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2009 Human Rights Report: France

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

2009 Country Reports on Human Rights Practices

March 11, 2010

France is a multiparty constitutional democracy with a population of approximately 64.3 million^[1]. The president of the republic is elected by popular vote for a five-year term, and Nicolas Sarkozy is the incumbent. The upper house (Senate) of the bicameral parliament is indirectly elected through an electoral college while the lower house (National Assembly) is directly elected. Parliamentary and presidential elections took place in 2007 and were free and fair. The Union for a Popular Movement (UMP) is the majority party in parliament. Civilian authorities generally maintained effective control of the security forces.

The following human rights problems were reported: overcrowded and dilapidated prisons, lengthy pretrial detention, protracted investigation and trial proceedings, restrictions on religious wear in public institutions, anti-Semitic incidents, discrimination against Muslims, societal hostility towards immigrants and Roma including "Travellers," 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

The government or its agents did not commit any politically motivated killings; however, two deaths of detainees while in police custody were under investigation at year's end. On September 24, 31-year-old Hakim Djelassi died of a heart attack while under arrest in a police van. On November 12, Mohamed Boukrourou, a 41-year-old Moroccan citizen, died during a police arrest in Valentigney.

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 discrimination and degrading treatment.

In 2008 the European Court of Human Rights (ECHR) found that authorities failed to prevent the suicide of a man in pretrial detention.

Prison and Detention Center Conditions

Prison and detention center conditions generally met international standards. The government permitted monitoring visits by independent human rights observers. Both credible nongovernmental organizations (NGOs) and government officials, however, reported overcrowding and unacceptable hygienic conditions in some facilities that prompted President Sarkozy to commit to improve what he described as the state of the country's prisons as "the shame of the nation."

Prison overcrowding was a problem. As of December 31, the Ministry of Justice reported that 61,800 persons were incarcerated in the country's 185 prisons, exceeding prison capacity by almost 7,500 inmates. The law allows neither men and women to be held together nor minors to be held with adults in prisons and detention centers unless they are detained along with their parents. In practice there were no reports of violation of requirements for separate detention facilities for men, women, and minors.

Although there were no known deaths in prison due to mistreatment or adverse conditions during the year, prison suicides continued to be a problem. According to penitentiary officials, there were more than 81 prison suicides during the year, while credible NGO sources reported 129 prison suicides.

In five separate lawsuits, local courts in Lyon, Rouen, Nantes, Bordeaux, and Strasbourg ordered the state to compensate victims and their families an average of 15,000 euros (\$21,400) per plaintiff in the case of prison suicide and 5,000 euros (\$7,150) per plaintiff for poor detention conditions, including the lack of basic hygiene and privacy for inmates.

In December 2008 a Paris appellate court acquitted then-Rennes regional prison director Alain Jego of involuntary homicide, overturning an April 2008 ruling that held Jego liable for neglecting to prevent an inmate's suicide.

Authorities maintained administrative holding centers for foreigners whom they could not immediately deport. There were 26 holding centers on the mainland and three in the overseas territories.

The government permitted prison visits by independent local and foreign human rights observers. In November-December 2008 the Council of Europe's Committee for the Prevention of Torture (CPT) visited prisons in French Guiana. The CPT reported cases of low standards for hygiene facilities as well as overcrowding.

On October 13, the president signed into law a bill to make the detention system more humane, with less time spent in isolated special punishment cells and greater parole opportunities for inmates serving short sentences. The government aimed to triple the use of electronic tags and planned to release prisoners fitted with the devices four months before the end of their sentence.

To reduce overcrowding the government opened seven new prisons and created an additional 5,000 places during the year, with a long-term goal of gradually reaching national capacity of 80,000 beds by 2017. The government earmarked 30 million euros (\$42.9 million) for use during the year to renovate 165 jails, 15 million euros (\$21.5 million) to monitor short-term imprisonment, and 10 million euros (\$14.3 million) to purchase real estate for future corrections-related facilities. On August 18, the Ministry of Justice instituted an action plan to combat suicides that included such preventative measures as increasing prison guard training, "humanizing" inmate living conditions, providing at-risk inmates with "protective kits" of tearable sheets and blankets and flame-retardant mattresses, and implementing a solidarity and alert policy among prisoners. For the first time, the government now publishes prison suicide statistics biannually.

d. Arbitrary Arrest or Detention

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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 82 cases of wrongful incarceration in 2008.

Role of the Police and Security Apparatus

Under the direction of the Ministry of the Interior, Overseas France, and Local Authorities, a civilian force of 146,000 national police and a quasi-military national gendarmes force of 99,509 maintained internal security. In conjunction with specific gendarmes units used for military operations, the army is responsible for external security under the Ministry of Defense. Police and gendarmes were generally considered effective.

During the year, 24 "neighborhood police" ("police de proximité") units worked to curb juvenile delinquency and petty crime in neighborhoods with high levels of youth crimes.

Official impunity was not widespread. The inspector general of the national police (IGPN), the inspector general of police services (IGS), and the Office of Judicial Police investigated and prosecuted allegations of civil law enforcement brutality by all police forces and the gendarmes. The National Commission on Security Ethics (CNDS) investigated allegations of misconduct by municipal police, gendarmes, and private security forces and reported its findings to the prime minister and parliament. According to the 2008 CNDS report, the most recent year for which data was available, the number of complaints increased by 26 percent during 2007 to 147 cases, compared with 117 in 2006.

Created in 2000, the CNDS investigates claims regarding impropriety by law enforcement officers and ensures the compliance of ethical standards for all persons responsible for implementing the law. In July 2008 the independent CNDS merged into a larger body called the Defender of Rights, which Amnesty International criticized during the year as a less effective organization.

Drawing on cases from 2008 and earlier, Amnesty International in April criticized police for brutality and improper procedures and oversight organs for inadequate monitoring of police behavior. During the year there were occasional reports that police used violence during counterriot operations. On July 13, police fired a "flash-ball" too close to a crowd during a riot in Montreuil, causing a protester to lose an eye. On April 4, demonstrators filmed police throwing stones at protestors during an anti-NATO protest and released the footage to the local newspaper. At year's end, the IGS and IGPN were investigating both incidents.

Police corruption was generally not a problem. The IGS, IGPN, and the Inspectorate of the National Gendarmerie (IGN) actively investigated and prosecuted allegations of police and gendarme corruption. However, Amnesty International accused the government of failing to punish properly all cases of police misconduct and corruption.

Arrest Procedures and Treatment While in Detention

The law requires police to obtain warrants based on sufficient evidence prior to detaining suspects, but police can immediately arrest suspects caught in the act. Individuals have the right to a judicial ruling on the legality of their detention during the first hour, and authorities generally respected this right in practice. Authorities must inform detainees of charges against them once they are in police custody. A system of bail exists and was utilized. Detainees generally had access to a lawyer, and the state provides legal counsel if the detainee is indigent.

In cases involving terrorism or drug trafficking, the law allows longer periods of detention before notification to counsel. Authorities may hold such suspects for up to 96 hours without charge or access to a lawyer and may petition a judge to extend detention by an additional 48 hours. After a maximum of six days, suspects must either be charged or released.

However, in cases involving terrorism or drug trafficking, the law allows for longer periods of detention before notification to counsel. Authorities can hold terrorism suspects for up to 96 hours without charge or access to a lawyer and may petition a judge to extend detention by an additional 48 hours. After a maximum of six days, suspects must either be charged or released.

On August 19, police invoked the antiterrorism law to prolong the detention of three suspected members of the terrorist organization Basque Fatherland and Liberty (ETA). During the year alleged railway saboteur Julien Coupat spent six months in preventive detention following four days in police custody.

In November Amnesty International criticized the country's system of multiple periods of detention during investigation of an alleged crime and accused authorities of inadequate investigations of complaints.

Long delays in bringing cases to trial and lengthy pretrial detention were problems. Pretrial detention was generally allowed only if the suspect could be sentenced to more than three years in prison for crimes against property. However, a few suspects spent many years in detention before trial, a practice that officials attributed to changing judicial laws and insufficient government resources. According to government statistics for 2007, the most recent year for which they were available, the average length of pretrial detention was 5.7 months, an increase of 10 percent since 2001.

e. Denial of Fair Public Trial

The constitution and law provide for an independent judiciary, and the government generally respected judicial independence in practice. However, delays in bringing cases to trial were a problem. During the year the government lost six cases in the ECHR for improper arrest, lack of fair hearing, and unreasonable length of the judicial process.

The Tribunal of the Armies, in 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. Defendants enjoy a presumption of innocence and have the right to appeal. Except for those involving minors, trials are public and usually held before a judge or tribunal of judges. In cases where the potential punishment exceeds 10 years' imprisonment, a panel 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.

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.

A 2008 report by the independent government agency, the National Commission on Security Ethics (CNDS), described a quasi-systematic practice of strip searches during secondary inspection by the national police.

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. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press.

There were some limitations of freedom of speech and of the press. Strict antidefamation laws prohibit racially or religiously motivated verbal and physical abuse. Written or oral speech that incites racial or ethnic hatred as well as denial of the Holocaust and crimes against humanity are illegal. On October 27, comic Dieudonne M'Bala M'Bala was fined 14,300 euros (\$20,400) by a Paris court for lauding a renowned Holocaust denier, Robert Faurisson, during a show. Authorities may deport a noncitizen for publicly using "hate speech" or constituting a threat of terrorism.

Beginning on March 4, the law prohibits primetime advertising from state-funded television networks and authorizes the president to name the head of public broadcasting. The board of the public television network began voluntarily implementing the prohibition in December 2008 and was compensated 450 million euros (\$644 million) by the government for the loss of profit during the year.

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 engage in the peaceful expression of views via the Internet, including by e-mail. According to International Telecommunication Union statistics for 2008, approximately 68 percent of the country's inhabitants used 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 constitution and law provide for freedom of religion, and the government generally respected this right in practice.

The law prohibits discrimination on the basis of faith. However, some Christian, Jewish, Muslim, and Sikh leaders remained concerned about the prohibition against "conspicuous" religious symbols by employees and students in public schools, including Muslim head scarves and burkas; Jewish skullcaps; and large crosses, as a possible restriction of religious freedom.

During a June 23 speech, President Sarkozy asked parliament to consider a prohibition on the burka, stating that burkas "were not welcome in France." Lawmakers established a burka factfinding mission on June 24 with nonbinding recommendations due in January 2010. On August 1, a Muslim woman wearing a "burkini" bathing suit that fully covered her head and body was denied entry into a public pool. Regional public officials stated that she was not in compliance with strict public health regulations which prohibit swimming in street clothing for hygienic reasons.

Groups of religious believers that did not seek status as a religion were free to meet and conduct religious practice. Under the law, a religious group must disclose certain management and financial information when applying to the local prefecture for tax-exempt status as an association of worship. As of year's end, the ECHR had not ruled on the Jehovah's Witnesses' appeal of the government's denial of tax-exempt status, which made donations to the church subject to a 60-percent tax.

Government action against fraudulent organizations was limited by an amendment to the About-Picard law on May 12, which blocked the government's ability to ban an organization and its legal activities in the country as the maximum penalty for a fraud conviction.

Societal Abuses and Discrimination

Representatives of the Church of Scientology continued to report cases of societal discrimination. On October 27, a Paris court found the Church of Scientology and its top officials in the country guilty of organized fraud. The court fined the organization 600,000 euros (\$858,000), and two of the top officials were fined 30,000 euros (\$42,900) each. The Church of Scientology in France appealed the verdict.

The Jewish community was estimated to number 600,000 persons. There were reports of a number of anti-Semitic incidents during the year, including slurs against Jews and attacks on synagogues and cemeteries. According to the Ministry of Interior, Overseas France, and Local Authorities, there were 832 anti-Semitic incidents, nearly double the 474 reported in all of 2008. The ministry noted that 354 of the incidents occurred during the January conflict in the Gaza Strip. The report of the Protection Service of the Jewish Community (SPCJ) covering the year tallied 658 acts involving graffiti and threatening gestures and 174 incidents of vandalism and violence. In the months that followed the Gaza conflict, the number of reported incidents decreased to a rate of 43 per month, which roughly reflected the monthly average for 2008.

Jewish leaders credited the government's strict enforcement of anti-Semitism laws with preventing more violence after the initial response to the Gaza conflict. Despite the decrease in the average number of anti-Semitic acts after January, both Jewish and Muslim leaders indicated the tension between the two groups, particularly among their youth, was reduced but unresolved. The Jewish Agency for Israel reported that 1,909 French Jews emigrated to Israel during the year, 36 percent fewer than the 3,000 in 2006. In the agency's view, the last time tension between the Jewish and Muslim communities in France reached a similar high was after the war between Israel and Hizballah and the murder of Jewish youth Ilan Halimi.

On July 10, a Paris court sentenced Youssouf Fofana to life in prison with no possibility of parole for 22 years and convicted 26 members of the "gang of barbarians" for the kidnapping, torture, and killing of a 23-year-old Jewish man, Ilan Halimi. Two of Fofana's most active accomplices received sentences of 15 and 18 years in prison, and others received sentences ranging from six months to nine years. Fofana appealed the verdict.

Members of the Arab Muslim community continued to experience acts of harassment, particularly against immigrants of North African origin. According to the 2008 National Consultative Commission on Human Rights (NCCHR) report, there were 467 actions and threats of racist or xenophobic nature in 2008, an increase from 321 in 2007.

According to press reporting throughout the year, mosques in Castres, Maubeuge, Montjoie-Saint-Martin, and Estevelles, among others, were desecrated with xenophobic slogans and anti-Islamic graffiti. On November 10, police in Nantes arrested four students at the construction site of a new mosque for vandalism. According to the NGO Human Rights First, on August 20, three persons were detained for allegedly vandalizing a mosque in Toul with depictions of pork meat, racist slogans, and Nazi inscriptions.

According to representatives for the Jehovah's Witnesses community, there were 55 acts of vandalism against the group in 2008, the most recent year for which data was available, including Molotov cocktails thrown at Jehovah's Witnesses' property. No individuals were targeted during that year.

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

For a more detailed discussion, see the *2009 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 internally displaced persons, 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 with a fixed domicile to sign a declaration that must be renewed periodically. Itinerant persons without a fixed abode must possess travel documents which are renewed every three months and must choose a city of residence for administrative purposes.

Protection of Refugees

The country is a party to the 1951 Convention relating to the Status of Refugees and the 1967 Protocol relating to the Status of Refugees. Its laws provide for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. The system for granting refugee status was active and accessible.

Although asylum application forms submitted to the Office for the Protection of Refugees and Stateless Refugees (OFPRA) must be completed in French, application instructions were available in English, Albanian, Russian, Serbo-Croatian, Turkish, Tamil, and Arabic.

In practice the government provided protection against the expulsion or return of persons to countries where their lives or freedom would be threatened because of race, religion, nationality, membership in a particular social group, or political opinion. Authorities take into account the ability of the state concerned to offer protection to the person in danger from persecution by nonstate agents. However, in October and December, human rights groups criticized the government's expulsion practices, pointing out that the government was deporting illegal Afghan immigrants back to a war-torn country. During the year, 29,000 illegal immigrants were deported, according to Minister of Immigration Eric Besson.

On August 31, Paris mayor Bertrand Delanoë asked Prime Minister Francois Fillon to provide services for the estimated 300 homeless Afghan youths in the 10th district of Paris. Fillon committed city resources to providing lodging and medical care for up to 700 unaccompanied foreign minors and identified 70 Afghan exiles for the Welcome Center for Asylum Seekers.

In November the NGO Human Rights Watch criticized the government for substandard treatment of unaccompanied minor children arriving at the country's international airports.

The government also provided temporary protection to individuals who may not qualify as refugees but who may be exposed to certain serious risks if they returned to their country of origin. Temporary protection was granted to 11,441 persons in 2008, according to OFPRA. Individuals may renew their status for a period of one year.

Stateless Persons

According to UNHCR statistics, there were 1,006 stateless persons in the country at the end of 2008. Stateless persons in receive benefits from OFPRA, which is charged with the implementation of international conventions on refugees and stateless persons.

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

The constitution and law provide citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections based on universal suffrage. Political parties generally operated without restriction or outside interference.

Travellers (an itinerant group of individuals that may also include Roma if they do not have fixed abodes) were permitted to vote in municipal elections only after a three-year period of "attachment" to a municipality. Romani groups asserted that this requirement, which is based on special legislation applying only to itinerant groups, was discriminatory, since other French and EU citizens, including homeless persons, were able to vote after only a six-month attachment period.

Elections and Political Participation

The 2007 national parliamentary and presidential elections were free and fair.

On June 6-7, the country held elections to the European Parliament that were considered free and fair.

As a result of the September 2008 senatorial elections, 182 women sat in the two chambers of the 920-seat parliament, 107 in the National Assembly and 75 in the Senate. As of December 31, there were 13 female ministers in the 37-member ministerial cabinet. Women made up 47 percent of regional council members, 13 percent of 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. The law requires political parties to present voting lists containing equal numbers of male and female candidates or face fines.

The law prohibits the government from collecting information on the racial or ethnic background of residents of the country. As a consequence, no statistics on minority participation in the government were available. With the exception of parliamentary representatives from some of the overseas territories where the populations were predominantly of non-European origin, minorities appeared to be significantly underrepresented in the government. As of year's end, there was only one black member of the National Assembly. During his tenure, President Sarkozy has appointed three female minority officials to his cabinet.

Section 4 Official Corruption and Government Transparency

The law provides criminal penalties for official corruption, and the government generally implemented these laws effectively. There were some reports of government corruption during the year.

On December 16, former president Jacques Chirac was questioned by Paris judges about alleged corruption when he was mayor of Paris from 1977 to 1995. On October 27, a Paris court fined former minister of interior and senator Charles Pasqua 100,000 euros (\$143,000) and sentenced him to a year in prison for accepting bribes in an arms deal with Angola

in 1994. In addition he was sentenced to 18 months of suspended custody for corruption in authorizing the construction of a casino in 1994.

Former Henin-Beaumont mayor Gerard Dalongeville was removed from office on May 2 for corruption and was under investigation for the period of 2001-09. On May 20, a Paris court ruled that Pierre Bedier, the former president of the General Council of Yvelines, was ineligible for reelection due to corruption and the misappropriation of public goods in 2003. On June 8, the Council of State found Serge Dassault, senator and former mayor of Corbeil-Essonnes, guilty of paying constituents for votes in the municipal election in 2008.

The president, parliamentarians, members of the European Parliament, ministers, regional and departmental council heads, mayors of larger communities, and directors of state-owned companies (post office, railway, and telephone) are required to declare their personal assets to the Commission for the Financing Transparency of Political Life at the beginning and the end of their terms. The commission issued periodic reports on officials' financial holdings on a discretionary basis at least once every three years.

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

Section 5 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, investigated, and published their findings on human rights cases without government restrictions. Government officials were cooperative and responsive to their views.

The High Authority for the Struggle against Discrimination and for Equality (HALDE) is the independent administrative authority that judges all discrimination, direct or indirect, that is prohibited by law or an international agreement to which the country is a party. The National Consultative Commission on Human Rights (CNCDH) serves in an advisory role to the government on human rights and produces an annual report on racism and xenophobia in the country. A member of the Council of Europe, the country is subject to the rulings of the independent judicial body, the ECHR.

Section 6 Discrimination, Societal Abuses, and Trafficking in Persons

The constitution and law prohibit discrimination based on race, gender, disability, language, or social status, and the government generally enforced these prohibitions.

Women

The law criminalizes rape, including spousal rape, and the government generally enforced the law effectively. The penalty for rape is 15-years' imprisonment and may be increased due to 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 hotlines for rape victims. The Ministry of the Interior, Overseas France, and Local Authorities reported that the number of reported rapes increased by 1.4 percent from 10,132 in 2007 to 10,277 in 2008. According to the NGO Observatory of Violence towards Women, as many as 177,750 cases of rape occur each year.

Violence against women was a problem. The law prohibits domestic violence against women, including spousal abuse, and the government generally enforced it. The penalty for domestic violence varies according to the type of crime and ranges from three years in prison and a fine of 45,000 euros (\$64,400) to 20-years' imprisonment. The government

sponsored and funded programs for female victims of violence, including shelters, counseling, hotlines, and mobile phones. The government also supported the work of 25 associations and NGOs dedicated to the fight against domestic violence by labeling them a "great national cause." The government funded a media campaign denouncing domestic violence. There was a 6 percent decrease from 2007 to 2008 in the number of women killed by their spouses in domestic violence (from 166 to 156). According to estimates by the National Institute for Statistics and Economic Studies (INSEE), 675,000 women were victims of domestic violence during the two years that ended December 31. The law prohibits female genital mutilation (FGM) as "violence involving mutilation or permanent infirmity." It is punishable by up to 10 years in prison and a fine of 150,000 euros (\$215,000). The sentence increases to 15 years if the crime involves a minor under 16 years of age.

According to the association Group for the Abolition of Sexual Mutilations, 65,000 adult and minor women were either victims of FGM or under threat of it, while the INED reported that 53,000 women were under threat of FGM during the year.

The majority of victims were recent sub-Saharan African immigrants or their children. One study concluded that FGM had become less prevalent due to awareness campaigns, but prevention and information efforts were needed to cover children at risk during family visits to their countries of origin. The government provides reconstructive surgery and counseling for FGM victims. The government launched a media campaign in April to fight against FGM domestically and internationally with leaflets and posters.

Prostitution is legal; however, the law prohibits procuring, aiding, assisting, maintaining, publicly soliciting, 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 remained a problem. The government created a Web site where individuals could report cases. It also funded campaigns on child prostitution on all major television channels. The Ministry of Economy, Industry, and Employment, which is responsible for tourism, mandated that all tourism students complete courses designed to develop awareness of the problem of sex tourism. The Ministry of Foreign and European 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 of France.

On March 11, a Colmar court sentenced two men to seven years in prison for sex tourism with minors in Cambodia and Thailand.

During the year the past activities of Minister of Culture Frederic Mitterrand became a public issue. In his 2005 literary work, Mitterrand admitted to engaging in sex tourism in Thailand in the 1970s. However, he has publicly denied paying for sex with minors.

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 the Interior, Overseas France, and Local Authorities, the number of reported sexual harassment cases dropped by 12 percent from 2006 to 2007, the most recent year for which data was available; the statistics did not specify the gender of the victims.

There was easy access to contraception, skilled attendance during childbirth, and women were diagnosed and treated for sexually transmitted infections, including HIV, equally with men. Couples and individuals were free to decide the number,

spacing, and timing of their children, and had both the information and means to do so free from discrimination, coercion, and violence.

Under the constitution and law, women have the same rights as men in family law, property law, and the judicial system. The secretary of state for solidarity is responsible for the legal rights of women. The constitution and law provide for equal access to professional and social positions. The law requires that women receive equal pay for equal work. However, various governmental organizations and NGOs estimated that there was a gender-based pay discrepancy of approximately 25 percent in practice. Although they made up 58.5 percent of the state sector's workforce, women were underrepresented in managerial jobs and continued to face difficulties attaining positions of responsibility. According to a survey of the top 40 companies in the country released during the year, 10.5 percent of executive-board members were women. Although approximately 22 percent of government cabinet ministers were women, women were generally underrepresented in the legislature and other levels of government leadership. In the third quarter of the year, the unemployment rate was 9.5 percent for women compared with 8.8 percent for men.

Children

Citizenship is derived both by jus sanguinis and jus soli. Children born within the country's territory to at least one French citizen parent automatically acquire citizenship at birth. A child born in the country to foreign parents may acquire citizenship at birth if stateless or acquire the right at age 18 with five years of residence.

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. Child abuse was generally not considered a problem.

The government provided counseling, financial aid, foster homes, and orphanages for abuse victims. 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. Parents may be prosecuted. Women and girls could seek refuge at shelters if their parents or guardians threatened them with a forced marriage. 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 marriage. The minimum legal age of marriage is 18. In April the government launched a media campaign to fight against forced marriages. According to human rights observers, 70,000 teenagers between the ages of 10 and 18 were at risk of being forced into a marriage.

The law criminalizes statutory rape of minors under age 16, the minimum age of consensual sex, and the government generally enforced the law effectively. The penalty for statutory rape is 15 years' imprisonment and may be increased due to 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 hotlines for statutory rape victims. The law prohibits child pornography, and the maximum penalty for its use and distribution is five years' imprisonment and a 75,000 euro (\$107,000) fine.

Trafficking in Persons

The constitution and law prohibit trafficking of persons for all purposes. However, trafficking of women, men, and children for commercial sexual exploitation, forced labor, and petty crime was a problem. Antitrafficking laws were used to address exploitative labor practices in cases involving both males and females.

The country was a destination for victims, primarily women, trafficked from Africa (notably Cameroon and Nigeria), Central and Eastern Europe (notably Bulgaria and Romania), the former Soviet Union, and increasingly Asia (notably China) for prostitution and domestic servitude.

Officials in French Guiana reported two trafficking investigations in the territory during the reporting period, one involving the possible forced labor of Chinese victims and the other a sex trafficking case involving a Brazilian minor.

Traffickers operated principally in small criminal networks, some of them linked to larger international trafficking gangs, particularly from Bulgaria, Albania, and West Africa that included both citizens and foreigners. They used various methods to recruit and retain victims including force, fraud, theft of identification document, cultural isolation, and physical and psychological abuse. Some victims came to the country willing to work in prostitution and were subsequently exploited by pimps and traffickers. In other cases, traffickers kidnapped or "bought" women and girls elsewhere and sold them to larger prostitution networks that trafficked them into the country.

In 2008, the most recent year for which data was available, authorities initiated more than 500 court cases for soliciting and dismantled more than 23 pimping networks. During that year, 822 victims were identified, compared with 1,218 in 2007.

In July a Clermont court charged two French citizens and a Swiss national with operating a prostitution ring of 1,700 Central and East European women via the Internet.

Apart from social assistance, trafficking victims may be given a provisional residence permit on the condition that they cooperate with police in securing the arrest of the person who controlled them. Trafficking victims involved in prostitution, who turned in their pimps or the trafficking ring in which they were involved could receive a one-year temporary residence card with permission to work and a 10-year residency card once the case went to trial. However, immigration laws were not always applied consistently due to public officials' lack of familiarity with them and did not adequately address the difficulty that victims faced finding alternate employment.

Trafficking in persons is punishable by up to seven years' imprisonment and a fine of up to 150,000 euros (\$215,000). The penalty increases to 10-years in prison and a 1.5 million euro (\$2.2 million) fine if the victim is a minor, pregnant, or a "vulnerable person." 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 were increasingly using the antitrafficking law to prosecute these cases; however, charges in the majority of cases were under antipimping statutes.

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

The government continued to screen and to 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 minor's best interests. Numerous NGOs dealt with trafficking in persons and prostitution. Social Aid to Children, the national social service's branch for childcare, was responsible for caring for and assisting victims under the age of 22.

In December 2008 the government set up an interministerial trafficking working group led by the Central Office for the Suppression of Trafficking in Human Beings (OCRTEH). On February 5, the government asked prefects to deliver the right of residency to victims of human trafficking or sexual exploitation. It also continued an awareness campaign regarding female prostitutes who may be victims of trafficking.

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

Persons with Disabilities

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

During the year, according to INSEE, 18 percent of persons with disabilities were unemployed, more than twice the national unemployment rate. The law requires companies with more than 20 employees to ensure that persons with disabilities make up 6 percent of the company work force. Noncompliant companies can face criminal fines that benefit the National Association for the Professional Integration of the Disabled, a certified joint collecting body of workers and employers unions that funds training for disabled professionals. However, many companies admitted to being unaware of their legal obligations. For those companies subject to the law, the average employment rate of persons with disabilities was approximately 5 percent.

The law provides compensation to persons for the consequences of a disability and requires their access to buildings, education, and employment. The law requires that any new building with public or community space and any existing public building be accessible for persons with disabilities. Many existing buildings as well as transportation systems did not yet meet these requirements. The law also requires the establishment of centers in each administrative department to assist persons with disabilities with receiving compensation and employment assistance.

National/Racial/Ethnic Minorities

Societal violence and discrimination against the country's large immigrant population remained a problem. The problem continued to be particularly severe on the island of Corsica, where attacks caused some families to move to the mainland or to return to their countries of origin. While ethnic tensions have been a problem in Corsica in recent years, there were signs of improvement. In 2007, the most recent year for which data was available, a total of 187 attacks took place in Corsica, a 20 percent decrease from the 235 attacks that occurred in 2006. The government publicly criticized and addressed incidents of violence against immigrants.

On September 11, Brice Hortefeux, the minister of the interior, overseas France, and local authorities made allegedly racist comments about Arabs on camera. Following the incident, the NGO Movement against Racism and for Friendship between Peoples (MRAP) lodged a complaint with HALDE, and the minister's comments were under investigation at year's end. On September 9, the prefect and local coordinator for Reunion, Paul Girot de Langlade, was forced to resign after an official inquiry found him guilty of racism, based on a complaint by a security employee of Caribbean origin at Orly Airport.

Many observers expressed concern that discriminatory hiring practices in both the public and the private sectors prevented minorities from sub-Saharan Africa, the Maghreb, the Middle East, and Asia from equal access to employment.

According to a 2008 survey by INSEE, the unemployment rate of immigrants was twice as high as that of nonimmigrants (13.2 percent versus 6.8 percent). The unemployment rate among legal immigrants varied with the country of origin. Immigrants from Algeria and Turkey faced a three times higher risk of unemployment than did nonimmigrants, while unemployment among immigrants from such EU countries as Spain, Italy, and Portugal was only 1 percent lower than that of the nonimmigrant population. INSEE attributed those variations to differences in professional qualification.

Romani organizations alleged that both itinerant Roma and Roma with fixed abodes faced discrimination in education, housing, and access to government services. Housing and other discrimination problems were particularly acute for

itinerant Roma and "Travellers," as some mayors denied school registration to children whose parents lived in illegal campsites. An October 2007 report of the National Institute of Educational Research noted that Roma and Travellers benefited from a special status that authorizes children discontinuous school attendance without justification. School registration rates for Roma and Travellers were 66.7 percent in kindergarten, 81.8 percent in primary schools, and 78.8 percent in high school, but absenteeism and breaks within the education system were frequent.

Travellers and itinerant Roma were subject to laws that did not apply to residents with permanent residences. Individuals over the age of 16 not settled in one place must have a periodically renewed travel permit. Any delay in renewal entails a maximum fine of 1,500-euro (\$2,150) fine. Authorities did not consider itinerant Roma or Traveller caravans to be housing. As a result, they 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 year's end, more than half of the municipal authorities had established 16,000 campsites. However, there was still a shortage estimated at over 20,000 sites (according to authorities) or up to 60,000 sites (according to NGOs).

According to NGOs the government imposed administrative barriers to employment of itinerant Roma and Travellers. Although citizens of member states of the EU, Travellers, itinerant Roma, and other itinerant groups must obtain special authorization from their local prefecture in order to work in the country; this application process can take up to nine months and can cost over 700 euros (\$1,000), according to the NGO the Voice of the Roma.

Citizens may report cases of discrimination based on national origin and ethnicity to the HALDE. In 2008 the HALDE received 7,788 discrimination claims, half of which regarded employment.

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 managed antidiscrimination educational programs. The 2008 plan *Hope for Suburbs* combined security, employment, housing, and education measures into a package of initiatives to improve living conditions and opportunities for the citizens, particularly youth, of the country's multiracial suburbs. The government allocated 12 billion euros (\$17 billion) during the year to fund the plan, whose implementation began in June 2008. However, implementation continued to be slow.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

The constitution prohibits discrimination on the basis of gender, and there are laws prohibiting discrimination on the basis of sexual orientation in employment or service, public or private. Authorities pursued and punished perpetrators of violence against lesbians, gays, bisexuals, and transgender persons (LGBT). The NGO SOS Homophobia reported 1,248 homophobic acts in 2008, a 3 percent decrease from 2007. In 2007 there were 132 instances of physical assault. After the NGO Inter-LGBT claimed that homosexual minors were frequently targeted for violence, the Ministry of National Education responded by asking schools to introduce lessons on tolerance and diversity.

Other Societal Violence or Discrimination

There was no societal violence or discrimination against persons with HIV/AIDS.

Section 7 Worker Rights

a. The Right of Association

The constitution and law provides workers, including migrant workers, the right to form and join unions of their choice without previous authorization or excessive requirements, and workers exercised these rights in practice on the mainland

as well as in the overseas territories. 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. Illegal migrant workers in Paris ("sans-papiers") also conducted strikes without reprisal throughout the year in order to protest their employment conditions.

b. The Right to Organize and Bargain Collectively

The law provides for the right to bargain collectively, and workers exercised this right freely. Approximately 8 percent of the workforce maintained formal union membership, while approximately 90 percent of workers in the formal economy operated under collective bargaining agreements negotiated by trade union representatives.

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.

Men, women, and children continued to be trafficked for the purpose of forced labor, including domestic servitude, many from Africa. The Committee against Modern Slavery reported that there were 164 cases of forced labor in 2008.

There were press reports that undetermined numbers of undocumented immigrants experienced substandard pay and working conditions.

Forced or compulsory child labor occurred. Although there are strict laws against trafficking in persons for domestic labor, the press reported cases of forced child labor in households, but no government statistics substantiated the claim. The press reported that some African boys were victims of trafficking and lured into forced labor within the professional soccer industry. The Committee against Modern Slavery received 200 complaints in 2008.

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. Child labor was generally not a problem. Persons under the age of 16 are prohibited from working, with a few exceptions for those enrolled in certain apprenticeship programs or working in the entertainment industry. They may not work after 8:00 p.m. Persons under the age of 18 are generally prohibited from performing work considered arduous or working between 10:00 p.m. and 6:00 a.m. Labor inspectors from the Ministry of Labor, Labor Relations, Family, and Solidarity investigated workplaces and generally enforced compliance with child labor laws.

e. Acceptable Conditions of Work

In July the Council of Ministers raised the national minimum wage to 8.82 euros (\$12.61) per hour. The Ministry of the Economy, Industry, and Employment enforced the new wage. The minimum wage provided a decent standard of living for a worker and family. Salaries below the minimum wage were permitted for certain categories of employment, such as persons in subsidized jobs and internships, which must conform to separate, clearly defined standards. Employers, except those in the informal economy, generally adhered to the minimum wage requirement.

The official workweek is 35 hours. Companies may negotiate opt-outs with employees and increase the maximum number of working days for white-collar workers to 235 per year from 218 in 2008. Maximum hours of work are 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 at least 24 hours total, not including the daily rest period.

Employers were required to give workers a 20-minute break during a six-hour workday. Premium pay of 25 percent was mandatory for overtime and on weekends and holidays. These standards were effectively enforced.

The law sets basic occupational health and safety standards. The Ministry of Ministry of Labor, Social Relations, the Family, Solidarity, and Urban Affairs 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.

[1] The country includes 11 overseas administrative divisions covered in this report. Four overseas territories in French Guiana, Guadeloupe, Martinique, and Reunion, have the same political status as the 22 metropolitan regions and 100 departments on the mainland. Six divisions are overseas "collectivities": French Polynesia, Mayotte, Saint-Barthelemy, Saint-Martin, Saint-Pierre and Miquelon, and Wallis and Futuna. New Caledonia is a special overseas collectivity with a unique status between an independent country and an overseas department and will hold a referendum on independence in 2014. Following a March 29 referendum, Mayotte will become the 101st department in 2011. Citizens of these territories periodically elect deputies and senators to represent them in parliament, like the other overseas regions and departments.