



2008 Human Rights Report: France

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

[2008 Country Reports on Human Rights Practices](#)

February 25, 2009

France, with a population of approximately 64.1 million, is a multiparty constitutional democracy. 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. Parliamentary and presidential elections took place in 2007 and met international standards. The Union for a Popular Movement was the ruling party and Nicolas Sarkozy was president. 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; 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.

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 and press reports of police violence and use of excessive force in making arrests.

There were no developments in the 2006 Muhittin Altun case, in which attorneys for Altun filed a complaint against police for reckless endangerment and falsification of public documents during their examination of Altun. Investigation of the two policemen implicated in the case began in February 2007, but no trial date had been set at year's end.

In March police Captain Franck Junca received an 18-month prison sentence and a three-year suspension from duties for allegedly assaulting and sodomizing a driver in Val-de-Marne. Two other officers involved in the assault were suspended for periods of one to three years.

Prison and Detention Center Conditions

Prison and detention centers conditions generally met international standards, and the government permitted visits by independent human rights observers; however, credible nongovernmental organizations (NGOs) reported overcrowding and unacceptable hygienic conditions in some facilities.

Prison overcrowding was a problem. At year's end there were 63,619 persons incarcerated in the country's 185 prisons, exceeding capacity by almost 13,000 places.

Although there were no known deaths in prison due to mistreatment or adverse conditions during the year, prison suicides have been an increasing problem in recent years. According to penitentiary officials, there were over 115 prison suicides during the year.

On April 14, a Parisian judge ruled that Rennes' regional prison director, Alain Jego, be held liable for involuntary homicide for neglecting to prevent an inmate's suicide. Jego was accused of failing to enforce the law requiring that prisoners be deprived of any means of assisting in committing suicide. The ruling was the first time that a prison manager has been held personally liable for an inmate's suicide.

Authorities maintained administrative holding centers for foreigners whom they could not immediately deport. There were 18 holding centers on the mainland.

The government permitted prison visits by independent local and foreign human rights observers. In May the Council of Europe's human rights commissioner, Thomas Hammarberg, undertook an inspection of prisons in the country. Hammarberg's report, released in November, indicated that local prisons fared poorly, stating that "living conditions are still unacceptable for numerous detainees, who have to cope with overcrowding, lack of privacy, dilapidated facilities and substandard hygiene."

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 146,000 national police under the direction of the Ministry of the Interior and a military force of 105,389 national gendarmes under the joint direction of the Ministry of the Interior and the Ministry of Defense ensure internal security. Police and gendarmes were considered effective.

On April 13, the first 50 "neighborhood police" (police de proximite) returned to work after a six-year suspension initiated by then interior minister Sarkozy. Authorities expressed hope that their reintroduction would curb juvenile delinquency and petty crime in neighborhoods with high percentages of youth. Critics held that the discontinuation of neighborhood policing contributed to a degradation of security and helped set the stage for the 2005 urban rioting across the country. Prime Minister Francois Fillon stated that the neighborhood police would involve the most experienced individuals in the police force.

Impunity 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 Security Ethics Commission (CNDS) investigated allegations of misconduct by municipal police, gendarmes, and private security forces and

reported the findings to the prime minister and parliament. 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.

The CNDS monitored security enforcement ethics. According to its annual report for 2007, the number of complaints registered with the CNDS fell by 17 percent from 2006 to 2007 (from 140 to 117 cases).

Arrest and Detention

Police are required by law to obtain warrants based on sufficient evidence and issued by a duly authorized official prior to taking individuals into custody. The law gives the individual the right to a prompt judicial ruling on 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 utilized. 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.

The 2006 antiterrorism law provides for longer periods of incommunicado detention and allows authorities to hold terrorism suspects for an initial period of four days before being charged or allowed access to a legal counsel. Authorities may petition a judge to extend this period by an additional two days. After six days, suspects must either be charged or released and allowed access to legal counsel.

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 system stress from changing judicial laws and insufficient government resources for investigations and trials. According to 2007 government statistics, the average length of pretrial detention was 5.7 months, an increase of 10 percent since 2001.

Prison officials occasionally engaged in inappropriate conduct toward prisoners, including misuse of solitary confinement.

e. Denial of Fair Public Trial

The constitution and law provide for an independent judiciary, and the government generally respected judicial independence; however, delays in bringing cases to trial were a problem.

The Tribunal of the Armies of Paris is a military court for acts committed outside of the country. The court tries only military personnel.

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 cases where the potential punishment exceeds 10 years' imprisonment, a combination of professional and lay judges hears the case. Defendants are able to question the testimony of prosecution witnesses against them and present witnesses and evidence in their defense. Defendants and their attorneys have access to government held evidence relative to their cases. However, Council of Europe research in 2006 found that, in practice, the country's legal system limited the right of accused persons to benefit from legal counsel by limiting access to case files. Defendants enjoy a presumption of innocence and have the right to appeal.

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 and access to a court to bring lawsuits seeking damages for, or cessation of, human rights violations.

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 the 2006 antiterrorism law that permits official probing of the Internet and into mobile telephone records, increased video surveillance of railway stations and airports, and increased access to records of citizens' electronic communications. Although a judge's approval is not required for cases involving terrorism, as of year's end, there were no reports of abuse by the government.

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. The independent media were active and expressed a wide variety of views with few restrictions.

There were some limitations of freedom of speech and of the press. Strict antidefamation laws prohibit racially or religiously motivated verbal and physical abuse. Denial of the Holocaust and crimes against humanity is illegal, as is speech, written or oral, that incites racial or ethnic hatred.

Authorities may deport a noncitizen for publicly using "hate speech" or constituting a threat of terrorism. Human Rights Watch (HRW) claimed that some long-established residents were deported for holding views that were unpopular but that would not constitute a threat of terrorism, illustrating a problem with the terrorist expulsion process. In 2007 HRW reported that the government arrested and deported 17 imams on suspicion of having links to terrorism.

The National Assembly passed a bill on December 16, which banned prime-time advertising from state-funded television networks and gave the president of the republic the ability to name the head of public broadcasting. A final vote in the Senate was pending at year's end. The board of the public television network agreed in December to begin voluntarily implementing the advertising ban before the legislation was final.

Internet Freedom

There were no government restrictions on access to the Internet. Aside from the rights accorded to the government within the 2006 antiterrorism law to monitor email or Internet chat rooms for suspected terrorists, there were no reports of government abuse during the reporting period. Individuals and groups could generally engage in the peaceful expression of views via the Internet, including by electronic mail. Access to the Internet was widely available throughout the country. However, the authorities shut down at least one Internet site during 2007 for

threats against Jews.

In 2006 the parliament adopted an antiterrorism law that permits official probing on the Internet.

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.

c. Freedom of Religion

The law provides for freedom of religion, and the government generally respected this right in practice.

The law prohibits discrimination on the basis of faith. However, some religious groups remained concerned about laws permitting the government to dissolve groups under certain circumstances and prohibiting the wearing of "conspicuous" religious symbols, including Muslim headscarves, Jewish skullcaps, and large crosses, by employees and students in public schools. Some Christian, Jewish, Muslim, and Sikh leaders expressed concern about the law's potential to restrict religious freedom. Media reports estimated and the international Sikh community claimed that many of the country's Muslim school-age girls and Sikh school-age boys were affected by the law; many of the latter were denied a public higher education and forced to take up apprenticeship because they could not afford private schooling.

Some Muslims described the deportation of a number of radical Islamist religious figures as a restriction on religious freedom, although authorities cited security as the justification.

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.

On November 21, The European Court of Human Rights(ECHR) ruled in favor of the government against a Sikh who wished to be photographed for a driver's license in his turban since he never appears in public without it.

There was continuing concern over the About-Picard law, which permits the government to dissolve religious groups, although authorities have never applied these provisions of the law.

Societal Abuses and Discrimination

Representatives of the Church of Scientology continued to report cases of societal discrimination, frivolous lawsuits, and prosecution for allegedly fraudulent activity.

The Jewish community was estimated at 500,000-600,000 persons. There were several acts of anti-Semitism during the year, including anti-Semitic slurs and attacks on synagogues and Jewish cemeteries. According to the Jewish Consistory, there was a 32.5 percent drop in anti-Semitic incidents in the first five months of the year, as compared with the same period in 2007 (82 incidents versus 104).

Denial of the Holocaust and crimes against humanity is illegal, as is speech, written or oral, that incites racial or ethnic hatred.

On December 11, two Union for a Popular Movement (UMP) deputies released a report examining the recent spate of cemetery desecrations within the country. The report indicated that a cemetery is desecrated on average every three days, usually attributed to simple vandalism or theft, but also with apparent Satanist, racist, and anti-religious motivations targeting Muslims and Jews.

On December 8, more than 500 Muslim and over a dozen Jewish graves in the Arras military cemetery in Northern France were desecrated with swastikas and anti-Islamic slogans.

Youssef Fofana, the head of the gang held responsible for the 2006 torture and murder of a young Jewish man, Ilan Halimi, was deemed competent to stand trial for charges including criminal association, kidnapping, illegal confinement, torture, and religiously motivated premeditated murder. The trial was set to take place in April 2009.

Members of the Arab Muslim community continued to experience acts of harassment and vandalism. The NCCHR reported 321 total incidents in 2007, a 9 percent drop from 2006. While many acts were aimed against immigrants of North African origin, 11 were explicitly anti-Islamic, targeting mosques, cemeteries, or individuals.

Muslim women wearing headscarves continued to experience discrimination, including refusal of service by private businesses. Media reports indicated that some companies discouraged female employees from wearing the headscarf or encouraged them to wear a bandanna instead.

On September 4, six Muslim schoolgirls were sent home by schoolmaster Eric Rottier of Lislet Geoffrey, a public high school in the protectorate of La Reunion Island, for violating the law by wearing religious headscarves. Rottier later stated to the media that he was following the "letter of the law." Two of the girls returned to school after removing their headscarves.

On July 11, the Council of State, the country's highest administrative court, affirmed a lower court decision that refused citizenship to a Muslim woman for failing to assimilate to the country's cultural norms. The ruling refused citizenship to a Moroccan-born Salafist woman, "Faiza M," for the "radical practice of her religion, deemed incompatible with essential values of the community," particularly gender equality. Faiza stated to authorities that she had only begun to wear a traditional "burqa" upon her arrival in the country, at her husband's behest, and had agreed to remove it following explicit requests by immigration officials so they could identify her visually. The minister for higher education and research, Valerie Pécresse, welcomed the ruling, stating that "the principle of sexual equality is not up for negotiation" in the country.

On May 30, judicial sources confirmed that five suspects, including one active-duty soldier, had been placed under investigation and remanded to custody for an act of arson that partially destroyed a small mosque on April 20 in the southern town of Colombiers. The five individuals were associated with an extreme right-wing group and were believed to have committed the crime in commemoration of Adolph Hitler's birthday.

Racism and religious intolerance in Corsica remained a concern, although violent racist attacks comprised only 5 percent of the attacks in Corsica in 2007, which was the same percentage as 2006. There were seven racist and xenophobic attacks in 2007, a 50 percent decrease since 2006.

The Jehovah's Witnesses awaited a ruling by the ECHR on the admissibility of a case contesting the government's assessment of their donations at a 60 percent tax rate. The government had imposed the high rate relative to other religious groups after ruling the group to be a harmful cult. If the assessed tax, which totaled more than 57 million

euros (approximately \$77.5 million) as of year's end, were to be paid, it would consume all of the group's buildings and assets in the country.

According to representatives for the Jehovah's Witnesses community, there were 65 acts of vandalism against the group in the country through December including Molotov cocktails aimed at Jehovah's Witnesses' property. In contrast to previous years, no individuals were targeted during the year. According to the leaders of the Jehovah's Witnesses community in the country, there were 98 acts against individuals for 2006 and 115 acts in 2007.

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

Many Muslim students left public school to find respect for their religious orientation in Catholic schools.

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The constitution and law provide for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice. The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, asylum seekers, stateless persons, and other persons of concern.

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

The law requires persons 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 possess travel documents, often requiring renewal every three months, and must choose a commune for administrative purposes. Members of the Romani community, who made up the majority of those requiring travel documents, protested the requirement and indicated that they often experienced discriminatory treatment from officials when renewing the documents.

On March 12, the Council of State annulled a Ministry of Interior initiative to create a personal information computer database to support government efforts to combat illegal immigration. The database would have aggregated a variety of personal information including nationality, surnames, spoken languages, professional situation, immigrant status, and individual photographs. Human rights and privacy protection groups lauded the decision.

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 the expulsion or return of persons to countries where their lives or freedom would be threatened. In asylum applications, persecution by nonstate agents is taken into account if the state concerned is incapable of offering protection to the person in danger.

The government also provided temporary protection to individuals who may not qualify as refugees under the 1951 convention and the 1967 protocol but may be exposed to certain serious risks if they return to their country of origin. Individuals may renew their status for a period of one year. In 2007 the government provided temporary protection to approximately 706 persons. NGO Forum Refugees estimated that offers of temporary protections provided by the government during the year would be equal or slightly higher than the amount provided in 2007.

Although asylum application forms submitted to the Office for the Protection of Refugees and Stateless Refugees

(OFPRA) must be completed in French, directions for the application process are available in Russian, Serbo-Croatian, Turkish, Tamil, and Arabic.

In response to media and NGO pressure, the government canceled the November deportation of over 40 illegal Afghan migrants due to concerns that they would not be safe in Afghanistan. At year's end the ECHR was examining the Afghan migrant's request. Authorities were also working with the UNHCR on a solution.

In 2007 the Council of State, at the urging of several immigrant rights groups, suspended the right of authorities to expedite the expulsion of some illegal migrants. The ruling obligates state authorities to treat all undocumented residents taken into custody according to newly adopted deportation procedures that include the right to reside in the country for an additional month before expulsion.

A 2006 Amnesty International report criticized legal and administrative regulations that restrict the right to seek asylum and the right to have an asylum claim considered on its merits. Regulations of concern included a shortened period of time to complete and submit temporary residence applications (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.

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 democratic elections held on the basis of universal suffrage.

Individuals without a fixed domicile, who must carry travel documents, were permitted to vote in municipal elections only after a three-year period of "attachment" to a municipality. Romani groups asserted that this requirement, 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 2007 national legislative and presidential elections met international democratic standards. An Organization for Security and Cooperation in Europe (OSCE) assessment reported that the "presidential election reflected the long tradition of conducting democratic elections." Political parties could operate without restriction or outside interference.

There are 13 administrative divisions of the country overseas. Four departments-regions, French Guyana, Guadeloupe, Martinique, and Reunion, have the same status as departments-regions of the mainland and are members of the European Union. There are also six overseas collectivities, French Polynesia, Mayotte, Saint Bartholomew, Saint Martin, Saint Pierre and Miquelon, and Wallis and Futuna. New Caledonia, French South Pole and the Antarctica Territories, and the Clipperton Atoll have a special status. The citizens of Mayotte and the territories of French Polynesia, Wallis and Futuna, New Caledonia, Saint Bartholomew, and Saint Martin determine their legal and political relationships with the rest of the country by means of referenda and, along with the overseas departments-regions, elected deputies and senators to the parliament.

There were 182 women in the two chambers of the 920-seat parliament and 107 female deputies and 75 female senators were elected following the September 21 senatorial elections. As of March 18, there are seven female ministers in the 16-member ministerial cabinet and women led three prominent ministries. Women made up 47 percent of regional council members, 13 percent of the departmental council members, and 35 percent of municipal council members. They held one presidency of the 22 regional councils, four presidencies of the 96 mainland

departmental councils and 8 percent of mayoral positions. Political parties are required to present voters lists containing equal numbers of male and female candidates or be fined.

The law prohibits the government from collecting information on 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. With the exception of parliamentary representatives from some of the country's overseas territories, the populations of which were predominantly of African origin, as of June 2007, there was one French African member of the National Assembly.

On February 29, the president of the Representative Council of Black Citizen's Groups (CRAN), Patrick Lozes, criticized the underrepresentation of the country's visible minorities at all elected levels of government as well as the small number of minority candidates—estimated at a fraction of 1 percent—in the March municipal elections in a media interview. Lozes noted that visible minority candidates who do make it onto electoral lists are frequently forced to run in races for districts where they have no chance of winning and that, although the population is 10 percent African or Asian origin, the country has no minority mayors, no African-origin municipal councilors in the principal cities, and almost no immigrant-origin delegates in the National Assembly. Lozes blamed the country's electoral homogeneity on the main political parties, which he asserted "transfer their presumptions that minority and immigrant candidates are nonviable to the voters."

Government Corruption and Transparency

The law provides criminal penalties for official corruption, and the government generally implemented these laws effectively.

Charges for corruption remained pending in the criminal court system against former president Jacques Chirac. He was questioned by judges on April 30 and on three occasions in 2007.

In 2007 Jean Paul Huchon, president of the Paris Area Regional Council and a prominent member of the Socialist Party, was given a suspended 10 month prison sentence and fined 75,000 euros (approximately \$105,000) for corruption. Huchon's wife was employed by companies contracted with regional authorities in 2002 and 2003. Huchon appealed the decision. On November 21, the Paris Court of Appeals confirmed the prison sentence and the fine but annulled the ineligibility sentence, allowing him to run in future elections.

Parliamentarians, representatives to the European Parliament, ministers, regional and departmental council heads, the mayors of larger communities and the directors of state-owned companies (post, railway, telephone) are required to make personal asset declarations at the beginning and the end of their terms to the Commission for the Financing Transparency of Political Life. The commission issued periodic reports on officials' financial holdings on a discretionary basis, but at least every three years. The president is required to make the same personal finance declarations to the Constitutional Council.

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, discrimination, and acts of ethnic hostility were problems.

On March 21, Interior Minister Alliot-Marie dismissed Bruno Guigue, the deputy prefect of the sub-prefecture of Saintes in the Southwest department of Charente-Maritime and author of several books on the Israeli-Palestinian conflict, for an anti-Israel article published in one of the country's most popular Islamic Francophone Web sites, *oumma.com*. Guigue's column compared the Israeli state with the Third Reich and included assertions that Israel is the only country that allows "snipers to shoot down little girls outside their school gates" and that "in Israeli jails, thanks to religious law, they stop torturing on the Sabbath." Alliot-Marie based her action on Guigue's failure to maintain official neutrality in pronouncing on public matters.

On August 13, police detained the store owner and sales clerk of a woman's clothing store, Belle Star, in Paris for selling T-shirts with the inscription "park entry forbidden to Jews," referring to signs erected in the Nazi-occupied Warsaw ghetto of Lodz in 1940. The Chinese store proprietor claimed not to have understood the inscription, which was printed in German and Polish. The 43-year-old store owner and her 21-year-old employee daughter faced up to one year in prison if found guilty of inciting racial hatred for promulgating anti-Semitism, but had not been charged or tried for the incident at year's end. The two were placed under a legal distinction called "witness-assisted," which requires that they cooperate with investigators to help track down the suppliers and manufacturers of the T-shirts.

On September 4, approximately 40 swastikas and 50 racial slogans such as "death to Arabs" and "white power" were spray-painted inside the entrance of Rene Cassin d'Agde high school outside of Montpellier. Minister of Education Xavier Darcos criticized the incident, saying the fight against "stupidity, ignorance, and provocation is never finished." He reiterated the government's commitment to combat extremism and racism in the country.

Women

Rape, including spousal rape, is illegal, and the government generally enforced the law effectively. The Ministry of Interior reported that the number of reported rapes decreased by almost 3.56 percent from 2006-07 (from 10,506 to 10,132 cases).

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, in some suburbs of Paris inhabited primarily by immigrants from North Africa, some men sought to intimidate women whom they perceived as violating social norms, using methods ranging from verbal abuse to physical assault and gang rape.

While not common, violence against women was a problem. The law prohibits violence against women, including spousal abuse, and the government generally enforced it. There was a 21 percent increase from 2006 to 2007 in the number of women killed by their spouses in domestic violence disputes (from 137 to 166).

Domestic violence is prohibited. The penalties for domestic violence vary according to the type of crime and range from three years' imprisonment and a fine of 45,000 euros (approximately \$63,000) 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.

On July 30, a Marseille criminal court sentenced an Algerian national to two years' imprisonment for assaulting his

French wife because she partly removed her Islamic veil due to the heat. The convicted man was required to serve six months of the sentence, with the possibility of the final 18 months being commuted.

The law treats female genital mutilation (FGM) 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 150,000 euros (approximately \$210,050). The sentence increases to 15 years if the crime involves children who are 15 or younger.

In 2007 the National Institute for Demographic Studies announced that an estimated 53,000 adult women in the country had been subjected to FGM in their lives. The majority of victims were recent sub-Saharan African immigrants or their children. The authors asserted that female circumcision has become less widespread due to targeted prevention campaigns focusing on young girls. The study concluded that FGM was rarely practiced but prevention efforts needed to be expanded to cover children residing in the country that remain at risk, either during family visits to their country of origin or following deportation.

Prostitution is legal; however, the law prohibits procuring, aiding, assisting, maintaining, public solicitation, or profiting from the prostitution of another. Enforcement of these laws varied, and criminal activity related to prostitution remained a problem.

Sex tourism to other countries was a problem that the government took steps to address. The government continued an awareness campaign regarding female prostitutes who may be victims of trafficking. The government also funded campaigns on child prostitution on all major television channels. The Ministry of Tourism mandated that all tourism students complete courses designed to develop awareness of the problem of sex tourism. The Ministry of Foreign Affairs researched indicators of child sex tourism abroad in order to warn tourists of child sex tourism sites and monitored sex tourism data. The law includes extraterritorial provisions that apply domestic law to sexual offenses committed abroad by citizens or residents.

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. According to the Ministry of Interior, the number of reported sexual harassment cases dropped by 11.8 percent from 2006 to 2007; the statistics did not specify the gender of the victims.

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 secretary of state for solidarity is responsible for the legal rights of women. According to article one of the constitution, revised on July 23, the law provides for equal access to professional and social positions. 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. Women also continued to face difficulties attaining positions of responsibility. According to a 2007 survey by the government's statistical agency, fewer than 20 percent of private sector executives were women. Although they comprise 58.5 percent of the public workforce, women were underrepresented in managerial jobs and positions of responsibility. Although women comprised approximately 50 percent of cabinet ministers in the government, women were generally underrepresented in the legislature and in other levels of government leadership. As of mid-year, the unemployment rate was 8.2 percent for women as opposed to 7.1 percent for men.

The bureau within the prime minister's office that assesses governmental efforts to increase gender equality, the Gender Parity Observatory (l'Observatoire de la Parite), issued a press release sharply critiquing the March municipal election results. The observatory found that, in towns with populations over 3,500, 91.5 percent of mayors were male, indicating that mainline political parties "continue their subpar performance in promoting gender parity."

Children

The government was strongly committed to children's rights and welfare. The secretary of state for family affairs oversees implementation of the government's programs for children.

Although not common, child abuse occurred. 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.

The government provided counseling, financial aid, foster homes, and orphanages for abuse 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 of African or Asian origin. Although such marriage ceremonies took place primarily outside of the country, authorities took steps to address the problem. Women and girls could seek refuge at shelters if their parents or guardians threatened them with a forced marriage, and parents may be prosecuted. The government offered some educational programs to inform young women of their rights. The High Council for Integration stated it was important to distinguish between arranged and forced marriages. The minimum legal age of marriage was 18.

Trafficking in Persons

The constitution and law prohibit all forms of trafficking of persons; however, trafficking in women and children for commercial sexual exploitation, forced labor, and petty crime was a problem.

The country was a destination for persons, primarily women, trafficked from Africa (notably Cameroon and Nigeria), Central and Eastern Europe (notably Bulgaria and Romania), and the former Soviet Union for prostitution and domestic servitude. A majority of the estimated 18,000 women in country's commercial sex trade were likely victims of trafficking. Some women who migrated to the country voluntarily for work were deceived or coerced into sexual servitude or debt bondage. The Committee Against Modern Slavery (CCEM) estimated that one-fifth of involuntary domestic servitude cases in the country involved abusive employers who were diplomats with diplomatic immunity. As of year's end there were 164 cases of involuntary domestic servitude reported for the year.

In July prosecutors secured the extradition of four Bulgarians implicated in smuggling 72 women into a prostitution ring in the country.

Traffickers operated principally in small criminal networks, characterized as "microtrafficking networks," that included both citizens and foreigners. They used various methods to recruit and retain victims including force, fraud, identification document confiscation, cultural isolation, and physical and psychological abuse. 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 Balkan-based prostitution networks that trafficked them into the country.

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. Immigration laws allow trafficking victims involved in prostitution that turn in their pimps or trafficking rings to benefit from a one-year temporary residence card with permission to work and a 10-year residency card once the case went to trial. The laws were applied inconsistently due to public officials' lack of familiarity with them, and they did not adequately address the difficulty of finding employment.

Since January authorities initiated more than 2,000 court cases for soliciting and dismantled more than 25 pimping networks. There were 1,218 victims identified during the year, compared to 1,219 in 2006.

Trafficking in persons is punishable by up to seven years' imprisonment and a fine of up to 150,000 euros (approximately \$210,000). The penalty rises to 10 years imprisonment and 1.5 million euro (\$2.1 million) fine if the victim is a minor, a pregnant woman, or another "vulnerable person." 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. Prosecutors rarely used the antitrafficking law; they preferred to prosecute sex trafficking cases under accustomed to antipimping statutes.

Several law enforcement agencies were involved in combating trafficking. The government cooperated bilaterally and with international institutions such as the European Police Agency (Europol) to investigate, track, and dismantle trafficking networks. Authorities worked with officials in other countries, particularly source countries, to counter trafficking.

On May 29-30, the government sponsored a nationwide conference in Paris that brought together enforcement officials, magistrates, and NGOs to discuss improving communication and cooperation in protecting victims and preventing trafficking, the role of the Internet in trafficking, and the exodus of prostitution from major metropolitan areas into suburbs and rural areas.

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.

The State Department's annual Trafficking in Persons Report can be found at www.state.gov/g/tip.

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.

In 2007, 20 percent of persons with disabilities were unemployed, more than twice 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 benefit 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 4.5 percent.

The law provides for compensation to persons for the consequences of a disability and promotes their integration into social life by requiring accessibility to buildings and access to education and employment. The law also calls for centers to be set up in each department to assist persons with disabilities with receiving compensation and employment assistance. By October all of the departments had established assistance centers as required by law. Although a majority of the 180 orders implementing the provisions of the 2005 law have been passed, some 20 remained pending at year's end.

National/Racial/Ethnic Minorities

The treatment of the country's large immigrant population remained a problem. The government condemned and addressed incidents of violence against immigrants which continued to be a problem, particularly on the island of Corsica. The attacks caused some families to move to the mainland or return to their countries of origin. One hundred and eighty attacks took place overall in Corsica during 2007, a 23 percent decrease from the 235 attacks that took place in 2006. While ethnic tensions have been a problem in Corsica in recent years, there have been signs of improvement. In its March report, the National Consultative Commission on Human Rights (CNCDH), the government's official advisory board on human rights issues, listed a total of 13 such incidents in Corsica, as well as one anti-Semitic attack in 2007.

Many observers expressed concern that discriminatory hiring practices in both the public and private sectors prevented minorities from sub-Saharan Africa, the Maghreb, the Middle East, and Asia from equal access to the workplace; a number of NGOs worked to sensitize the public to this problem.

According to an October 2007 survey by the National Institute for Statistics and Economic Studies (INSEE), the unemployment rate among immigrants was twice as high as among non-immigrants (15.2 percent versus 7.3 percent). The unemployment rate varied depending on the country of origin. Immigrants from Algeria or Turkey faced a risk of unemployment three times higher than non-immigrants, while immigrants from Spain, Italy or Portugal had a 1 percent lower unemployment rate than the non-immigrant active population. INSEE attributes those variations to the differences in professional qualification.

Romani organizations charged that Roma faced discrimination in education, housing, and access to government services. Housing problems were particularly acute for an itinerant group known as "Travelers."

An October 2007 report of the National Institute of Educational Research noted that Roma benefit from a special status that authorizes children discontinuous school attendance without justification. School registration rates were 66.7 percent in kindergarten, 81.8 percent in primary schools, and 78.8 percent in high schools, but absenteeism and breaks within education system are frequent. Discrimination against Roma was persistent, however, especially for itinerants; some mayors denied school registration to children whose parents lived in illegal campsites.

Travelers were subject to laws that did not apply to citizens with permanent residences. Anyone over the age of 16 not settled in one place must have a travel permit that must be renewed periodically. Any delay in renewal entails a fine of 750 euros (approximately \$1,050) 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. Authorities did not consider Travelers' caravans to be housing. As a result, Travelers were not entitled to housing assistance.

The law requires municipalities of more than 5,000 inhabitants to provide a camping site with facilities and access to water and electricity. As of 2007, municipal authorities had established 16,000 campsites, resulting in a shortage of over 20,000 sites, according to authorities, and 60,000 sites, according to NGOs.

On July 15, Provence Mayor Maryse Joissains demanded the expulsion of a Romani camp that had been located on municipal property for three years. The Roma, who originated in Serbia, were placed in a camp outside town near the Provence train station and were able to send their children to local schools, in part due to efforts of the NGOs Human Rights League and Doctors of the World. It was reported that several families were living in deplorable conditions and lacked access to potable water, electricity, and basic sanitation. According to Police Chief Jules Susini, the Roma had been using city water and electricity without paying for the services. The case had not gone to court as of year's end.

Citizens may report cases of discrimination based on age, gender, national origin, ethnicity, family situation, sexual orientation, physical disability, state of health, religious conviction, or group affiliation to the independent High Authority for the Fight against Discrimination and for Equality (HALDE). At year's end the HALDE had received 6,511 discrimination claims, half of which regarded employment.

In March Christophe Hejne, a fan who yelled racial slurs at the Franco-Moroccan captain of a Valenciennes soccer team during a match, was given a three-month suspended prison sentence and fined 1,500 euros (approximately \$2,100) by a Metz court and prohibited from attending events at the Metz soccer stadium for three years. Judicial authorities also ordered Hejne to pay fines of up to 800 euros (\$1,040) to the suit's six civil parties.

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.

On February 8, President Sarkozy announced a government plan to improve living conditions and opportunities for the citizens, particularly youth, of the country's multiracial suburbs. The plan, "Hope for Suburbs," combined security, employment, housing, and education measures into a package of initiatives to transform poor neighborhoods. The government allocated 12 billion euros (approximately \$16.8 billion dollars) during the year to fund the plan, which began in June. On December 17, President Sarkozy expressed regret over the slow implementation of the plan. During a December 20 radio interview, Minister for Cities Fadela Amara said that only 1,800 of an expected 4,500 employment contracts had been signed enduring the year.

Only 15 of 350 Delegates of the Prefects for Equal Opportunity had been named by year's end. The prefects for equal opportunity participate in the enactment of policies regarding the integration of immigrant populations living in the country.

Other Societal Abuses and Discrimination

The law prohibits discrimination on the basis of sexual orientation in employment or service, public or private. There were isolated incidents of violence against homosexuals, authorities pursued and punished offenders. The NGO SOS Homophobia reported 1,263 homophobic acts in 2007, a 5 percent decrease from 2006. Physical assaults decreased by 14 percent in 2007 to 132 incidents.

An inquiry conducted by AIDS Info Service in 2005 showed that 57.3 percent of HIV positive respondents had experienced discrimination. These cases represent 13.9 percent of the discrimination caseload addressed by the HALDE in 2005.

There were reportedly instances of discrimination based on age.

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. The law allows unions to conduct their activities without interference, and the government protected this right in practice. Workers, including civil servants, have the right to strike except when a strike threatens public safety. Workers exercised this right by conducting legal strikes.

b. The Right to Organize and Bargain Collectively

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. There were no reports of antiunion discrimination during the year.

There are no special laws or exceptions from regular labor laws in the country's 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. Women and children were trafficked for commercial sexual exploitation, domestic labor, and petty crime.

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. Friedrich Schneider, a researcher from the University of Linz–Austria, concluded that the informal economy accounted for 11.8 percent of the country's gross domestic product for the year 2007.

Forced or compulsory child labor occurred. 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 generally implemented laws and policies to protect children in the workplace effectively. Persons under age 16 are prohibited from working, with a few exceptions for those enrolled in certain apprenticeship programs or working in the entertainment industry. Persons under age 18 are generally prohibited from performing work considered arduous or working between 10:00 p.m. and 6:00 a.m.; persons under age 16 may not work after 8:00 p.m.

During 2006, the most recent year of reported statistics, police reported 14 cases of minors illegally employed.

Labor inspectors enforced the child labor laws.

e. Acceptable Conditions of Work

The minimum wage was 8.71 euros (approximately \$12.19) per hour, as adjusted on July 1. It provided a decent standard of living for a worker and family. The minimum wage was uniform throughout the country, despite wide regional variations in the cost of living, and applied to citizen and noncitizen workers holding a regular working contract. The Employment Ministry enforced the minimum wage. Certain categories of employment, including subsidized employment and internships, must conform to separate, clearly defined standards and provided salaries below 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. Companies are allowed to negotiate opt-outs with employees and increase the maximum number of working days for white-collar workers to 235 per year from 218 previously. 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 during 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 is responsible for enforcing the law 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.