

FRANCE 2012 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

France is a multiparty constitutional democracy. The president of the republic is elected by popular vote for a five-year term, and voters elected Francois Hollande to that position on May 6. The upper house (Senate) of the bicameral parliament is elected indirectly through an electoral college, while the lower house (National Assembly) is elected directly by the public. The elections for the presidency on May 6, for the National Assembly on June 10 and 17, and for the Senate in September 2011 were considered free and fair. The Socialist Party was the majority party in parliament. Security forces reported to civilian authorities.

The most significant human rights problems during the year included an increase in the number of anti-Semitic and anti-Muslim incidents in the aftermath of March terrorist attacks in Montauban and Toulouse that resulted in the deaths of three French soldiers, three Jewish children, and a teacher; government evictions of Roma from illegal camps; and overcrowded and unhygienic conditions in prisons, compounded by problems in the judicial system, including lengthy pretrial detention and protracted investigation and trials.

Other human rights problems reported during the year included instances of excessive use of force by police, antidefamation laws limiting freedom of speech and press, societal violence against women, and trafficking in persons.

The government took steps to prosecute and punish security force and other officials who committed abuses. Impunity was not widespread.

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

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

a. Arbitrary or Unlawful Deprivation of Life

There were no reports that the government or its agents committed arbitrary or unlawful killings.

Killings in Corsica were predominantly linked to organized crime and Corsican nationalism. From January 1 to December 7, 20 killings occurred, all linked to organized crime. Authorities also reported 49 bombings or attempted bombings from January 1 to September 11.

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.

An April report by the Council of Europe's Committee for the Prevention of Torture (CPT) on its 2010 visit to the country noted allegations of excessive use of force by police officers during arrests and beatings shortly after arrest. Some of the allegations involved minors and persons suffering psychiatric disorders. In many cases, physicians on the delegation identified injuries to prisoners that were consistent with their allegations.

Prison and Detention Center Conditions

While prisons and detention centers met many international standards, credible nongovernmental organizations (NGOs) and government officials reported overcrowding and unacceptable hygienic conditions in prisons. The government permitted visits by independent human rights observers. Prisoners and detainees had access to potable water.

Physical Conditions: As of year's end, the French Prison Service reported that 66,572 persons, including 724 minors, were incarcerated in the country's 191 prisons. This represented a 4 percent increase over 2011, when 64,726 persons were reportedly in prison. The maximum acceptable occupancy of the country's

prisons was 56,992 inmates, putting the occupancy rate at 116.8 percent of the maximum.

In a recommendation published in the December 6 *Journal Officiel*, the Inspector General for Places of Detention, an independent entity, said conditions in the Baumette Prison in Marseille were “inhumane,” “appalling,” and “unworthy.” After a two-week visit, 20 auditors found that the prison lacked basic requirements, such as windows, heating, and hot water, and had excessive trash, cockroaches, spiders, rats, and lice in the facilities and mold in the refrigerators. Of the 98 cells investigated, only nine were deemed “minimally acceptable.” While the prison was built for 1,190 inmates, it held 1,769.

In its July report, the Senate Law Committee criticized the implementation of the 2009 penitentiary law, noting that there had been limited improvements in prison living conditions; prisons were underfunded and short-staffed; and prison administrators lacked motivation to improve conditions.

In its April report, the CPT also raised concerns about inadequate medical and psychiatric staffing and degrading treatment of prisoners by prison staff during medical evaluations in some prisons.

On May 15, the administrative court of appeals in Douai upheld a ruling that the state provide between 250 to 2,500 euros (\$330 to \$3,300) each in financial compensation to 125 detainees in the Rouen prison. The court judged that the 980 square foot cells, which held up to three prisoners, lacked ventilation for the lavatory and adequate partitioning and did not respect the inherent dignity of the prisoners.

Although there were no known deaths in prison due to mistreatment or adverse conditions during the year, prison suicides remained a problem. According to credible NGOs, 65 inmates committed suicide from January 1 to December 7, a per capita considerably higher than suicide rates outside prison.

On June 11, the administrative court of Rouen ordered the state to pay 16,000 euros (\$21,120) to the family of a prisoner with psychiatric problems, who had committed suicide in the Rouen prison in 2010. The court cited flaws in the organization and functioning of services at the prison, which led to a delay in intervention by prison staff.

Authorities maintained administrative holding centers for foreigners whom they could not immediately deport. Illegal immigrants could be held for a maximum of 45 days in these facilities. There were 25 holding centers on the mainland and three in the overseas territories for a capacity of 1,672 places.

In its annual global report, Amnesty International (AI) criticized a June 2011 immigration law that increased the length of detention for illegal immigrants awaiting deportation from 32 to 45 days.

In December 2011 five NGOs jointly published the *2010 Report on Detention Centers*, which maintained that in 2010 more than 60,000 persons passed through detention centers in the country or its overseas territories, an 80 percent increase from 2005. The number of families and children in these centers also increased from 57 families with 318 children in 2009 to 178 families with 356 children in 2010. The group criticized the constant tension and violence among inmates, which allegedly resulted from the centers' inability to ensure equal rights. Data for 2012 was unavailable at year's end.

In its April report, the CPT noted overall good conditions in detention centers but mentioned detainee complaints of derogatory comments by detention staff and the lack of opportunities for detainees to work or engage in other activities. In June the defender of rights, the equivalent of an official ombudsman for civil liberties, requested that the government refrain from holding children of illegal immigrants in administrative detention centers.

On July 5, the Supreme Court ruled that illegal immigrants could be held a maximum of four hours in police custody for not having a residency permit, a significant decrease from the previous practice of detaining such immigrants for 48 hours.

Also in July Minister of Interior Manuel Valls instructed prefects to refrain from holding minors in detention centers and to place families under monitored house arrest until a ruling was made in their cases.

On August 28, the Council of State, the country's highest administrative court, ruled that the detention of undocumented immigrants, including minors, would continue in the department of Mayotte, located in the Indian Ocean. In 2011, 5,389 minors passed through Mayotte's detention center before deportation, compared with an estimated 350 in mainland France. On the same day, the

Ministry of Interior began an investigation into the overall migration situation in Mayotte. Results from the investigation were unavailable at year's end.

Administration: Prisoners and detainees had reasonable access to visitors and were permitted religious observance. Authorities allowed 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 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, is responsible for ensuring that detainees' fundamental rights are respected. In addition, detainees may address concerns about the prison or justice system to the state mediator or his delegate, who are part of the Office of the Defender of Rights.

As of year-end, 11,790 prisoners were under electronic surveillance, a 10.3 percent increase over 2011. Those individuals were still considered prisoners since they remained under surveillance in their homes.

Monitoring: The government permitted prison visits by independent human rights observers, both local and foreign. In addition to periodic visits by the CPT, the UN Committee against Torture examines the country's prisons every four years, most recently in April 2010.

Improvements: The Ministry of Justice and Liberties continued to increase prisoner access to work, sports, libraries, worship, cultural services, education, and training programs during the year. In February the government passed a law mandating the construction to accommodate an additional 24,000 prisoners and an additional 6,900 staff by 2017.

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 handed down 88 decisions in wrongful incarceration trials in 2011 and provided 2,279,429 euros (approximately \$3 million) in financial compensation. Data for 2012 was unavailable at year's end.

Role of the Police and Security Apparatus

Under the direction of the Ministry of the Interior, Overseas France, Local Authorities, and Immigration, a civilian national police force of 125,000 and a quasi-military national gendarmes force of more than 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 generally were considered effective.

On August 4, the interior minister unveiled a program designed to combat crime in 15 “priority security zones” across the country. The new program, which started September 1, focused on combating gun and drug trafficking, car thefts, burglary and gang violence. On November 15, the government announced that 49 new zones would be added to the program during the year and in 2013.

Official impunity was not widespread. The Inspector General of National Police (IGPN), the Inspector General of Police Services for the Paris region (IGS), and the Office of Judicial Police investigated and prosecuted allegations of brutality in the police force and the gendarmes. The Office of the Defender of Rights 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 2011 defender of rights report, individuals filed 185 complaints in 2011, a 5.1 percent decrease from the 195 complaints filed in 2010. Data for 2012 was unavailable at year-end.

On June 3, legal authorities indicted two police officers from Lyon for rape and sentenced them (?) to jail. During a patrol they encountered a woman and allegedly coerced her to have sex with them.

In its annual global report released on May 23, AI criticized new cases of police violence and the slow speed of police investigations in the country.

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 committing an illegal act. Individuals have the right to a judicial ruling on the legality of their detention during their first hour in custody, and authorities generally respected this right in practice.

By law persons taken into police custody must be informed of their right to remain silent and their right to have a lawyer present during questioning. Authorities must inform detainees of charges against them once they are in police custody, and defense lawyers can ask questions throughout the interrogation. If a medical examination is required, the examiner must respect professional confidentiality. Complete strip searches are forbidden except in cases where the accused was suspected of hiding dangerous items or drugs. A system of bail exists and was utilized. Detainees generally had access to a lawyer, and the state provides legal counsel to indigent detainees. AI criticized the country's practice of allowing multiple, successive periods of detention during the investigation of an alleged crime and accused authorities of not adequately investigating detainee complaints. The law allows police to detain individuals for up to 24 hours if they are suspected of having committed a crime punishable by a prison sentence. This period of detention may be extended for an additional 24 hours regardless of the seriousness of the crime.

According to the *2011 National Observatory for Delinquency and Criminal Responses (ONDRP) Report*, 523,069 individuals were taken into police custody in 2011. This statistic did not include traffic violations.

In cases involving terrorism or drug trafficking, the law allows extended periods of detention before notification to counsel. Specifically, authorities may hold 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 either be charged or released after a maximum of six days.

Pretrial Detention: Long delays in bringing cases to trial and lengthy pretrial detention were problems. Although pretrial detention generally was allowed only in cases where the suspect could be sentenced to more than three years in prison, a few suspects spent many years in detention before trial.

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 country does not have an independent military court; rather, the Paris Magistrates Court tries any military personnel who commit crimes outside of the country.

In May the minister of justice announced her intention to close the country's juvenile criminal court, a justice system for persons 16 to 18 years of age, and instead focus government efforts on education of delinquent minors.

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 are informed of the charges against them at the time of arrest. 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 and present witnesses and evidence in their defense. Defendants are allowed adequate time and facilities to prepare a 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.

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. Individuals can file complaints with the European Court of Human Rights (ECHR) for alleged violations of the European Convention on Human Rights by the state once they have exhausted avenues for appeal through the domestic courts.

Regional Human Rights Court Decisions

In 2011 the ECHR issued 23 judgments that found at least one violation by the state regarding the European Convention on Human Rights. The government generally complied with ECHR decisions.

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.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution and law provide for freedom of speech and 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 press.

Freedom of Speech: While individuals could criticize the government publicly or privately without reprisal, there were some limitations of freedom of speech. 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 Holocaust denial and denial of crimes against humanity are illegal. Authorities may deport a noncitizen for publicly using “hate speech” or constituting a threat of terrorism.

Freedom of Press: While the independent media were active and generally expressed a wide variety of views without restriction, the media were subject to the same antidefamation laws that limited freedom of speech. Laws provide protection to journalists, who can be compelled to reveal sources only in cases where serious crimes have taken place and access to the sources is required to complete the investigation.

On March 29, perfumer Jean-Paul Guerlain was fined 6,000 euros (\$7,920), and ordered to pay 2,000 euros (\$2,640) in damages to each of the three antiracism organizations that sued him for using a racial epithet for ethnic Africans in a national television interview.

Internet Freedom

There were no government restrictions on access to the Internet or credible reports that the government monitored e-mail or Internet chat rooms without appropriate legal oversight. Of the general population, 80 percent had access to the Internet, according to the International Telecommunication Union. Individuals and groups could engage in the expression of views via the Internet, including by e-mail.

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

See the Department of State's *International Religious Freedom Report* at www.state.gov/j/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 requires persons engaged in itinerant activities with a fixed domicile to sign a declaration that must be renewed every four years. Itinerant persons without a fixed abode must possess travel documents. On October 5, the Constitutional Council partially repealed a law requiring members of the traveling community to update papers every three months because it found that the law was economically discriminatory. The ruling also repealed the previously implemented fine on individuals who were late in renewing their documents.

Protection of Refugees

Access to Asylum: The country's laws provide for the granting of asylum or refugee status, and the government has a system for providing protection to refugees. The system for granting refugee status was active and accessible to those seeking it. 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.

Safe Country of Origin/Transit: The government considers 18 countries to be “safe countries of origin” for purposes of asylum. While individuals originating from one of these safe countries of origin may apply for asylum, they receive only a special form of temporary residence status allowing them to remain in the country. The examination of the asylum request is carried out through an emergency procedure that cannot exceed 15 days.

Refoulement: 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 took into account the ability of the state concerned to offer protection to the person in danger from persecution by nonstate agents. However, human rights groups regularly criticized the government’s deportation practices. During the year, La Cimade, a French NGO providing legal advice to immigrants, criticized the increase in deportations, claiming that they were taking place without respect for the typical grace period during which individuals may appeal their deportation.

Access to Basic Services: In a memorandum released December 4, the Ministry of Interior requested that local administrative offices that provided immigration services “improve the reception of foreigners” in their districts. The memorandum noted that 10 to 12 percent of administrative offices lacked access to reception centers, leaving many foreigners waiting outside before receiving services. The problem worsened during the year when the government clarified the terms under which illegal immigrants could register. The memorandum ordered administrative offices to evaluate their situation and provide an “action plan” to the federal government by mid-March 2013.

Temporary Protection: Temporary protection is a procedure that ensures, in the case of a mass influx or an imminent influx of displaced persons from third countries, immediate temporary protection. This protection often was initiated when the asylum system was unable to process the influx. Individuals may be granted a six-month permit renewable for a maximum of three years. The government granted temporary protection to 10,340 persons in 2010, the last year for which data was available, according to OFPRA.

France provides subsidiary protection to civilians who, if returned to their country of origin, could face “the death penalty, torture and other cruel or inhumane treatment.”

Stateless Persons

According to OFPRA and UNHCR, there were 1,131 stateless persons in the country at the end of 2010, the most recent year for which data was available. Stateless persons received benefits from OFPRA, which was charged with the implementation of international conventions on refugees and stateless persons. A person declared “stateless” by the government was provided a three- or 10-year residence permit marked “private and family life” and allowed to work.

The country has laws that afford individuals the opportunity to gain French nationality. A person may become a French citizen if either parent is a French citizen or he/she has been legally adopted (right of blood); if a child is born in France to stateless parents or to individuals whose nationality does not transfer to the child; or through marriage. A person who is 18 and older may apply for French citizenship through naturalization after five years of habitual residence in France. Applicants for citizenship must have good knowledge of both French and the civil rights and responsibilities of citizens.

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.

On October 5, the Constitutional Council repealed a law requiring Travelers (an itinerant group of individuals) to have a three-year period of “attachment” to a municipality in order to vote in municipal elections.

Elections and Political Participation

Recent Elections: The May 6 presidential election and the June 10 and 17 National Assembly elections were deemed free and fair. Cantonal elections took place in March 2011, Senate elections occurred in September 2011, and independent

observers viewed them as free and fair. In 2010 the country held regional elections that independent observers also considered free and fair.

Participation of Women and Minorities: As a result of the May National Assembly elections, there were 232 women in the two chambers of the 925-seat parliament, 155 in the National Assembly, and 77 in the Senate. There were 17 female ministers in the 34-member ministerial cabinet. Women made up 48 percent of regional council members, 13.8 percent of departmental council members, and 34.8 percent of municipal council members. They held two presidencies of the 22 regional councils, four presidencies of the 101 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.

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 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. At year's end there were eight ethnic minority members of the National Assembly. These eight members comprised 2 percent of the National Assembly, while 10 percent of citizens were foreign born. As of year's end, President Hollande had appointed seven officials from ethnic minorities to his cabinet.

Section 4. Corruption and Lack of Transparency in Government

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. In February 2011, authorities opened a formal investigation of Eric Woerth, former minister of budget, public accounts, and civil service (2007-10) and subsequently minister of labor, solidarity, and civil service (2010) for illegal campaign financing.

The IGS, IGPN, and Inspectorate of the National Gendarmerie actively investigated and prosecuted allegations of police and gendarme corruption. For example, out of 300 IGPN investigations in 2010, 250 sanctions were proposed. However, AI accused the government of failing to punish properly all cases of police misconduct and corruption.

In its 2011 report, Transparency International concluded that the government had not done enough to stop financial or business corruption, noting that only 24 such cases had been investigated since 2001.

In January the newspaper *Le Monde* reported that some employees of the IGS were accused of faking interview transcripts, bugging telephones, and framing colleagues. According to the newspaper, four magistrates were conducting six investigations into IGS employees' activities at year's end.

In September Minister of Interior Valls and a police disciplinary board dismissed Michel Neyret, formerly the second-in-command of the judicial police in Lyon. In October 2011 authorities jailed Neyret for corruption, criminal association, and drug trafficking and released him in May under strict judicial control. On October 31, the Cassation Court denied Neyret's appeal, but the date of his trial was not determined at year-end.

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.

Government Human Rights Bodies: The National Consultative Commission on Human Rights (CNCDDH) served in an advisory role to the government on human rights and produced an annual report on racism and xenophobia in the country. CNCDDH was widely considered independent and effective. The defender of rights

also was considered independent and effective, and had access to all necessary resources.

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

Rape and Domestic Violence: 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.

According to the 2010 ONDRP report, 10,108 rapes were registered in the country in 2010, the most recent year for which data was available. According to the 2011 ONDRP report, 1,392 people were convicted of rape and sentenced in 2009. NGOs estimated there were 75,000 victims of rape 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, ranging from three years in prison and a fine of 45,000 euros (\$59,400) to 20 years in prison. According to a report for the Commission of Laws within the National Assembly, a 2010 law aimed at preventing domestic violence and assisting victims of such abuse was little known and underutilized. The report further noted that, between October 2010 and May 2011, 68.4 percent of protection orders by a judge were delivered to the minister of justice. The government sponsored and funded programs for female victims of violence, including shelters, counseling, hotlines, free mobile phones, and a media campaign. The government also supported the work of 25 associations and NGOs dedicated to fighting domestic violence.

The government budgeted 31.6 million euros (\$41.7 million) to fund its 2011-13 plan to combat violence against women, a 30 percent increase in funding over the previous three-year plan. The program focused on enhancing protection and social assistance for victims, increasing the number of shelters available to them, raising awareness about rape and violence against women, and improving training for

health-care workers and other government employees to identify victims. The government recognized November 25 as the day for the elimination of violence against women in France.

The government reported that spouses killed 122 women in domestic violence cases in 2011, a 4 percent decrease from 2010. The ONDRP estimated that approximately one million persons living in the country were victims of domestic violence during the previous two years. Of that number, 60 percent were women.

Female Genital Mutilation/Cutting (FGM/C): The law prohibits FGM/C as “violence involving mutilation or permanent infirmity.” It is punishable by up to 10 years in prison and a fine of 150,000 euros (\$198,000). The sentence increases to 20 years if the crime involves a minor under 16 years of age. The government provided reconstructive surgery and counseling for FGM/C victims.

According to the French NGO Women for the Abolition of Sexual Mutilations, 30,000 female adults and minors residing in the country during the year were circumcised or at risk of FGM/C. The National Institute for Demographic Studies estimated that 53,000 women were circumcised or under threat of FGM/C during the year. According to several women rights NGOs, 55,000 circumcised women lived in the country during the year. The majority of FGM/C victims were recent sub-Saharan African immigrants or their children and had had the procedure in their country of origin.

In June a couple in Nevers appeared before a court for having had their four daughters circumcised. The Guinean father claimed ignorance of who performed the procedure and of the law forbidding the practice. The court sentenced the father to two years in prison and the mother to 18 months.

Sexual Harassment: The law prohibits gender-based job discrimination and harassment of subordinates by superiors. Authorities did not consider sexual harassment a widespread problem in the workplace. The minister of justice estimated that 300,000 cases of sexual harassment occurred in the country each year but that only 1,000 victims on average filed complaints. Of these, approximately 80 resulted in convictions, with an average penalty of 1,000 euros (\$1,320).

On July 31, the parliament passed new sexual harassment legislation, which redefined the term as “subjecting an individual to repeated acts, comments, or any other conduct of a sexual nature, that are detrimental to a person’s dignity because

of their degrading or humiliating character, thereby creating an intimidating, hostile or offensive environment.” The highest constitutional body had repealed the country’s prior sexual harassment law in May because its definition of the crime was too vague. The new law divides sexual harassment into two categories: the first, for repeated instances of harassment, carries a maximum sentence of two years’ imprisonment and a 30,000 euro (\$39,600) fine; the second, for a single serious offense, carries a maximum sentence of three years’ imprisonment and a 45,000 euro (\$59,400) fine. The law also criminalizes discrimination against transgender individuals.

In May the government created the Ministry of Women’s Rights, with Najat Vallaud-Belkacem appointed as minister. The ministry is charged with preparing and implementing government policy that enforces women’s rights in society, fighting discriminatory practices, and ensuring protection for female victims of violence and harassment. During the year it played a key role in creating laws against sexual harassment and domestic violence.

The government’s 2011-13 plan to combat violence against women included a study on sexual harassment and an awareness campaign. During the year the government placed advertisements around the country centered on the campaign and established a Web site.

Reproductive Rights: There was easy access to contraception, skilled attendance during childbirth, and equality with men in the diagnosis and treatment of sexually transmitted infections, including HIV. Couples and individuals could 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.

Discrimination: The law prohibits gender-based job discrimination and harassment of subordinates by superiors, but it does not apply to relationships between peers. Under the constitution and law, women have the same rights as men in family law, property law, and the judicial system. The Ministry for Women’s Rights 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, in a study released in February, the National Institute of Statistics and Economic Studies (INSEE) estimated that there was a gender-based pay discrepancy of approximately 29 percent in 2009. In the private sector, women made 80 percent of their male counterparts’ salaries, while they made 87 percent in the public

sector. Although they constituted 61 percent of the public sector's workforce, women were underrepresented in managerial jobs and continued to face difficulties in attaining positions of responsibility. The study by INSEE also revealed that 19 percent of salaried men in the private sector held managerial positions while 12 percent of women with similar skills were managers. In general women were much more likely than men to work part-time, due in part to mothers caring for their children. Data for 2012 was unavailable at year's end.

Women generally were underrepresented in the legislature and other levels of government leadership. Statistics released in September indicated that the national unemployment rate was 10.4 percent for men and 11.4 percent for women.

Children

Birth Registration: A child born to at least one parent with French citizenship, or a child born in France to stateless parents, or to parents whose nationality does not transfer to the child, confers French nationality. Births in France of French or non-French citizens must be registered within three days at the local city hall. Those parents who do not register within this period face legal action.

Child Abuse: There are strict laws against child abuse by parents or guardians, and the government generally enforced the law effectively and prosecuted abusers. In 2010 parliament passed a law criminalizing incest. Previously, authorities prosecuted incest under laws prohibiting rape and sexual assault. In September 2011 the Constitutional Council ruled that the law making incest a crime was illegal because the definition of those who might be prosecuted was imprecise.

The defender of rights acts as the government's advocate for children and is charged with defending and promoting children's rights as defined by law. Child abuse was generally not considered a problem.

On November 30, the government charged Fehim Hamidovic, his wife, and 20 members of their family with "conspiracy, human trafficking and theft" for running a criminal network that forced minor girls and boys, most of them Roma, to steal and pickpocket under the threat of violence. The charges followed a three-year investigation in several European countries that found the Hamidovic network, which originated in Bosnia, had collected approximately 1.3 million euros (\$1.71 million) in 2009 from their pickpocketing ring. In the first quarter of 2011, 310 of 495 minors with East European citizenship arrested in Paris belonged to the Hamidovic network. During the year police reported that 1,108 Romanian

citizens were arrested for stealing on public transport; of these, 685 were minors connected to the Hamidovic network. As of year's end, a trial date had not been set.

On September 25, police in four northern suburbs of Paris dismantled a pickpocket network and arrested 11 persons in the country, and three in Romania, for "human trafficking through an organized criminal network." The local (Bobigny) prosecutor found that at least five children, ages 11 to 13, were forced to beg under the threat of violence. The government placed them in its child welfare system. The judicial unit for the protection of children initially launched the investigation in August 2011 following allegations of the mistreatment of minors.

The government provided counseling, financial aid, foster homes, and orphanages for abuse victims. Various NGOs also helped minors in cases of mistreatment by parents.

Child Marriage: The minimum legal age for marriage is 18. Child marriage was a problem, particularly in communities of African or Asian origin. Although such marriage ceremonies took place primarily outside the country, authorities took steps to address the problem. Parents may be prosecuted in such cases. Women and girls could seek refuge at shelters if their parents or guardians threatened them with forced marriage. The government offered 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 marriage.

Sexual Exploitation of Children: The law criminalizes as statutory the 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, depending on the age of the victim and 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; the maximum penalty for its use and distribution is five years' imprisonment and a 75,000 euro (\$99,000) fine. A 2007 parliamentary report by the commission on foreign affairs estimated that between 3,000 and 8,000 children were exploited sexually within the country each year.

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

Anti-Semitism

There were approximately 600,000 Jewish persons resident in the country. A number of anti-Semitic incidents were reported during the year, including slurs against Jews and attacks on synagogues and cemeteries, as well as physical assaults and killings. According to the Ministry of Interior, Overseas France, Local Authorities, and Immigration, there were 389 anti-Semitic incidents in 2011. In a report released on September 4, the Jewish Community Protection Service (SPJC) announced that 310 anti-Semitic acts were committed in the country between January 1 and August 30, compared with 266 such acts reported during the same period in 2011. Four killings were reported.

On March 11 and 15, Islamist extremist Mohamed Merah killed three French soldiers, one of whom was Muslim, and critically injured another Muslim soldier, in Montauban and Toulouse. On March 19, Merah killed a teacher and three children at Ozar Hatorah, a private Jewish school in Toulouse. On March 22, police killed Merah after a 32-hour siege at his apartment. Directly following the killing, the government and all major religious leaders condemned Merah's attack at the school and its anti-Semitic nature. The SPCJ documented more than 90 anti-Semitic incidents in the 10 days following the March shooting, and the ministry documented 148 such incidents in March and April, with 43 of those judged violent.

On June 2, assailants carrying hammers and iron bars attacked three Jewish teenagers in the Lyon suburb of Villeurbanne. The attack occurred as the three victims, each wearing a yarmulke, left a Jewish school. The victims filed a lawsuit, and the police opened an investigation. Authorities arrested four young men on June 6 and placed them under investigation. A trial date had not been set by year's end.

On September 19, an individual threw a Molotov cocktail into a kosher supermarket in Sarcelles, injuring one individual. An investigation into the attack led to the dismantling of an Islamist cell across the country on October 6. On

October 11, authorities placed seven individuals under formal investigation for “association with a terrorist group.”

Trafficking in Persons

See the Department of State’s *Trafficking in Persons Report* at www.state.gov/j/tip.

Persons with Disabilities

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

During the year the Fund Management Organization for the Professional Integration of People with Disabilities (Agefiph) reported that persons with disabilities had a 22 percent higher unemployment rate than the general population. The law requires that at least 6 percent of the workforce of companies with more than 20 employees be persons with disabilities. Noncompliant companies could face criminal fines, and 57 percent of French companies complied with the law, according to Agefiph.

In January the defender of rights stated that three companies, including Airbus and Easyjet, demonstrated discriminatory behavior against citizens with disabilities.

On February 15, authorities named Jean-Christophe Parisot, a quadriplegic, prefect of the department of Herault in Southern France. Parisot had previously run for president in 2002 and 2007 to “prove that handicapped persons could handle responsibility.”

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. In 2010, the most recent year that statistics were available, 915,000 persons with disabilities received financial compensation from the government. The government paid adults with disabilities 776.59 euros (\$1,025) per month. The law requires that any new building with public or community space and any existing public building be accessible for persons with disabilities. According to the Association of Paralytics in France, only 15 percent of establishments in the

country were handicap accessible. The law also requires the establishment of centers in each administrative department to assist disabled persons with receiving compensation and employment assistance.

In September the Office of the Minister-Delegate for Disabled Persons and for the Fight Against Exclusion released a report admitting that the January 2015 deadline for making all buildings accessible would not be met for budgetary reasons. It suggested maintaining the 2015 date but changing the goal to “intermediate accessibility.”

National/Racial/Ethnic Minorities

Societal violence and discrimination against immigrants of North African origin, Roma, and other ethnic minorities remained a problem. Many observers expressed concern that discriminatory hiring practices in both the public and private sectors deprived minorities from sub-Saharan Africa, the Maghreb, the Middle East, and Asia of equal access to employment.

The government estimated the Muslim community of five to six million persons primarily consisted of immigrants from former French North African and sub-Saharan colonies and their descendants. A number of anti-Muslim incidents were reported during the year, including slurs against Muslims and attacks on mosques and cemeteries, as well as physical assaults and killings. In a November 19 report, the National Observatory against Islamophobia announced that 175 anti-Muslim acts had been committed in the country between January 1 and October 30, a 42 percent increase from the same period in 2011.

In May two men in Amiens claiming to be from the extreme right violently attacked two 70-year-old Muslims on their way to mosque to attend prayers. The victims were admitted to Amiens hospital with injuries to their legs and ribs. They filed two lawsuits, and the Amiens prosecutor opened an investigation.

On August 2, during the celebration of Ramadan, two pig heads were discovered on the doorsteps of a mosque in Montauban. Perpetrators had also thrown a significant quantity of pig’s blood at the door of the mosque. Interior Minister Valls and the mayor of Montauban denounced the attack and pledged to prosecute the perpetrators. The police investigation continued at year’s end.

As of October 1, NGOs estimated that the Ministry of Interior had evicted 3,000 illegal immigrants from Romania and Bulgaria, many of whom were Roma, from

camps around the country that were in “a dangerous situation or [posed] serious health risks.” According to the law, a landlord (defined as a private individual or city mayor for public lands) may seek to evict an occupant from immovable property, only after filing a request to the administrative court, which then rules on the legality of the occupant’s presence on the property. An occupant found to be squatting receives between three and 30 days’ notice to abandon the property; thereafter, the mayor or prefect may authorize an eviction. During the year the government provided legal notice to squatters in all but one case. On August 27, authorities dismantled a Romani squatter camp in Evry one day before the announcement of the ruling.

In March authorities dismantled an illegal camp outside of Paris occupied by 130 Roma because of unsanitary conditions and because the camp posed a security threat. A month earlier, five young residents of the camp allegedly robbed a Japanese tourist; animal protection associations further claimed that dog trafficking was taking place in the camp. An immigration judge ordered that three of the illegal residents be deported. In August the government evicted more than 700 Roma from six illegal campsites in Lille, Marseille, Lyon, and Paris. Several hundred residents of these sites were repatriated compulsorily to Romania and Bulgaria. Interior Minister Valls stated that unsanitary and unsecure living conditions were the primary factors motivating these evictions.

On August 10, the office of EU Justice Commissioner Viviane Reding said she would closely monitor evictions from illegal Romani camps to ensure the expulsions were not arbitrary and discriminatory. On September 10, UN High Commissioner for Human Rights Navi Pillay expressed concern over the dismantling of such camps in the country. The week before, the UN special rapporteurs on minorities, migrants, housing, and racism stated that legal safeguards should be in place to ensure children, women, and those with illnesses or disabilities not be left homeless or vulnerable.

Societal hostility against Roma, including many illegal immigrants from Romania and Bulgaria, continued to be a problem. There were reports of anti-Roma violence by private citizens. On March 21, the European Roma Rights Center expressed its concern about alleged multiple forced evictions and attacks on Roma in Vault-en-Velin, Lyon. On September 27, some residents of an apartment building in a poor neighborhood of Marseille evicted 40 Roma, including 15 children, from an illegal campsite across the street. While some belongings left behind were burned, there were no reports of physical violence.

In 2011 the government repatriated 32,912 illegal immigrants to their countries of origin. Of these, 22,312 illegal immigrants were compulsorily repatriated and 10,600 voluntarily repatriated. Romanians and Bulgarians, many of whom are Roma, comprised an estimated 30 percent of compulsory repatriations according to the NGO Hors la Rue, and 82 percent of voluntary repatriations according to the French Office for Immigration and Integration (OFII). The government provided 21.5 million euros (\$28.38 million) in aid to individuals who voluntarily repatriated in 2011. According to OFII and NGOs, the policy of providing financial aid to each illegal immigrant who accepts voluntary repatriation was unsuccessful, as individuals in many cases would return to the country a month after their deportation.

On June 20, newly appointed Paris prefect of police Bernard Boucault announced that anti-begging penalties targeting Roma would not be extended because the measures were insufficient, with offenders almost never paying fines or returning to Paris shortly after being deported.

On August 22, the government announced a number of steps to provide more employment opportunities, better living conditions, and more access to education and health care for Roma. Key measures included expanding the list of authorized occupations for Romanian and Bulgarian citizens and the lifting of a tax on employers who hire Romanian and Bulgarian citizens. Results from the measure were unknown at year's end.

On September 12, the governments of France and Romania announced a two-year pilot program to return 80 Romani families from France to their counties of origin in Romania, pledging financial and logistical support. Results from the measure were unknown at year's end.

During the year there were several cases that involved public figures making statements that were seen as demeaning members of the country's ethnic and racial minorities. On February 4, former Interior Minister Claude Gueant caused a political uproar by suggesting to a right-wing student union that some civilizations were superior to others. Gueant argued that civilizations that defended liberty, equality, and fraternity were superior to those that accepted tyranny, the subservience of women, and social and ethnic hatred.

On September 16, a Paris appeals court overturned the 2010 conviction of the former minister of interior, overseas France, local authorities, and immigration, Brice Hortefeux, for racial slander. The charges related to remarks Hortefeux

allegedly made to a young party activist of Arab origin during a Union for a Popular Movement party event. A camera recorded Hortefeux disparaging persons of North African origin. The trial court had fined him 750 euros (\$990) and ordered him to pay 2,000 euros (\$2,640) to an antiracism organization. Following the appeals court decision, the NGO Movement against Racism and for Friendship between Peoples appealed the decision before the Court of Cassation.

The law requires municipalities with more than 5,000 inhabitants to provide a campsite with sanitary facilities and access to water and electricity. According to a French General Accounting Office report released in October, the government created 27,469 places in campsites during 2010 and 2011. As of December 2011, only 52 percent of the places required by law had been built. However, there was still a shortage estimated at more than 20,000 sites (according to authorities) or up to 60,000 sites (according to NGOs).

During the year at least a dozen cities set-up accommodations for Romani families, including permanent housing in a compound of prefabricated houses in the Cosmonautes district north of Paris. These accommodations allowed children to receive education, provided a more secure environment, and sought to curb juvenile delinquency.

In February the Catholic diocese of Marseille provided temporary housing for 66 Roma and later signed an agreement with the NGO Ampil to help with integration. To participate in the program, Romani parents had to agree to send their children to school, exercise their parental authority, and respect public order.

Citizens may report cases of discrimination based on national origin and ethnicity to the defender of rights. In 2011 the defender of rights received 8,183 discrimination claims, half of which concerned employment. The defender of rights issued opinions on approximately 300 cases per year and offered mediation for hundreds more. Data for 2012 was unavailable at year's end.

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

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

The law prohibits discrimination based on sexual orientation. Authorities pursued and punished perpetrators of violence against lesbian, gay, bisexual, and transgender (LGBT) persons. The NGO SOS Homophobia reported 1,556 homophobic acts in 2011, a 20 percent increase from 2010. It reported 152 instances of physical assault, a 22 percent increase from the previous year. After the NGO Inter-LGBT claimed that homosexual minors frequently were targeted for violence, the Ministry of National Education, Youth, and Community Life responded by introducing lessons on tolerance and diversity in schools. Data for 2012 was unavailable at year's end.

Other Societal Violence or Discrimination

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

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The constitution and law provide workers, including migrant workers, the right to form and join unions of their choice without previous authorization or excessive requirements. The law allows unions to conduct their activities without interference, and workers, except certain essential service workers such as police and armed forces, have the right to strike unless the strike threatens public safety. Health care and public transport workers are required to provide a minimum level of service during strikes. Workers must declare their participation in a strike at least 48 hours before the strike commences. Laws and regulations prohibit retaliation against strikers, and these laws were effectively enforced. The law provides for the right to bargain collectively.

Workers exercised their rights to form and join unions, conduct union activities, and bargain collectively. Legal strikes occurred during the year. Although the law prohibits antiunion discrimination, union representatives noted occasional reports of antiunion discrimination, particularly in small companies.

b. 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, mainly from Eastern Europe, West Africa, and Asia, continued to be trafficked for the purpose of forced labor, including domestic servitude. There were no government

estimates available on the extent of forced domestic labor. During 2011 the Committee against Modern Slavery received 245 notifications and assisted 84 victims, the majority of whom were women working in domestic labor. According to the *2011 ONDRP Report*, in 2010 the gendarmerie registered 72 crimes of modern slavery relating to forced labor. That same year the gendarmerie and police registered 10,861 cases related to illegal work and questioned 10,726 individuals, 266 of whom were illegal immigrants.

On December 3, the Central Office for the Suppression of Illegal Immigration and Employment of Foreigners raided a building in Alsace where three 20-year-old, illegal Vietnamese migrants were being forced to work in “cannabis farms” until they paid 15,000 euros (\$19,800) to the criminal network that smuggled them into the country. The men were found to be living in “inhumane conditions” in an attic.

Also see the Department of State’s *Trafficking in Persons Report* at www.state.gov/j/tip.

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits most forms of child employment, and the government’s implementation of laws and policies to protect children in the workplace was generally effective. The minimum age for employment is 16. 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 hours of work for minors. Persons under the age of 18 generally are prohibited from performing work considered arduous or working between 10 p.m. and 6 a.m. Inspectors from the Ministry of Labor, Vocational Training, and Social Dialogue investigated workplaces and generally enforced compliance with child labor laws.

d. Acceptable Conditions of Work

On July 1, the government raised the national minimum wage to 9.40 euros (\$12.41) per hour. The Ministries of Economy, Industry, and Employment enforced the minimum wage. The poverty-level income rate was 964 euros (\$1,272) a month for an individual, 1,431 euros (\$1,889) for a couple, and 2,000 euros (\$2,640) for a couple with two children under the age of 14. The government permitted salaries below the minimum wage for certain categories of employment, such as 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 government sets occupational health and safety standards, in addition to those set by the EU. The government standards cover all employees and sectors.

The official workweek is 35 hours, although 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 period 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 enforced effectively.

The law sets basic occupational health and safety standards. The Ministry of Labor, Employment, Vocational Training, and Social Dialogue is responsible for enforcing the law and did so effectively. In 2011 there were approximately 670,000 workplace accidents. As of December 2011, there were 789 labor inspectors in the country and 1,560 labor controllers.