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2010 Human Rights Report: France

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

2010 Country Reports on Human Rights Practices

April 8, 2011

France is a multiparty constitutional democracy with a population of approximately 64.7 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. Security forces reported to civilian authorities.

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; societal violence against women; child marriage in minority communities; anti-Semitic incidents; trafficking in persons; and hostility towards immigrants, Roma, and Travellers.

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, on July 16, security forces killed Karim Boudouda in an exchange of gunfire after he allegedly robbed a casino. The inspector general of the national police (IGPN) absolved the police involved because Boudouda opened fire first on the police. On July 17, police killed the driver of a car who refused to stop at a police checkpoint. According to police, the driver hit a police officer at the first checkpoint, carrying him on the hood of his car for several hundred yards. At the second checkpoint, the driver again refused to stop and drove straight at two other police officers, who shot and killed the driver. At the end of the year authorities continued to investigate the incident.

During the year authorities continued investigations into the 2009 deaths of two detainees while in police custody:

- In June 2009, 69-year-old Ali Ziri died of a heart attack while under arrest in Argenteuil. On May 17, the National Commission on Security Ethics (CNDS) recommended that the police officers involved be sanctioned for their role in his death. The prosecutor's investigation continued at year's end.

- In November 2009 Mohamed Boukrourou, a 41-year-old Moroccan citizen, died during a police arrest in Valentigney. The case remained under investigation at year's end.

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.

Prison and Detention Center Conditions

Prison and detention center conditions generally met international standards for men and women, and 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.

Prison overcrowding was a problem. At the end of the year the Ministry of Justice and Liberties reported that 60,544 persons were incarcerated in the country's 191 prisons, exceeding prison capacity by approximately 4,000. However, overcrowding improved compared with 2009, when overcapacity reached nearly 7,500.

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 72 prison suicides between January 1 and August 27, while credible sources in NGOs reported 118 prison suicides as of December 31.

On May 26, a Caen administrative court ordered the government to compensate six plaintiffs 500 to 3,000 euros (\$670 to \$4,020) each for failure to respect human dignity while in prison. On June 11, a Rouen administrative court ordered the government to compensate 38 prisoners and former prisoners of Rouen's prison 350 euros to 4,000 euros (\$469 to \$5,360) each for lack of basic hygiene in the prison. The Ministry of Justice and Liberties appealed the decision. On December 9, a Douai administrative court confirmed the judgment against the prison.

Authorities maintained administrative holding centers for foreigners whom they could not immediately deport. There were 24 holding centers on the mainland and three in the overseas territories.

On September 29, a judge ruled that the presence of a seven-month-old baby in the Metz detention center was illegal because it was "inhumane and degrading treatment." The baby was detained along with her parents, who were Albanian citizens living illegally in the country. The family was released from the detention center, but the deportation order remained in place.

Prisoners and detainees had reasonable access to visitors and were permitted religious observance. Authorities permitted prisoners and detainees to submit complaints to judicial authorities without censorship and to request investigation of credible allegations of inhumane conditions. Authorities investigated credible allegations of inhumane conditions and documented the results of such investigations in a publicly accessible manner. The government investigated and monitored prison and detention center conditions.

The Inspector General for Places of Detention, an independent authority, assures that detainees' fundamental rights are respected. In addition detainees may address issues about the prison or justice system to the state mediator or his delegate.

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The government permitted prison visits by independent, local, and foreign human rights observers. The UN Committee against Torture (CAT) examined the country's prisons during the year. The Council of Europe Committee for the Prevention of Torture also conducted an inspection of prisons. The reports of these visits were not yet published at year's end.

At the end of the year, 5,767 prisoners were under electronic surveillance, a 19.5 percent increase compared with 2009. New prisons have gymnasiums, outdoor recreation areas, and family spaces. The Ministry of Justice and Liberties increased prisoner access to work, sports, libraries, worship, cultural services, education, and training programs during the year. On October 28, the Ministries of Justice and Liberties, and of Labor, Employment, and Health launched a strategic action plan for the period 2010-14 to improve the physical and mental health of prisoners and to strengthen the suicide prevention policy.

To reduce overcrowding, the government opened four new prisons with an additional 1,230 places during the year, with a long-term goal of gradually reaching national capacity of 80,000 beds by 2017. The government increased the budget for the prison system by 10 percent, to 2.1 billion euros (\$2.8 billion) during the year. In August 2009 the Ministry of Justice and Liberties 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.

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 47 cases of wrongful incarceration in 2009, the last year for which data is available.

Role of the Police and Security Apparatus

Under the direction of the Ministry of the Interior, Overseas France, Local Authorities, and Immigration, a civilian force of 144,000 national police and a quasi-military national gendarmes force of 98,000 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, 60 neighborhood police (police de proximite) units worked to curb juvenile delinquency and petty crime in neighborhoods with high levels of youth crimes.

Official impunity was not widespread. The 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 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 2009 CNDS report, the most recent year for which data was available, the number of complaints increased by 4 percent during 2008 to 153 cases, compared with 147 in 2007.

The CNDS investigates allegations of improper conduct by law enforcement officers and helps assure that all persons responsible for law enforcement comply with ethical standards. While individuals who allege that they have been subjected to police mistreatment do not have direct access to the CNDS, their complaints may be referred to the CNDS

through a member of parliament or other intermediary. In its annual global report released on May 27, Amnesty International (AI) highlighted cases of excessive force and other abuses by police in the country.

On November 29, police in Colombes used a Taser to subdue a man, who died shortly thereafter. Initial autopsy results were inconclusive as to the cause of death. On December 12, police in Marseille fired a "flash-ball" at a man to break-up a violent altercation. The flash-ball hit the man in the thorax, and he later died from his injuries. The IGS continued to investigate both incidents at the end of the year.

During the year there were occasional reports that police used violence during counterdemonstration operations. On March 19, police fired a flash-ball close to a crowd during a demonstration in Toulouse, causing a student to lose an eye. Prosecutors filed charges against the police officer involved for voluntary aggravated assault. The date of the trial was not set at the end of the year. On May 1, police fired a flash-ball close to a crowd during a violent demonstration in Neuilly-sur-Marne, causing a protester to feel dizzy for several days. At year's end the IGS and IGPN were still investigating the incidents.

On March 24, Marseille's criminal court sentenced a police officer to nine years in prison for the rape and sexual assault of five women while they were in police custody.

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. Suspects must be either charged or released, after a maximum of six days.

During the year police invoked the antiterrorism law to prolong the detention of more than 30 suspected members of the terrorist organization Basque Fatherland and Liberty (ETA). At year's end the suspected ETA members remained in detention and under investigation. The dates of their trials were not set.

In January, in an unprecedented decision, a criminal court in Paris rejected five separate police requests to keep suspects in custody without charge on the grounds that defense lawyers could not appropriately exercise the defendants' rights while in custody.

AI criticized the country's system of allowing multiple, successive periods of detention during the investigation of an alleged crime and accused authorities of inadequate investigations of complaints. During the year authorities held suspects in custody without charge in 700,000 instances. On July 30, the Constitutional Council found that the laws regulating custody without charge are unconstitutional. The council stated that the custody without charge rules could remain in place until July 1, 2011, but need to be abolished thereafter. The law allows police to hold anyone suspected of having committed a crime in detention for up to 24 hours, which can be extended for an additional 24 hours regardless of the seriousness of the crime. In very limited circumstances involving the most serious crimes, detainees are not informed of their right to remain silent or allowed access to a lawyer.

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. 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.

The Tribunal of the Armies is a military court for acts committed outside of the country. The court tries only military personnel. In July parliament closed the Tribunal of the Armies effective January 1, 2011. The Magistrate Court of Paris will assume responsibility for the cases of the Tribunal of the Armies.

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. 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 have the right to be present and to consult with an attorney in a timely manner. An attorney is provided at public expense if needed when defendants face serious criminal charges. 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 relevant to their cases. Defendants have a right to appeal.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Regional Human Rights Court Decisions

During the year the European Court for Human Rights (ECHR) found 27 violations by the government of the European Convention on Human Rights. On October 14, the ECHR ruled that the country's custody without charge procedures did not provide for due process. The court stated that persons held in custody must have access to a lawyer from the beginning and during all interrogations and had the right to remain silent. However, the Constitutional Council had previously ruled on July 30 that the country's custody without charge rules were unconstitutional and must be abolished by July 1, 2011.

In general the government complied with ECHR decisions.

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 2009 report by the independent government agency, the CNDS, described a quasi-systematic practice of strip searches during secondary inspection by the national police. The practice continued during the year. However, detainees were no longer searched a second time if they were transferred from the national police to the gendarmerie.

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. Authorities may deport a noncitizen for publicly using "hate speech" or constituting a threat of terrorism. On November 9, the government for the second time deported a "radical" imam, Ali Ibrahim el-Soudany, to Egypt for his hostile comments about the West. Interior Minister Hortefeux stated that government authorities had been following el-Soudany's increasingly "dangerous" preaching since 2008. He was previously deported in January but managed to reenter the country.

On October 21, the NGO SOS Racism filed a lawsuit against perfumer Jean-Paul Guerlain following an October 15 national television interview about a new perfume he produced. During the interview he used a racial epithet for ethnic Africans. A trial date was not set at the end of the year.

On December 15, the Fort-de-France criminal court convicted businessman Alain Huygues-Despointes for praising crimes against humanity. The conviction stemmed from a February 2009 television interview he gave where he said there were "positive aspects" of slavery and criticized mixed-race marriages because he said he wanted to "preserve" his race. The judge ordered him to pay a 7,500-euro (\$10,050) fine. His lawyers said that he would appeal the ruling.

Individuals could criticize the government publicly or privately without reprisal. The independent media were active and generally expressed a wide variety of views without restriction. The law prohibits primetime advertising from state-funded television networks and authorizes the president to name the head of public broadcasting.

On August 23, the president named Remy Pfmilin as the head of public broadcasting. The same day, Pfmilin fired journalist Arlette Chabot, who served as news director for France 2 television. Chabot had previously broadcast news pieces critical of the president, and the president had complained openly about public broadcasting's treatment of government policy in its news reports.

On January 4, parliament passed a law that provides additional protections to journalists and limits the instances where the government can compel them to reveal their sources. Under the law journalists can only be compelled to reveal sources in cases where serious crimes have taken place and access to the sources is required to complete the investigation.

On September 13, the newspaper *Le Monde* filed a lawsuit against the president's office, alleging that it violated the law providing for the secrecy of journalistic sources by ordering counterintelligence services to find the source of a leak in its investigation of a government corruption scandal. The case continued at year's end.

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 2009, approximately 72 percent of the country's inhabitants used the Internet. There were no reports that the government attempted to collect the personally identifiable

information of a person in connection with that person's peaceful expression of political, religious, or ideological opinions or beliefs.

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 freedoms of assembly and association, and the government generally respected these rights in practice.

c. Freedom of Religion

For a complete description of religious freedom, please see the *2010 International Religious Freedom Report* at <http://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 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.

On July 28, President Sarkozy made a speech linking increased crime rates with the Romani and Traveller communities. He announced that the government planned to dismantle 300 unauthorized camps within three months and to repatriate Roma living illegally in the country to their countries of origin. According to EU and the country's regulations, Romanian and Bulgarian citizens (who comprised the bulk of the Romani migrants) may remain in the country for a maximum of three months unless they are employed or enrolled in school.

The government offered Roma living illegally in the country voluntary repatriation. It provided each person who accepted voluntary repatriation with a plane ticket and 300 euros (\$402) per adult and 100 euros (\$134) per child. Those who did not accept voluntary repatriation were processed for deportation. While immigration judges approved most deportation orders, they refused some. According to government officials, authorities deported 977 Romanian and Bulgarian Roma from the country between July 28 and August 29. NGOs reported that many Roma who accepted voluntary repatriation returned to the country by the end of the year.

Although the government had been conducting similar deportations for several years with very little media attention, the publicity surrounding the dismantling of unauthorized settlements and subsequent deportations created significant public debate over the policy. NGOs, including AI, Human Rights Watch, and the European Roma Rights Center, accused the government of engaging in actions that served to stigmatize a minority group. The UN Committee on the Elimination of Racial Discrimination, the European Parliament, and other intergovernmental bodies also lodged concerns over the policy. In mid-September, European Commission Vice President Viviane Reding announced the initiation of legal proceedings against the country. The government maintained that it was only enforcing EU and national law and called on the EU to do

more to promote Romani integration throughout Europe. On October 19, the EU announced that it had suspended its legal actions against the government because authorities had made sufficient commitment to assure that procedural safeguards affecting the free movement of EU citizens were in place.

Protection of Refugees

The country's 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 May 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. As of December 1, the government had deported 25,511 illegal immigrants according to Interior Ministry statistics.

During the year the CAT criticized the country's treatment procedures to expedite the cases of asylum seekers and to expel those rejected to countries where they risked torture, cruel sentences, or inhumane or degrading treatment. The CAT also expressed concerns about persistent allegations of poor treatment of asylum seekers by police.

In 2009 Prime Minister Francois Fillon promised to aid the city of Paris in providing lodging and medical care for up to 700 unaccompanied foreign minors and identified 70 Afghan exiles for lodging at the Welcome Center for Asylum Seekers. Nevertheless, NGOs reported the continuing presence of dozens of homeless Afghan youths near the Canal Saint-Martin in the 10th district of Paris at year's end.

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. The government granted temporary protection to 10,373 persons in 2009, according to OFPRA. Individuals may renew their status for a period of one year.

Stateless Persons

According to OFPRA statistics, there were 1,078 stateless persons in the country at the end of 2009. Stateless persons receive benefits from OFPRA, which is charged with the implementation of international conventions on refugees and stateless persons. Citizenship is derived both from one's parents and from one's place of birth. A child born in the country to foreign parents may acquire citizenship at birth if stateless.

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 and Traveller 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 considered free and fair. On March 14 and 21, the country held regional elections that independent observers 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. At the end of the year there were 11 female ministers in the 31-member ministerial cabinet. Women made up 48 percent of regional council members, 13 percent of departmental council members, and 35 percent of municipal council members. They held two presidencies of the 22 regional councils, five presidencies of the 96 mainland departmental councils, and 14 percent of mayoral positions. The law requires political parties to present candidate lists containing equal numbers of male and female candidates or face fines. Following the 2007 legislative elections, the UMP was fined four million euros (\$5.4 million), and the Socialist Party was fined 500,000 euros (\$670,000) for not including equal numbers of female candidates on their candidate lists.

Because the law prohibits the government from collecting information on the racial or ethnic background of residents of the country, 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 six 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 April 30, Senator and former interior minister Charles Pasqua was convicted of corruption when he was interior minister during the 1990s. The judge gave him a one-year suspended sentence.

On August 24, former president Jacques Chirac and Paris mayor Bertrand Delanoë reached a settlement in Paris magistrate court for alleged corruption when Chirac was mayor of Paris from 1977 to 1995. According to media reports, Chirac will pay the city 550,000 euros (\$737,000) in exchange for the city's withdrawing a civil complaint. The government was pursuing criminal charges at year's end.

The IGS, IGPN, and the Inspectorate of the National Gendarmerie actively investigated and prosecuted allegations of police and gendarme corruption. The IGPN reported that 3,109 police officers were punished for misconduct in 2009, the last year for which data was available. However, AI accused the government of failing to punish properly all cases of police misconduct and corruption.

On December 10, Bobigny's criminal court sentenced seven police officers to terms of from six months to one year in prison for falsifying a police report. The convictions stem from an incident on September 9 in which a police car involved in a chase injured an officer, but in the police report the officers involved stated that the driver of the car being pursued was responsible for the injury.

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 serves in an advisory role to the government on human rights and produces an annual report on racism and xenophobia in the country.

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, Local Authorities, and Immigration reported that the number of reported rapes decreased by 4.2 percent from 10,277 in 2008 to 9,842 in 2009, the last year for which data was available. A report published by three NGOs estimated that there are 75,000 victims of rape each year. The Ministry of Justice and Liberties reported that 2,151 persons were convicted of rape in 2008, the last year for which data was available. On November 24, three NGOs launched a national campaign to raise awareness about rape.

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 (\$60,300) to 20 years' imprisonment. The government sponsored and funded programs for female victims of violence, including shelters, counseling, hotlines, and free mobile phones. The government also supported the work of 25 associations and NGOs dedicated to fighting domestic violence by labeling them a "great national cause" for the year. The government funded a media campaign to combat domestic violence. The government reported that 140 women were killed by their spouses in domestic violence in 2009, an 18 percent decrease from 2008, when 165 women were killed. According to estimates by the National Institute for Statistics and Economic Studies (INSEE), 675,000 women were victims of domestic violence during 2008 and 2009.

On July 9, parliament passed a law combating violence against women. It strengthened protection for victims by providing a provisional "protection order" for at-risk women, especially those threatened by forced marriage or female genital mutilation (FGM), who have filed a complaint against their spouses or abusers. It also provides for increased legal protection for foreign nationals and undocumented immigrants who are victims of abuse.

The law prohibits 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 (\$201,000). The sentence increases to 20 years if the crime involves a minor under 16 years of age. The statute of limitations for FGM is 20 years after the victim turns 18 years old.

According to the Group for the Abolition of Sexual Mutilations, 65,000 female adults and minor women were either victims of FGM or under threat of it, while the National Institute for Demographic Studies reported that 53,000 women were under threat of FGM during the year. Government estimates concurred with NGO estimates.

The majority of FGM 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 provided reconstructive surgery and counseling for FGM victims.

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 and worked with Air France to raise tourists' awareness. The Ministry of Economy, Industry, and Employment 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 the country.

On January 21, a joint sting operation by the country's police and Cambodian police against a pedophilia ring operating in Phnom Penh led to the arrest of two Cambodian citizens charged with child prostitution and one U.S. citizen charged with indecent acts with three minors.

On April 2, the Central Office for the Repression of Violence against People arrested for pedophilia and sex tourism a French citizen returning from Cambodia. The suspect remained in protective custody awaiting trial at the end of the year.

On September 10, a Paris court found Jean-Claude Chamoux guilty of raping more than 10 girls in Thailand in 2005. The court sentenced Chamoux to 15 years in prison.

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, Local Authorities, and Immigration, 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. The new law to combat violence against women adopted on July 9 increases the penalty for sexual harassment to 15,000 euros (\$20,100) and one year in prison.

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 able to decide freely and responsibly the number, spacing, and timing of their children and had both the information and means to do so free from discrimination, coercion, and violence. According to data compiled by international organizations, the maternal mortality rate in the country in 2008 was eight deaths per 100,000 live births.

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 27 percent in practice. Although they made up 58.5 percent of the public 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 500 companies in the country released during the year, 8 percent of executive-board members were women.

Women were generally underrepresented in the legislature and other levels of government leadership. According to the Observatory for Parity between Men and Women, in May the unemployment rate was 9.6 percent for women compared to 8.1 percent for men.

Children

Citizenship is derived both from one's parents and the place of one's birth. 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 the age of 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. On January 26, parliament passed a law making incest a crime. Previously authorities prosecuted incest under laws that prohibit rape and sexual assault.

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.

The minimum legal age of marriage is 18 years old. 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 in these cases. 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. According to human rights observers, 70,000 children between the ages of 10 and 18 were at risk of being forced into a marriage.

The law criminalizes statutory rape of minors under the age of 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 (\$100,500) fine.

Three members of the national soccer team were under investigation for soliciting sex from an underage prostitute. Police questioned the players involved, and the investigation continued at the end of the year.

On May 20, police dismantled a child prostitution ring in Bordeaux. They arrested nine Bulgarian nationals, accusing them of aggravated pimping. They face 15 years' imprisonment and a fine of three million euros (\$4 million). Authorities placed the victims in foster care. The trial date was not set at year's end.

On November 30, police dismantled a child forced begging ring in Montpellier. They arrested 19 persons from the former Yugoslavia, accusing them of organized theft and human trafficking. The trial date was not set at year's end.

The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information on international parental child abduction, please see the Department of State's annual report on compliance at http://travel.state.gov/abduction/resources/congressreport/congressreport_4308.html. as well as country-specific information at http://travel.state.gov/abduction/country/country_3781.html.

Anti-Semitism

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, Local Authorities, and Immigration, during the year there were 466 anti-Semitic incidents. During the year the Protection Service of the Jewish Community (SPCJ) also reported 131 anti-Semitic acts and 335 threats. There was a 46 percent reduction in anti-Semitic incidents in the year compared with 2009. The SPCJ, the Anti-Defamation League, and NGO National Center for Vigilance Against Anti-Semitism, however, each reported an increase in anti-Semitic acts following the May 31 Gaza flotilla incident. A representative from the French Council for the Jewish Faith expressed satisfaction with the government's response in the wake of the flotilla incident, noting that places of worship were secured, police cordons prevented protests from turning violent, and local officials remained in contact with Jewish community leaders.

During the year violent attacks were reported. On September 3, eight adolescents attacked a 30-year-old Russian citizen with a knife following a verbal dispute in a Paris park. According to the victim's lawyer, the adolescents only began to attack him after they noticed he was wearing a Star of David around his neck. The police arrested three minors, whom they later released. The public prosecutor's office immediately appealed the decision to release the minors. The judge in charge of the judicial investigation stated that he would prosecute the case as a religious hate crime. A trial date was not set at the end of the year. On April 30, two assailants attacked David Pariente, a Jewish man wearing a yarmulke, with a knife and an iron rod in Strasbourg. Police immediately apprehended two suspects. Police released an individual identified as a witness in the attack and on May 2 charged the assailant, a 38-year-old Algerian national, with attempted aggravated murder. A trial date was not set at the end of the year.

In July 2009 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 2006 kidnapping, torture, and killing of a Jewish man, Ilan Halimi. Two of Fofana's most active accomplices received sentences of 15 and 18 years in prison, and others received prison sentences ranging from six months to nine years. Prosecutors appealed the relatively light sentences given to 17 of his 26 accomplices, asking that the judge increase them. On December 17, the judge increased the sentences for Fofana's two primary accomplices to 18 years and confirmed the sentences for the other accomplices.

During the year there were a number of attacks against Jewish property and cemeteries reported, including the following examples:

- On January 27 and again in late July, graves in a Jewish cemetery in Strasbourg were desecrated with swastikas. President Sarkozy criticized the January incident as "intolerable" and a demonstration of the "the hideous face of racism." Police continued to investigate the incident at the end of the year.
- On May 2, a 78-year-old Jewish man was attacked in Nimes with tear gas in front of the synagogue, which was then vandalized with anti-Semitic slurs, according to press reports. Police arrested a suspect, but a trial date was not set at the end of the year.

· On June 7, in Metz, a Molotov cocktail was thrown at a Jewish nursing home, although no damage was reported. Following an investigation, one person confessed to the crime. A judge gave him a 10-month suspended sentence and ordered him to pay a fine of 500 euros (\$670) and complete 210 hours of community service.

Trafficking in Persons

For information on trafficking in persons, please see the Department of State's annual *Trafficking in Persons Report* at www.state.gov/g/tip.

Persons with Disabilities

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

During the year according to the Observatory for Inequalities, 19 percent of persons with disabilities were unemployed, twice the national unemployment rate. The law requires companies with more than 20 employees to provide that persons with disabilities make up 6 percent of the company work force. Noncompliant companies could face criminal fines that benefit the National Association for the Professional Integration of the Disabled, an organization of workers and employers unions that funds training for professionals with disabilities. However, many companies admitted to being unaware of their legal obligations. On average persons with disabilities made up approximately 5 percent of the work force of companies that were subject to the law.

The law provides for government compensation to persons for the consequences of a disability and requires that buildings, education, and employment be accessible to them. 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 disabled persons with receiving compensation and employment assistance.

On September 13, the president announced that social security payments to adults with disabilities would continue to increase by 5 percent per year until 2012. The increases, which began in 2007, would total 25 percent by 2012. During the year the government paid adults with disabilities 696.63 euros (\$933.48) per month.

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. During the year authorities reported 81 bombings or attempted bombings as well as 16 murders and 14 attempted murders in Corsica. The government publicly criticized and addressed incidents of violence against immigrants.

On June 4, a magistrate court in Paris found Minister of the Interior, Overseas France, Local Authorities, and Immigration Brice Hortefeux guilty of racial slander. The charges were related to racist remarks that he made on camera at a political party event in September 2009. The court fined him 750 euros (\$1,005) and ordered him to pay 2,000 euros (\$2,680) to an antiracism organization. Both sides filed an appeal. The NGO Movement against Racism and for Friendship between Peoples continued to call for the minister's resignation.

On June 29, the criminal court of Creteil fined the former prefect and local coordinator for Reunion, Paul Girod de Langlade, 5,000 euros (\$6,700) for racial slander. The penalty stemmed from a July 2009 complaint filed by a security employee of Caribbean origin at Orly Airport.

On October 28, a group of armed and masked assailants attacked a Romani settlement in the Parisian suburb of Triel-sur-Seine, home to an estimated 30 families. Witnesses reported that the attackers arrived around 2:00 a.m. in a car with a siren and were dressed as police officers. Carrying nightsticks and pistols, they broke down the doors of several caravans and began harassing the occupants. The attackers allegedly forced one woman to strip naked and robbed the residents of their identification documents. Authorities continued to investigate the incident at year's end.

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 2009 survey by INSEE, the unemployment rate of immigrants was nearly twice as high as that of nonimmigrants (16 percent versus 8.4 percent). A survey by INSEE showed that children of immigrants also had higher unemployment rates than did the children of two French parents. According to the report, lower levels of education and experience for the children of immigrants were only partly responsible for the higher unemployment rate.

Travellers' organizations alleged that both itinerant Travellers and those with fixed abodes faced discrimination in education, housing, and access to government services. Housing and other discrimination problems were particularly acute for Travellers, as some mayors denied school registration to children whose parents lived in illegal campsites. Travellers benefited from a special status that authorizes children discontinuous school attendance without justification. School registration rates for 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. According to a survey conducted by the NGO collective Romeurope that it released in February, between 5,000 and 7,000 Romani children living in the country were not enrolled in school.

Travellers 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 euros (\$2,010). Authorities did not consider Traveller caravans to be housing. As a result, they were not entitled to housing assistance.

The law requires municipalities with 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). At the end of the year, approximately 5,000 additional campsites were under construction or slated for construction.

Citizens may report cases of discrimination based on national origin and ethnicity to HALDE. During the year HALDE received 12,000 discrimination claims, half of which regarded employment. HALDE issued opinions on approximately 300 cases per year and offered mediation for hundreds more.

The government attempted to combat racism and discrimination through programs that promoted public awareness and that brought together local officials, police, and citizen's groups. Some public school systems also managed antidiscrimination educational programs. The 2008 plan, *Hope for the 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.

In September the government opened 13 boarding schools for promising high school students from poor and immigrant families. On May 25, Prime Minister Fillon launched a new consultative body, the National Council for Urban Zones. He also announced plans to rezone underprivileged suburbs and to redistribute government money to target areas with the greatest need. Nevertheless, implementation of *Hope for the Suburbs* plan continued to be slow.

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

The law prohibits discrimination on the basis of sexual orientation. Authorities pursued and punished perpetrators of violence against lesbians, gays, bisexuals, and transgender persons (LGBT). The NGO SOS Homophobia reported 1,259 homophobic acts in 2009. It reported that there were 88 instances of physical assault, a 33 percent decrease compared with 2008. After the NGO Inter-LGBT claimed that gay and lesbian minors were frequently targeted for violence, the Ministry of National Education, Youth, and Community Life responded by asking schools to introduce lessons on tolerance and diversity.

During the year LGBT organizations held at least eight gay pride marches. The government authorized them and provided sufficient protection to marchers.

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. Approximately 9 percent of the workforce maintained formal union membership. The law allows unions to conduct their activities without interference, and the government protected this right in practice. Workers, with the exception of certain essential service workers such as police and armed forces, have the right to strike except when a strike threatens public safety. Workers exercised this right by conducting legal strikes during the year. Healthcare and public transport workers are required to provide a minimum level of service even during strikes. Laws and regulations prohibit retaliation against strikers, and these laws were effectively enforced.

b. The Right to Organize and Bargain Collectively

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

Although the law prohibits antiunion discrimination, union representatives noted occasional reports of antiunion discrimination, particularly in small companies.

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. Also see the Department of State's annual *Trafficking in Persons Report* at <http://www.state.gov/g/tip>.

Men, women, and children, mainly from Eastern Europe, West Africa, and Asia, continued to be trafficked for the purpose of forced labor, including domestic servitude.

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 were available. The press reported that some African boys were victims of trafficking and lured into forced labor within the professional soccer industry. During the year the Committee against Modern Slavery received 239 complaints and provided assistance to 127 victims, the majority of whom were women working in domestic labor.

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. The minimum age for employment is 16 years old. There are exceptions for those enrolled in certain apprenticeship programs or working in the entertainment industry; however, these industries are subject to further regulation of conditions and work hours and for minors. 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, Employment, and Health investigated workplaces and generally enforced compliance with child labor laws.

e. Acceptable Conditions of Work

On January 1, the Council of Ministers raised the national minimum wage to 8.86 euros (\$11.87) 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. The maximum number of working days for white-collar workers is 235 days per year. 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 are 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 are required to give workers a 20-minute break during a six-hour workday. Premium pay of 25 percent is 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 Labor, Solidarity, and Public Sector 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.

There were press reports that undetermined numbers of undocumented immigrants experienced substandard pay and working conditions, particularly in the textile and agriculture sectors. Undocumented immigrants held several demonstrations during the year to try to obtain work permits.

During the year the government launched a Health in the Workplace plan to address workplace stress and to reduce the number of workplace accidents by 25 percent by 2014.

[1] The country includes 11 overseas administrative divisions that are also 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. Following a March 2009 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.

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