percent from the 1,574 recorded in 2004. Violence against immigrants continued to be a problem, particularly on the island of Corsica (see section 2.c.). The government condemned such incidents and took steps to address the problem. The attacks caused some families to move to the mainland or return to their countries of origin.

The treatment of the country's large immigrant population, many of whom sought to preserve cultures quite different from traditional French culture, remained a problem. Many observers expressed the view that discriminatory hiring practices prevented minorities from Africa, the Maghreb, the Middle East, and Asia from equal access to the workplace, and a number of NGOs worked to sensitize the public to this problem. The COE cited studies indicating that 50 percent of instances of discrimination related to employment, followed by obstacles to the acquisition of housing, services, and leisure activities. Foreigners, citizens of foreign origin, and persons with foreign-sounding names, were generally the main victims of discrimination.

Roma faced a special set of challenges, and Romani organizations charged that they faced discrimination in education, housing, and access to government services. Housing problems were particularly acute for an itinerant group known as Travelers. A 2000 law on the reception and accommodation of Travelers obliges municipalities of more than 5,000 inhabitants to provide a camping site with facilities and access to water and electricity. As of June 2005 municipal authorities had established only 8,000 campsites. This left a shortfall of over 20,000 sites, according to authorities, and 60,000 sites, according to NGOs (see section 4).

Travelers were subject to other special laws which seemingly were not intended to apply to other citizens. Anyone over the age of 16 not settled in one place must have a travel permit which must be periodically renewed. Any delay in renewal entails heavy fines, approximately \$980 (750 euros) for each day overdue. Anyone found not to be in possession of this document is subject to a sentence of up to one year in prison. Travelers are not entitled to vote until three years after they have been administratively assigned to a municipality. For other citizens, including those with no fixed abode, the qualifying period is 6 months. Authorities did not consider Travelers' caravans to be housing. As a result, Travelers were not entitled to housing assistance.

Citizens may report cases of discrimination to the independent High Authority for the Fight against Discrimination and for Equality (HALDE). According to October 19 press reports, during its two-year existence, HALDE has received 4,736 discrimination claims, 40 percent of them relating to employment discrimination.

On July 17, as a result of a HALDE investigation, a hairdresser was fined a total of approximately \$5,900 (4,500 euros) in the court case on charges that she had refused to serve a client on the basis of race.

Over the last two years, HALDE has persuaded 110 of the 146 companies listed on the country's stock exchange to adopt more transparent internal staffing practices to demonstrate unbiased hiring practices. Other efforts included internal testing carried out by the Sorbonne-affiliated Discrimination Observatory, establishing forums for women executives, and recruitment counseling to avoid legacy hiring.

On September 19, a Paris tribunal levied an approximately \$2,600 (2,000 euro) fine against a law firm for hiring discrimination. The firm had specified that it was seeking to employ citizens. The court also instructed the firm to pay approximately \$5,240 (4,000 euros) in damages to the antidiscrimination NGO, SOS Racism.

On January 18, an appeals court upheld a Lyon court's conviction of three bouncers and fined them a total of approximately \$11,140 (8,500 euros) for discrimination. Subsequently the Ministry of Labor and the NGO Group for Study and Combat of Discrimination established a free

hot line for reporting discrimination.

The government attempted to combat racism and discrimination through programs that promoted public awareness and brought together local officials, police, and citizen's groups. Some public school systems also operated antidiscrimination educational programs.

Other Societal Abuses and Discrimination

The law prohibits discrimination on the basis of sexual orientation in employment or service, public or private. Although there were isolated incidents of violence against homosexuals, authorities pursued and punished offenders.

There were reportedly instances of discrimination based on age. On September 20, HALDE was investigating the complaints of seven unemployed individuals who presented 40 classified advertisements specifying an age limit. The investigators chose 70 businesses, recruitment services, and Internet sites as targets. However, HALDE's efforts have not received widespread judicial support. Prosecutors' offices in other affected regions, including Paris, Rennes, Versailles, and Créteil, have classified ageism complaints as unsubstantiated.

Section 6 Worker Rights

a. The Right of Association

The law provides workers the right to form and join unions of their choice without previous authorization or excessive requirements, and workers exercised these rights in practice. Approximately 8 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 in the formal economy 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).

Although there were press reports that undetermined numbers of undocumented immigrants experienced substandard pay and working conditions, sweatshop conditions were rare due to effective labor law enforcement. In practice abuses were limited to the informal economy, which the World Bank estimated to account for 14-15 percent of GDP.

Forced or compulsory child labor occurred (see section 6.d.). There are strict laws against trafficking in persons for domestic labor, and the Committee against Modern Slavery brought such cases to authorities for prosecution.

d. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits most forms of child employment, and the government's implementation of laws and policies designed to protect children from exploitation in the workplace was generally effective. Children under 16 are prohibited from working, with a few exceptions for those enrolled in certain apprenticeship programs or working in the entertainment industry. In general minors (persons under 18) are prohibited from performing work considered arduous. All minors are forbidden to work between 10 p.m. and 6 a.m. Those younger than 16 may not work after 8 p.m.

Police estimated in 2005 that 3,000 to 8,000 children were forced into prostitution and labor, including begging. During the year police reported 14 cases of minors illegally employed.

Labor inspectors, who have the authority to take employers to court for noncompliance, enforced the laws related to child labor.

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

e. Acceptable Conditions of Work

The national minimum wage was \$10.83 (8.27 euros) per hour, as adjusted on July 1. It provided a decent standard of living for a worker and family. The minimum wage was the same throughout the country, despite wide regional variations in the cost of living, and applied to any worker holding a regular working contract, whether or not he was a citizen. The employment ministry was responsible for enforcing the minimum wage. Certain categories of employment, including subsidized employment and internships, must conform to separate, clearly defined, standards and provide salaries inferior to the minimum wage. Employers generally adhered to the minimum wage requirement, with the exception of those in the informal economy.

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 entitled to a daily rest of at least 11 hours and a weekly break of 24 hours, not including the daily rest period. Employers were required to give workers a 20-minute break in a six-hour workday. Premium pay was mandatory 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 endanger their health or safety without jeopardy to their employment, and the government effectively enforced this right.