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France

Country Reports on Human Rights Practices - 2007
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France, with a population of approximately 63.7 million, is a multiparty constitutional democracy. The Union for a Popular Movement (UMP) is the ruling party and Nicolas Sarkozy is president. The president is elected by popular vote for a five-year term. There is a bicameral parliament; the upper house (Senate) is indirectly elected through an electoral college; the lower house (National Assembly) is directly elected. National elections took place during the year and met international standards. Civilian authorities generally maintained effective control of the security forces.

The government generally respected the human rights of its citizens; however, there were problems in some areas, including overcrowded and dilapidated prisons; lengthy pretrial detention; protracted investigation and trial proceedings; anti-Semitic incidents; discrimination against Muslims; societal hostility toward immigrants; societal violence against women; child abuse and child marriage; and trafficking in persons.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

There were no reports that the government or its agents committed any politically motivated killings during the year. Police reportedly shot and killed one person and were involved in traffic accidents resulting in three civilian deaths.

On July 28, police in a Parisian train station shot and killed a man who brandished and shot a pistol at three police officers conducting an identity check of passengers. Judicial authorities subsequently ruled that police carried out the shooting in self-defense.

There were no developments in the 2005 private lawsuit claiming "complicity in genocide" of French soldiers deployed to Rwanda at the time of the 1994 genocide.

b. Disappearance

There were no reports of politically motivated disappearances.

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

The constitution and law prohibit such practices; however, there were occasional accusations of police violence and use of excessive force in making arrests.

According to February 9 press reports, authorities placed under formal investigation two police officers in the deaths of two teenagers; the deaths set off three weeks of urban rioting across the country in 2005. The officers were accused of not taking action to ensure the safety of the youths, Zyed Benna, 17, and Bouna Traore, 15, who were electrocuted by a power transformer as they hid from the police in Clichy-sous-Bois, a working-class Parisian suburb. A police report in December 2006 confirmed that officers had been chasing the youths and had shown "surprising irresponsibility."

There were occasional press reports alleging excessive force by police.

On September 14, a Paris court sentenced three former state security police officers to seven-year prison terms without parole for committing 11 rapes of foreign prostitutes detained during 2002-03. Two other officers received suspended sentences. The former officers blackmailed apprehended prostitutes, ignoring deportation orders in exchange for sexual favors. One Albanian former prostitute received $17,760 (12,000 euros) in compensatory damages.

There were no developments in the July 2006 Muhittin Altun case, in which attorneys for Altun filed a complaint against police for reckless endangerment and falsifying public documents during their examination of Altun.

There were no developments in the investigation of the 2004 case of police Captain Franck Junca and two officers who allegedly beat and sodomized a driver in Val-de-Marne.

Prison and Detention Center Conditions

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

On July 9, the guards of the prison at Chauconin-Neufmontiers went on strike, citing "repeated aggression and a lack of personnel" to contend with a local prison population that exceeded the facility's carrying capacity by more than 50 percent. According to the guards' spokesperson, "90 individuals [were] sleeping on mattresses on the ground."

In February 2006 Council of Europe (COE) Human Rights Commissioner Alvaro Gil-Robles released a report based on visits to prison and detention centers over a two-week period in 2005. Overcrowding and inadequate operating resources were the most serious shortcomings noted. In some cases, for example at the La Sante and Les Baumettes prisons, Gil-Robles characterized living conditions as "on the borderline of human dignity." In response to this report, the government committed to adding or renovating 13,300 prison beds. Progress was slow.

According to the Penitentiary Administration, at the end of the year, the country's incarcerated population of 61,076 prisoners exceeded the prison system's carrying capacity by 10,383. The government continued to replace old prisons and add new facilities as part of a project designed to create space for 13,200 additional inmates by the end of the year, but as of December 10, only a fraction of those additional beds had been added.

Although there were no known deaths in prison due to mistreatment or adverse conditions during the year, prison suicides have been a problem in recent years. Penitentiary officials announced that there were 96 prison suicides during the year.

Authorities maintained administrative holding centers (CRAs) for foreigners whom they could not immediately deport. There were 18 holding centers on the mainland. On October 4, the French illegal immigrant advocacy NGO Cimade published its 2006 report criticizing the "catastrophic" state of the country's immigrant detention centers. The report accused the government of "industrializing" the process of deportation and "attacking the dignity of individuals" in an effort to reach yearly expulsion quotas.

In a report made public on December 10, the COE Committee for the Prevention of Torture (CPT), based on visits conducted in October 2006, reiterated many of its earlier criticisms of the prison system, focusing particularly on inappropriate physical restraint, degrading physical treatment and inadequate psychiatric support for inmates. Among the specific criticisms, the report noted that physical restraints interfered with medical care for inmates under high surveillance. Guards refused to remove wrist and ankle shackles to facilitate medical treatment. In addition, limits on the duration of solitary confinement, not to exceed three months, were not respected. CPT investigators encountered one extreme case in which the inmate was kept in solitary confinement for many years. The report also noted that psychiatric personnel were insufficient to meet constantly increasing demand. In one facility, inmates transferring to psychiatric units were forced to wait over a week, during which time patients showing signs of acute suffering were placed in solitary confinement, "required to remain naked in their cells while under constant surveillance by prison staff."

The CPT report asserted that many of the prison system failings were directly related to chronic overcrowding.

The government permitted prison visits by independent local and foreign human rights observers.

d. Arbitrary Arrest or Detention

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

Role of the Police and Security Apparatus

A civilian force of 145,800 national police under the direction of the Ministry of the Interior and a military force of 102,300 national gendarmes under the joint direction of the Ministry of the Interior and the Ministry of Defense ensure internal security. Police and gendarmes generally were considered effective.

Impunity was not widespread. The inspector general of the national police and the Office of Judicial Police investigated and prosecuted allegations of police brutality. The independent National Security Ethics Commission (CNDS) investigated allegations of misconduct by municipal police, gendarmes, and private security forces and reported the findings to the prime minister and parliament. The National Consultative Commission on Human Rights (NCCHR) also monitored police conduct. Police corruption was generally not a problem. The government actively investigated and prosecuted allegations of police corruption.

The CNDS monitored security enforcement ethics. According to its annual report for 2006 released on March 8, the number of complaints registered with the CNDS increased by 30 percent from 2005 to 2006 (from 108 to 140 cases). Of these, 62 percent were against members of the national police, which were affiliated with the Interior Ministry. Smaller numbers of complaints were registered against the prison administration staff (Justice Ministry), and the military police. As one example of excessive police violence, the report noted that police struck a 17-year-old male in Strasbourg who had made no sign of physical aggression, then verbally insulted, handcuffed, and held him in their vehicle without offering any legal justification. In another case, an Algerian political refugee was stopped for an identity check and "frisked, completely undressed, in a hallway and made to feel profoundly humiliated." The CNDS recommended that the Interior Ministry issue guidance to officers, informing them of their obligation to explain the reason for a physical search of one's person.

The CNDS report also highlighted the tendency of some police officers to use handcuffs in inappropriate situations. Since its creation in 2000 through 2006, the CNDS submitted 474 legal misconduct cases against various authorities.

Arrest and Detention

Police are required by law to obtain warrants based on sufficient evidence and issued by a duly authorized official prior to taking individuals into custody. The law gives the individual the right to a prompt judicial ruling on the legality of the detention, and authorities generally respected this right in practice. Authorities must promptly inform detainees of charges against them. There is a system of bail, and it is utilized. Detainees generally had prompt access to lawyers; however, in cases involving terrorism or other major crimes, suspects may be held up to 96 hours without access to a lawyer. If detainees are indigent, the state provides a lawyer.

The 2006 antiterrorism law provides for longer periods for incommunicado detention according to which arrested terrorist suspects can be held for an initial period of four days before being charged or allowed access to a legal counsel. Authorities may then petition a judge to extend this period by an additional two days. After six days suspects must either be charged or released and allowed access to legal counsel.

In a June report, the NGO Human Rights Watch (HRW) stated that the government did not provide "real protection for fundamental rights" when expelling foreigners suspected of terrorist ties. According to the report, a suspected terrorist who petitions for asylum could be expelled by Interior Ministry fiat before the justice system can review the case. In addition HRW asserted that government disclosure of the expulsion justification is not mandatory, effectively denying the individual his opportunity for defense.

Long delays in bringing cases to trial and lengthy pretrial detention were problems. Pretrial detention is generally allowed only if there is a possibility that the suspect would be sentenced to more than three years in prison for crimes against property; however, a few suspects spent many years in detention before trial, which officials blamed on system stress from changing judicial laws and insufficient government resources for investigations and trials. In 2005, 35 percent of persons held in jails and prisons were awaiting trial. According to government statistics released on March 18, detention times for persons awaiting trial increased 13 percent since 2001, to an average of 7.1 months.

e. Denial of Fair Public Trial

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

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

Trial Procedures

The constitution and law provide for the right to a fair trial, and an independent judiciary generally enforced this right. Trials are public and usually held before a judge or tribunal of judges. In cases where the potential punishment exceeds 10 years' imprisonment, a combination of professional and lay judges hear the case. Defendants are able to question the testimony of prosecution witnesses against them and present witnesses and evidence in their defense. Defendants and their attorneys have access to government-held evidence relative to their cases. However, COE research published in February 2006 found that, in practice, the country's legal system limited the right of accused persons to benefit from legal counsel by limiting access to case files. Defendants enjoy a presumption of innocence and have the right to appeal.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

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

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

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

Some civil rights and opposition political parties expressed concern about an antiterrorism law enacted in December 2006 that permits official probing on the Internet and into mobile telephone records, increased video surveillance of railway stations and airports, and increased access to records of citizens' electronic communications.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution and law provide for freedom of speech and of the press, and the government generally respected these rights in practice. The independent media were active and expressed a wide variety of views with few restrictions.

However, there were some limitations of freedom of speech and of the press. Strict antidefamation laws prohibit racially or religiously motivated verbal and physical abuse. Denial of crimes against humanity is illegal, as is speech, written or oral, that incites racial or ethnic hatred. According to the 1990 Gayssot law against Holocaust denial, it is a crime to dispute or contest crimes against humanity, as defined by the joint military commission of the Allied powers that met as a tribunal at Nuremberg 1945-46.

On January 25, an appeals court affirmed an earlier verdict fining UMP deputy Christian Vanneste $4,440 (3,000 euros) for defamatory comments against homosexuals. Vanneste was required to pay a portion of his fine to three gay rights groups for his public assertion that "homosexuality is inferior to heterosexuality. If one extended [the homosexual lifestyle] universally, it would be dangerous for humanity. There [already] is a social model that consists of heterosexual marriage and the education of children."

On June 15, the Saverne court issued a six-month suspended prison sentence and a $5,920 (4,000 euros) fine to the author and distributor of *The Yellow Book* for provoking racial discrimination; the work was found to have anti-Semitic connotations.

On September 11, a Paris court issued a public defamation sentence and a $10,360 (7,000 euros) fine to comedian Dieudonne for anti-Semitic comments made at a 2005 press conference.

Authorities may deport a noncitizen for publicly using "hate speech" or constituting a threat of terrorism. HRW claimed there were instances of long-time residents being deported for holding unpopular views, but whose views would not constitute a threat of terrorism; HRW claimed these cases illustrated the problem with the terror expulsion process.

On March 3, the government approved a law criminalizing the filming or broadcasting of acts of violence by anyone other than professional journalists. The law is intended to reduce a range of public order offenses, including "happy slapping," in which a violent attack is filmed by an accomplice to amuse the attacker's friends. The law could also apply to the filming of police brutality by nonjournalists. Civil liberties groups contend that criminalizing the actions of citizen journalists unrelated to the perpetrators of violent acts could lead to excessive self-censorship.

On January 18, a Lyon court sentenced National Front senior official Bruno Gollnisch to a three-month suspended prison sentence and a $7,300 (5,000 euros) fine for publicly questioning the existence of Nazi gas chambers.

On May 21, a Paris court rejected Robert Faurisson's personal defamation law suit against former Justice Minister Robert Badinter. Faurisson, who theorized the nonexistence of Nazi gas chambers, accused Badinter of slander for labeling him a "falsifier" of history. The court ordered Faurisson to pay $7,400 (5,000 euros) in court costs to the former minister. On July 4, Faurisson lost his appeal. In April an investigation was opened into televised comments Faurisson made during a December 2006 conference in Iran, including asserting that the Holocaust is "official religion [that] continues to deceive millions." In a statement to the press, Faurisson elaborated, "I am in Iran because it is possible to debate something here that is no longer open to debate in the Western world…the Holocaust is a myth." Finding that Faurisson's remarks during the interview constituted "complicity in contesting the existence of a crime against humanity," the court gave Faurisson a suspended prison sentence of three months and fined him $11,100 (7,500 euros).

On September 11, a Montpelier appeals court handed down a defamation sentence and a $2,220 (1,500 euros) fine to Languedoc-Roussillon regional president Georges Freche for accusing police of having burned cars during the urban violence in the fall of 2005.

On November 10, a chemical engineer was sentenced to one year in prison and fined $14,800 (10,000 euros) for denying the Holocaust. Vincent Reynouard was convicted by a criminal court in Salerne for writing a 16-page pamphlet in 2005 entitled *Holocaust? The Hidden Facts*. The work--sent to museums and city halls across the country--claimed that the extermination of six million Jews during World War II was "impossible." It was the heaviest sentence handed down to date for Holocaust denial in the country.

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 generally could engage in the peaceful expression of views via the Internet, including by electronic mail. Access to the Internet was widely available throughout the country. However, the authorities shut down at least one Internet site during the year for threats against Jews.

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

Academic Freedom and Cultural Events

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

b. Freedom of Peaceful Assembly and Association

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

c. Freedom of Religion

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

A 1905 law on the separation of religion and state prohibits discrimination on the basis of faith. However, some religious groups remained concerned about laws passed in 2001 and 2004 permitting the dissolution of groups under certain circumstances and prohibiting the wearing of conspicuous religious symbols by public school employees and students. Some Muslims described the deportation of a number of radical Islamist religious figures since 2004 as a restriction on religious freedom, although authorities cited security as the motivation.

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

The wearing of "conspicuous" religious symbols--including Muslim headscarves, Jewish skullcaps, and large crosses--by employees and students in public schools is prohibited by law. Some Christian, Jewish, Muslim, and Sikh leaders remained concerned about the law's potential to restrict religious freedom. The number of school children affected by these regulations was difficult to determine. Media reports estimated that, of the country's 13 million schoolchildren, approximately 1,200 Muslim school−age girls wore headscarves to school at the time of the law's passage. The Sikh community reported that, of the roughly 200 school−age Sikh boys, the legislation affected 168. In May the United Sikhs Legal Team for the Right to Turban Campaign filed a legal challenge to the law against wearing turbans in identification document photos with the European Court of Human Rights. The ban had been challenged by 6 Sikh schoolboys by year's end. Three Sikh boys were expelled in the years following the first expulsions. Sikh leaders asserted that the law effectively prevented some of their members from receiving higher public education.

On December 5, the Council of State, the country's highest court, ruled that the ban against the turban in schools was legal because there was a greater interest to be served in preserving secularity than a religious belief. According to the ruling, the *keski*, the under-turban Sikh boys wore to school, was not a discreet sign but an ostensible manifestation of religion which is prohibited by the French law. The Council of State concluded that in the interest of secularism in public schools, the permanent expulsion of a student who does not conform to the legal ban on wearing of ostensible religious signs "does not lead to an excessive infringement upon the freedom of thought, conscience and religion."

On January 8, an administrative court in Paris ruled that a nationalist group, Solidarity of the French, could no longer hand out "pig soup," made with bacon and pig parts, to the homeless. Many saw the group as inciting religious hatred by deliberately excluding those who follow a halal or kosher diet.

The Interministerial Monitoring Mission against Sectarian Abuses (MIVILUDES) is responsible for observing and analyzing religious movements that could constitute a threat to public order or violate the law. On January 24, MIVILUDES published its 2006 report on fund−raising and recruitment strategies by groups it considered "cults." The report specifically mentioned the Church of Scientology's targeted recruitment of disenfranchised youth. It elaborated on proselytizing tactics, the increasing use of hallucinogenic drugs by members of certain groups, the effects of group membership on extended families, and groups' efforts to develop private sector commercial interests. Minority religious groups indicated that the allegations in the report were unsubstantiated and often false, adding to public mistrust of the organizations involved.

There was continuing concern over the 2001 About Picard law, permitting the dissolution of religious groups, although authorities have never applied these provisions of the law.

On March 23, a court rejected accusations by Islamic groups and ruled in favor of the newspaper *Charlie Hebdo*, which had published cartoons of the Prophet Mohammed. The court sided with arguments that freedom of expression laws justified the paper's actions and that the cartoons did not seek to incite racial and religious hatred, but were a critique of fundamentalists rather than of Islam in general. Two of the three cartoons cited in the complaint were first published in 2005 in Denmark, touching off a wave of violent demonstrations throughout the Muslim world. The newspaper itself produced the third controversial cartoon.

On March 30, the Lyon appeals court upheld a Lyon court decision that the city was compelled to rent the Jehovah's Witnesses a conference forum after it refused to rent the group a communal meeting space for a yearly gathering of 4,500 adherents.

Representatives of the Church of Scientology continued to report cases of societal discrimination, frivolous lawsuits, and prosecution for allegedly fraudulent activity. On April 16, a Nantes court ruled in favor of SEL, a Church of Scientology organization, permitting the sale of Scientology books. The court rejected the mayor's claim that the sales prohibition against books by L. Ron Hubbard, the founder of Scientology, was necessary to maintain public order and ordered the city of Angers to pay SEL $1,776 (1,200 euros) in damages.

On March 27, a Paris appeals court upheld a 2002 complaint, previously dismissed by a lower court, by a Belgian citizen against the Church of Scientology for fraud, extortion, and illegal use of drugs.

On August 29, officials indicated they would no longer invoke the Schengen Treaty as a justification for preventing Unification Church leaders Reverend and Mrs. Moon from entering the country. Under the terms of the treaty, the Reverend and his wife had been listed as "dangerous persons" and barred from entering the 12 Schengen convention states, including France. The change resulted from a German court ruling on the matter.

Societal Abuses and Discrimination

The Jewish community was estimated at 500-600,000 persons. According to the Representative Council of Jewish Organizations (CRIF), 261 anti-Semitic acts took place in the country during the year, a decrease of 30 percent from 2006. However, senior CRIF officials noted that the violence of the acts had increased and the perpetrators were much younger than in previous years. Official government statistics on anti-Semitism during the year had not been released at year's end.

Tribe Ka resurfaced in Tours in January after the Council of Ministers dissolved it in July 2006 because of its anti-Semitic behavior. After an altercation with police on February 9, a court sentenced Tribe Ka founder Stellio Capo Chichi, alias Kemi Seba, to five months in prison for referring to the departmental director of public security as "Zionist scum." Semba was obliged to serve two of the five months in prison; two associates received sentences of one month of jail apiece. On November 30, a Paris court sentenced Semba to a month in prison and two years of political office ineligibility for transmitting anti-Semitic viewpoints over the Internet in 2006. The two-year ineligibility will prevent Semba from following through with his intention to run for office in the municipal elections scheduled for March 2008.

On March 31, 51 Jewish tombs were desecrated in Lille. The desecration prompted a police investigation into what one government official called "the largest event of this sort ever to happen in the region." On April 19, Lille Rabbi Elie Dahan, who presided over a commemoration ceremony at the site, was verbally and physically assaulted in Paris. Following a solidarity march, vandals damaged 180 graves on April 21, a quarter of which were Jewish, in the main Le Havre cemetery of Saint−Marie.

In late March, a Nice-area daily published an article detailing the continued existence of Vichy-era legal prohibitions on renting or selling property to Jews. While the discriminatory co-ownership settlements were still found in older contractual agreements, the government considered the measures to be null and void since the end of

World War II, and the measures had not been applied to discriminate against Jewish property owners since that time. Observers noted that the discriminatory prohibitions had not been invoked to exclude unfairly potential homeowners.

There were numerous attacks on Jews, anti-Semitic slurs directed against them, attacks on synagogues and Jewish cemeteries during the year. For example, on April 19, a 20-year-old man violently attacked the rabbi of Nord-Pas-de-Calais while he walked in the lanes of the Paris North train station. The rabbi was taken to a hospital after the incident. Police said the attacker could not be identified, but a "well-informed source" told the *European Jewish Press* that surveillance cameras in the train station had probably filmed the event.

On August 9, a Jewish woman was verbally and physically assaulted and robbed in the city center of the Parisian suburb of Noisy-le-Grand.

On August 28, a Paris court sentenced Nizar Ouedrani to nine months in prison for anti-Semitic slurs and physically assaulting an Orthodox Jew, Yossef Zekri, on July 21 in Paris.

On September 23, a young rabbi, wearing the traditional robe, was punched in the face. His glasses broke as a result. A complaint was registered. The two attackers were interrogated. They admitted to having hit him, but they denied that it had been an anti-Jewish attack. They were released with a court summons.

On October 9, a 14-year-old pupil at a Jewish school was attacked twice in one week by a group of young men as he was leaving school, striking him with a stick and kicking him repeatedly. The victim was injured above the eye and suffered scratches. Police arrested two of the attackers.

According to CRIF reporting, four anti-Semitic incidents took place in the 10th arrondissement (precinct) in Paris during the last three weeks of November: A group of about 15 Jewish teenagers was forced to leave a playground that other youths considered "Palestinian territory." Two Jewish teenagers were assaulted while walking in the street. On November 17, a Jewish teenager was beaten during a soccer match and called "dirty Jew." The same teenager was subsequently assaulted several additional times. A group of eight-year-old school children insulted a fellow pupil, calling him a "stinking Jew."

Hate speech and Holocaust denial are illegal.

On June 15, the Saverne court issued a six−month suspended prison sentence and a $5,920 (4,000 euros) fine to the author and distributor of *The Yellow Book* for provoking racial discrimination; the work was found to have anti-Semitic connotations.

On September 11, a Paris court issued a public defamation sentence and a $10,360 (7,000 euros) fine to French comedian Dieudonné for racially motivated anti−Semitic comments made at a 2005 press conference.

There were the following developments in previous years' cases: On June 7, a team of psychiatric experts declared Youssouf Fofana, head of the gang held responsible for the February 2006 torture and murder of a young Jewish man, Ilan Halimi, competent to stand trial. Charges against Fofana included criminal association, kidnapping, illegal confinement, torture, and religiously motivated premeditated murder. The trial had not begun at year's end.

On March 27, a Bordeaux appeals court overturned the June 2006 ruling against the state and the state railway for their role in deporting Jews during World War II, citing nonjurisdiction as a result of then-German railway control. The court had ordered the railways to pay $82,000 to the plaintiff, the Lipietz family. The reversal set a broad precedent for similar cases, 2,000 of which had been filed by deportees and family since the initial judgment in June 2006. On December 21, the Council of State upheld the Bordeaux appeals court's ruling.

Members of the Arab−Muslim community continued to experience acts of harassment and vandalism. However, the NCCHR reported 127 fewer incidents in 2006 than 2005; violent incidents dropped to 64. While many of these were aimed against immigrants of North African origin, 11 were explicitly anti-Islamic, targeting mosques, cemeteries, or individuals.

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

On May 10, a court sentenced two individuals to two years in prison for profaning the ossuary and 51 Muslim graves in the country's largest military cemetery, Notre−Dame−de−Lorette, on April 19.

On May 24, a court sentenced Mickael Tronchon to 20 years in prison for the attempted murder of two citizens of North African origin and the desecration of 62 Jewish tombs in a Lyon cemetery. Tronchon claimed responsibility for the acts as part of his own "anti−Arab crusade" modeled on neo-Nazi examples.

On October 9, a court in the Northwestern town of Epinal handed down a suspended four-month prison sentence and a $1,480 (1,000 euros) fine to the owner of a local Bed and Breakfast who refused service to a woman wearing a headscarf. The court ordered Yvette Truchelut to pay an additional $4,440 (3,000 euros) to the victim and her family and $3,552 (2,400 euros) to the suit's civil parties, the League for Human Rights, the International League against Racism and Anti-Semitism, and the Movement against Racism and for Friendship among People.

On November 18, police in Nantes arrested four suspects, ages 17 to 23, for multiple counts of vandalizing the Ar-Rahma mosque construction site. Muslim community representatives, while denouncing the crime, expressed their appreciation for community support and prompt attention from authorities, including the Nantes mayor and deputy mayor, who took a personal interest in the case.

Racism and religious intolerance in Corsica remained a concern, although violent racist attacks comprised only 5 percent of the attacks in Corsica in 2006, as opposed to 27 percent in 2005.

In 2005 Jehovah's Witnesses reported difficulty gaining permission to build a house of worship in the town of Deyvilliers, where an opposition group had lobbied against it since 2004. On May 10, a local court ruled as inadmissible the Jehovah's Witnesses' complaint against the opposition group.

At year's end the Jehovah's Witnesses were awaiting a ruling by the European Court of Human Rights on the admissibility of a case contesting the government's assessment of their donations at a 60 percent taxation rate. The government had imposed this high taxation rate relative to other religious groups after ruling the group to be a harmful cult.

According to Jehovah's Witnesses representatives, during the year there were 213 acts of vandalism against the Jehovah's Witnesses in the country. Some of these acts involved Molotov cocktails and firearms. In March the city of Lyon lost its appeal to deny a meeting place to the religious group. In July the Appeals Court of Rouen overturned an earlier court ruling and agreed that slander had been committed against the Jehovah's Witnesses.

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

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, returning 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 those engaged in itinerant activities and who have a fixed domicile to sign a declaration, which must be renewed periodically. Itinerant persons having no domicile or fixed abode must be in possession of travel documents, often requiring renewal every three months, and must choose a commune for administrative purposes. Members of the Romani community, who made up the majority of those requiring travel documents, protested the requirement and indicated that they often experienced discriminatory treatment from officials when renewing the documents.

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

Protection of Refugees

The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has established a system for providing protection to refugees. In practice the government provided protection against refoulement, the return of persons to a country where there is reason to believe they feared persecution.

The government also provided temporary protection to individuals who may not qualify as refugees under the 1951 convention and the 1967 protocol and provided it to approximately 557 persons during the year.

In asylum applications, persecution by nonstate agents is taken into account if the state concerned is incapable of offering protection to the person in danger. Additionally, persons who may be exposed to certain serious risks if they return to their country of origin may remain for a renewable period of one year.

However, asylum application forms submitted to the Office for the Protection of Refugees and Stateless Refugees must be completed in French, placing non-French speaking applicants at a disadvantage.

On February 15, the Council of State, at the urging of several immigrant rights groups, suspended an Interior Ministry circular allowing authorities to expedite the expulsion of some illegal immigrants. The ruling obligated state authorities to treat all undocumented residents taken into custody according to newly adopted deportation procedures that include the right to reside in the country for an additional month before expulsion.

Following a May 30 meeting between the France chapter of Amnesty International (AI) and Immigration Minister Hortefeux, AI representatives emphasized "increasing difficulties" encountered by asylum seekers in the country, where they asserted the number of asylum requests decreased by 20 percent in 2005 and by 40 percent in 2006. AI representatives suggested that these decreases did not reflect a reduction in demand but rather an increase in the difficulties encountered in successfully following the bureaucratic steps involved in applying for asylum status.

A 2006 AI report condemned legal and administrative regulations that restrict the right to seek asylum and the right to have an asylum claim considered on its merits. Regulations of concern included a shortened period of time to complete and submit temporary residence applications (down to 21 days; formerly one month); less thorough or "fast track" consideration of asylum applications for persons from an expanded list of "safe" countries of origin or transit; and cessation of free interpretation services to asylum applicants in detention centers.

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

The constitution and law give citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, democratic elections held on the basis of universal suffrage.

Individuals without a fixed domicile and who must carry travel documents were permitted to vote in municipal elections only after a three-year period of "attachment" to a municipality. Roma groups asserted that this requirement, which is based on special legislation applied only to itinerant groups, was discriminatory, since other citizens, including the homeless, were able to vote after an attachment period of only six months.

Elections and Political Participation

The most recent national legislative (June) and presidential elections (May) met international democratic standards. An OSCE assessment mission reported that the "presidential election reflected the long tradition of conducting democratic elections in France" and made recommendations for some improvements. Political parties could operate without restriction or outside interference.

The country's overseas departments are French Guyana, Guadeloupe, Martinique, and Reunion. Overseas collectivities are an administrative division of the country. As of February 22, there were six collectivities: French Polynesia, Mayotte, Saint Bartholomew, Saint Martin, Saint Pierre and Miquelon, and Wallis and Futuna. New Caledonia had special status. The citizens of Mayotte and the territories of French Polynesia, Wallis and Futuna, and New Caledonia determine their legal and political relationships to the rest of the country by means of referenda and, along with the overseas departments, elected deputies and senators to the parliament.

There were 163 women in the two chambers of the 908-seat legislature and seven female ministers in the 16-member ministerial cabinet. As of June, women headed three of the government's five most prominent ministries, finance, interior, and justice. Women made up 47 percent of regional council members and 33 percent of municipal council members but held only 6.7 percent of mayoral positions. Political parties are required to present voters lists containing equal numbers of male and female candidates or to face fines.

The law prohibits the government from collecting information about the racial or ethnic background of its citizens; therefore, no statistics on minority participation in the government were available. However, minorities appeared to be significantly underrepresented in the government.

With the exception of parliamentary representatives from some of France's overseas territories, the populations of which were predominantly of African origin, as of June 10, there were no African-French members of the National Assembly.

Government Corruption and Transparency

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

A judicial investigation launched in 2001 linked the 1991 sale of six French frigates to Taiwan with funds that allegedly were channeled through an umbrella company called Clearstream. In 2004 the judges received an anonymous list of foreign bank accounts linked--falsely, it transpired--to various politicians. One name on the list was Nicolas Sarkozy. The judge swiftly concluded that the list was bogus. On July 27, a new investigation was begun into the false accusations. Prosecutors returned a preliminary indictment against former prime minister de Villepin for breach of trust, forgery, and leveling false accusations, all linked to a 2004 smear-campaign against then interior minister Sarkosy, a political rival. Authorities at year's end were still considering whether to proceed with their case against de Villepin in a special court, the Court of Justice of the Republic, designed to hear cases of official malfeasance.

Charges for corruption in the criminal court system remained pending against former president Jacques Chirac at year's end.

On January 15, Jean-Paul Huchon, president of the Paris Area Regional Council and prominent member of the Socialist Party, was given a suspended 10−month prison sentence and fined $111,000 (75,000 euros) for corruption. Huchon's wife was employed by companies with which regional authorities established contracts in 2002-03.

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

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

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A wide variety of domestic and international human rights organizations generally operated without government restrictions, investigating and publishing their findings on human rights cases. Government officials were cooperative and responsive to their views.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination based on race, gender, disability, language, or social status, and the government generally enforced these prohibitions. However, violence against women and children, child marriage, trafficking in persons, discrimination, and acts of ethnic hostility were problems.

Women

Rape, including spousal rape, is illegal, and the government generally enforced the law effectively. The Ministry of Interior reported that the number of rapes fell by almost 25 percent (from 10,506 to 9,993 cases) over the previous year.

The penalty for rape is 15 years' imprisonment, which may be increased due to other circumstances, such as the age of the victim or the nature of the relationship of the rapist to the victim. The government and NGOs provided shelters, counseling, and hot lines for rape victims. The press and NGOs reported that, in some suburbs of Paris inhabited primarily by immigrants from North African countries, some men sought to intimidate women whom they perceived as violating social norms, using methods ranging from verbal abuse to physical assault and gang rape.

While not common, violence against women was a problem. The law prohibits violence against women, including spousal abuse, and the government generally enforced it.

Domestic violence is prohibited. The penalties for domestic violence vary according to the type of crime and range from three years' imprisonment and a fine of approximately $66,600 (45,000 euros) to 20 years' imprisonment. The government sponsored and funded programs, including shelters, counseling, and hot lines, for women who were victims of violence. Numerous NGOs also assisted abused women.

On November 12, the National Observatory for the Study of Criminality (OND) announced in its annual report that there was strong underreporting of domestic violence involving a spouse or partner. According to OND sampling, only 5 percent of the estimated 330,000 physical aggressions and more than 200,000 rapes and attempted rapes involving domestic partners resulted in victims filing official complaints.

The law treats female genital mutilation (FGM) under the criminal offense of "violence involving mutilation or permanent infirmity." It is punishable by up to 10 years in prison and a fine of approximately $222,000 (150,000 euros). The sentence increases to 15 years if the crime involves children who are 15 or younger.

The October bulletin of the National Institute for Demographic Studies announced that an estimated 53,000 adult women had been subjected to FGM. According to the survey, the large majority of victims were recent Sub-Saharan African immigrants or their children. The authors asserted that female circumcision was carried out within immigrant communities in the country until the beginning of the 1980s but that the practice became much less widespread thereafter due to targeted prevention campaigns focusing on young girls. The study concluded that FGM was rarely practiced any more but prevention efforts needed to be expanded to cover children residing in the country who were still at risk, either during family visits to their country of origin or following deportation.

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

Sex tourism to other countries was a problem that the government took steps to address. On June 2, the National Institute for the Study of Prostitution and representatives from the French travel industry sponsored a day-long seminar aimed at raising awareness of and combating sex tourism, particularly involving children in poor countries. The government also funded television ad campaigns on all the major channels on sex tourism and supported a campaign on Air France flights against sex tourism.

The law includes extraterritorial provisions that apply domestic law to sexual offenses committed abroad by citizens or residents.

The law prohibits gender−based job discrimination and harassment of subordinates by superiors, but it does not apply to relationships between peers. Sexual harassment was not widely considered a problem in the workplace. Both the government and NGOs widely publicized the laws, and the government enforced them effectively. According to the Ministry of Interior, reported sexual harassment cases dropped by 11.8 percent from 2006 to 2007; the statistics did not specify the gender of the victims.

Under the constitution and law, women have the same rights as men, including rights under family law, property law, and in the judicial system. The Ministry of Parity and Equality is responsible for the legal rights of women. The law requires that women receive equal pay for equal work; however, reports by various governmental organizations and NGOs indicated that there was a gender pay discrepancy of around 25 percent. Women also continued to face difficulties attaining positions of responsibility. According to a 2007 survey by the government's statistical agency, fewer than 20 percent of executives in the private sector were women. Although they made up 57 percent of the public workforce, women were underrepresented in managerial jobs and positions of responsibility. Women were also underrepresented in political life. Unemployment rates also remained higher for women than for men.

Children

The government was strongly committed to children's rights and welfare; it amply funded systems of public education and medical care. The Ministry for Family Affairs oversees implementation of the government's programs for children.

Public schooling is provided free through the age of 18, and education is compulsory for citizens and noncitizens from the ages of six to 16. Although not compulsory, preschool and kindergarten for children under age six is free and widely available. According to the government's statistical service, during the 2003–04 school year, the most recent year for which data was available, attendance by children remained at 100 percent from age three to age 13; however, for children age 14, 15, and 16, attendance dropped to 99.6, 98.6, and 97.3 percent, respectively. Most children completed the equivalent of high school.

Although not common, child abuse occurred. There are strict laws against child abuse by parents or guardians, and the government generally enforced the law effectively and prosecuted abusers. The law provides for a government children's advocate, a position charged with defending and promoting children's rights as defined by law.

The government provided counseling, financial aid, foster homes, and orphanages for victims, depending on the extent of the problem. Various NGOs also helped minors seek justice in cases of mistreatment by parents.

Child marriage was a problem, particularly in communities of African and Asian origins. Although such marriage ceremonies took place primarily outside the country, authorities took steps to address the problem. Women and girls could seek refuge at shelters if their parents or guardians threaten them with a forced marriage, and parents may be prosecuted. The government offered some educational programs to inform young women of their rights. The HCI stated it was important to distinguish between arranged and forced marriages. Both houses of parliament have passed laws to harmonize the minimum legal age of marriage for boys and girls as 18.

Trafficking in Persons

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

The country was a destination for persons, primarily women, trafficked from Africa (notably Cameroon and Nigeria), Central and Eastern Europe (notably Bulgaria and Romania), and the former Soviet Union for the purposes of prostitution and domestic servitude. A majority of the estimated 18,000 women in the commercial sex trade were probably victims of trafficking. Some women who migrated to the country voluntarily for work were deceived or coerced into sexual servitude or debt bondage. During 2006 there were proportionally fewer East European sex trafficking victims, while the percentages of African, South American, and Asian women trafficked increased. The Committee Against Modern Slavery (CCEM) estimated that one-fifth of involuntary domestic servitude cases in the country involved abusive employers who were diplomats with diplomatic immunity.

In February 10 traffickers and 41 "buyers" were convicted and sentenced for "trade in human beings."

In April five members of an extended family network involved in forcing up to 60 homeless persons to work under inhuman conditions in Paris and Marseille were sentenced to terms of four years and $2.2 million (1.5 million euros) in fines under the antitrafficking law. The government increased law enforcement cooperation with Bulgaria and Romania.

An increasing number of Chinese nationals were involved in prostitution in Paris and the surrounding region. The International Labor Organization office's 2005 report estimated that there were approximately 50,000 Chinese immigrants in the country illegally, with approximately 6,000 new arrivals annually; many arrived by means of networks that subsequently exploited them. On June 2, the Paris antiprostitution brigade arrested the Chinese proprietor whose apartment was at the center of a prostitution ring involving 20 Chinese prostitutes who used the domicile for more than 1,000 transactions per year. Police arrested the owners of a second domicile used for the same purpose shortly thereafter.

After taking office in July, Lyon Police Chief Jacques Gerault largely eradicated prostitution in the city's most notorious red light district through increased police presence. According to Gerault, most of the prostitutes he encountered in the clean-up process were young women from Africa and Eastern Europe.

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

Traffickers operated principally in small criminal networks. NGOs and police characterized the bulk of trafficking operations as "microtrafficking networks" that included both citizens and foreigners. They used various methods to recruit and retain victims including force, fraud, identification document confiscation, cultural isolation, and physical and psychological abuse. Some victims who came to the country willing to work as prostitutes were subsequently exploited by pimps and traffickers. In other cases traffickers kidnapped or "bought" women and girls elsewhere and sold them to Balkans–based prostitution networks that trafficked them into the country.

Apart from social assistance, trafficking victims may be given a provisional residence permit on condition that they cooperate with police in securing the arrest of the person controlling them. Immigration laws allow trafficking victims involved in prostitution who turn in their pimps or trafficking rings to benefit from a one–year temporary residence card, with permission to work and a ten–year residency card once the case went to trial. The laws were applied inconsistently due to public officials' lack of familiarity with them, and they did not adequately address the difficulty of finding a job.

In 2006 authorities charged 746 persons with pimping. None of these was a trafficking case.

During the year authorities initiated more than 2,000 judicial cases for soliciting and also dismantled more than 25 pimping networks.

There were 1,219 identified victims in 2006, compared to 1,189 in 2005. Trafficking in persons is punishable by up to seven years' imprisonment and a fine of up to $222,000 (150,000 euros). The penalty rises to 10 years imprisonment and $2.2 million (1.5 million euros) fine if the victim is a minor, a pregnant woman, or another "vulnerable person." However, under the trafficking–related sentencing guidelines, sentences for some types of convictions, such as those involving rape, were light. Exploiting foreign laborers and exposing them to inhumane conditions are criminal offenses under other statutes and are punishable by up to three years' imprisonment or substantial fines.

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

On March 13, the government sponsored a nationwide conference that brought together enforcement officials, magistrates, and NGOs to discuss improving communication and cooperation in protecting victims and preventing trafficking, the role of the Internet in trafficking, and the exodus of prostitution from major metropolitan areas into suburbs and rural areas. The government continued its participation in an antitrafficking awareness campaign calling attention to the reality that women in prostitution in the country may be victims of trafficking. The government also funded television ad campaigns on all the major channels on child prostitution. The Ministry of Tourism mandated that all tourism students complete coursework designed to develop awareness of the problem of sex tourism.

In September 2006 antitrafficking police were assigned to 12 French embassies in countries with well-known sex tourism trades in an attempt to prosecute offenders, raise official awareness of the problem, and increase cooperation with those countries.

The government continued to screen and refer victims to counseling centers and safe houses for comprehensive services. The government assumed child victims to be in danger and provided immediate shelter while assessing the child's best interests. Numerous NGOs dealt with trafficking in persons and prostitution. Social Aid to Children, the national social services branch for child care, was responsible for caring for and assisting victims under the age of 22.

Persons with Disabilities

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

Seventeen percent of persons with disabilities were unemployed, roughly three times the national unemployment rate. The law requires companies having more than 20 employees to ensure that 6 percent of their employees are persons with disabilities. Companies found not to be in compliance are liable to fines, which go to an association that assists persons with disabilities in finding work. However, many companies admitted to being unaware of their legal obligations, and the average employment rate of persons with disabilities for those companies subject to the law was approximately 4 percent.

The law provides for compensation to persons for the consequences of a disability and promotes their integration into social life by requiring accessibility to buildings and access to education and employment. The law also calls for centers to be set up in each department to assist persons with disabilities with receiving compensation and employment assistance. While many benefits were to have entered into force in January 2006, implementation has lagged. By the end of 2006, 47 percent of the departments had established assistance centers as required by law.

National/Racial/Ethnic Minorities

Violence against immigrants continued to be a problem, particularly on the island of Corsica. The government condemned such incidents and took steps to address the problem. The attacks caused some families to move to the mainland or return to their countries of origin. During the year, 180 attacks took place in Corsica, down more than 23 percent from the 235 attacks in 2006.

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

Housing problems were particularly acute for an itinerant group known as Travelers, who were subject to special laws which seemingly were not intended to apply to other citizens. Anyone over the age of 16 not settled in one place must have a travel permit which must be periodically renewed. Any delay in renewal entails heavy fines, approximately $1,110 (750 euros) for each day overdue. Anyone found not to be in possession of this document is subject to a sentence of up to one year in prison. Authorities did not consider Travelers' caravans to be housing. As a result, Travelers were not entitled to housing assistance.

A 2000 law on the reception and accommodation of Travelers obliges municipalities of more than 5,000 inhabitants to provide a camping site with facilities and access to water and electricity. As of year's end municipal authorities had established 16,000 campsites. Estimates varied of the remaining shortfall.

Romani organizations charged that they faced discrimination in education, housing, and access to government services. On September 3, NGO Doctors of the World accused public authorities of hiding the misery of the Roma through state-directed forced evacuations of Roma slum settlements in advance of the rugby world championships. Medical teams alleged the evacuations disrupted efforts to deliver basic medical assistance to Roma. Following the third mass evacuation from the Lyon/Venissieux area on August 28, Venissieux Deputy Mayor Andre Gerin appealed in writing to Prime Minister Fillon to implement a national support strategy for the Roma, emphasizing the need to address "the European, human, social, and economic dimensions of the issue."

Citizens may report cases of discrimination based on age, gender, national origin, ethnicity, family situation, sexual orientation, physical disability, state of health, religious conviction, or group affiliation to the independent High Authority for the Fight against Discrimination and for Equality (HALDE). At year's end the HALDE had received 6,222 discrimination claims, 50 percent of them relating to employment discrimination. Other efforts included internal testing carried out by the Sorbonne-affiliated Discrimination Observatory, establishing forums for women executives, and recruitment counseling to avoid hiring practices based upon preconceived and discriminatory candidate profiles.

On May 10, a Paris court fined four discotheques $4,440 (3,000 euros) for discriminatory admission policies. At intervals, the NGO, "SOS Racism" sent similarly dressed couples of North African, Sub-Saharan African, and European origin to try to gain admittance into a given establishment. Bouncers consistently admitted the European-origin couples but refused the others on the pretext that the nightclubs were full.

On August 23, President Sarkozy met with a high school student of Angolan origin who was subjected to racist comments from his teacher, who was given a one-year suspended prison sentence and fined $2,664 (1,800 euros).

On September 12, a Marseille court sentenced a local building contractor to two years in prison without the possibility for parole and a $73,000 (50,000 euros) fine for exploiting 28 Polish laborers. Working with accomplices, the employer recruited individuals in their home country to come to Marseille where they were paid less than half the legal minimum wage, with further salary garnishing to reimburse travel expenses. The judgment also proscribed the contractor from returning to work in the construction industry for five years.

A Socialist Party internal commission expelled parliamentarian and Languedoc-Roussillon regional president Georges Freche, a founding member of the party and deputy since 1973, for his November 14 racist comments, which were "incompatible" with the party's values, about the national soccer team. Freche's expulsion followed a $22,200 (15,000 euros) fine he received on January 25 for earlier discriminatory comments.

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

According to news reports, during the year there was increasing focus on diversity in the workplace among large financial firms and banks. More first-generation citizens of minority background were being hired in upper-management level positions. The shift appeared to be a response to the diversity of the clientele and the large hiring increases to compensate for en masse retirement.

Other Societal Abuses and Discrimination

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

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

There were reportedly instances of discrimination based on age. On February 13, in the first judicial ruling of its kind, a Lyon court sentenced a head hunting agency, F3S, to a symbolic $740 (500 euros) fine for having published a 2004 employment advertisement for a professional recruiter limited to between 28 and 35 years of age. F3S pleaded guilty and accepted the judgment without challenge.

In February a Lyon court sentenced a recruitment agency to a suspended 500 euros fine for age discrimination. Ageism complaints represented 6.28 percent of the cases handled by the HALDE during the year.

Section 6 Worker Rights

a. The Right of Association

The law provides workers the right to form and join unions of their choice without previous authorization or excessive requirements, and workers exercised these rights in practice. Approximately 8 percent of the work force was unionized.

b. The Right to Organize and Bargain Collectively

The law allows unions to conduct their activities without interference, and the government protected this right in practice. The law provided for the right to collective bargaining, and workers exercised this right freely. Approximately 90 percent of workers in the formal economy operated under such agreements.

Workers, including civil servants, have the right to strike except when a strike threatens public safety. Workers exercised this right by conducting legal strikes.

There are no special laws or exceptions from regular labor laws in the three export processing zones.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children; however, there were reports that such practices occurred. Women and children were trafficked for commercial sexual exploitation, domestic labor, and petty crime.

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

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

d. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits most forms of child employment, and the government's implementation of laws and policies designed to protect children from exploitation in the workplace was generally effective. Persons under age 16 are prohibited from working, with a few exceptions for those enrolled in certain apprenticeship programs or working in the entertainment industry. Persons under 18 are generally prohibited from performing work considered arduous or working between 10 pm and 6 am; persons under 16 may not work after 8 pm.

Police estimated in 2005 that 3,000 to 8,000 children were forced into prostitution and labor, including begging. During 2006 police reported 14 cases of minors illegally employed.

Labor inspectors enforced the child labor laws.

e. Acceptable Conditions of Work

The minimum wage was $12.49 (8.44 euros) per hour, as adjusted on July 1. It provided a decent standard of living for a worker and family. The minimum wage was uniform throughout the country, despite wide regional variations in the cost of living, and applied to citizen and noncitizen workers holding a regular working contract. The Employment Ministry enforced the minimum wage. Certain categories of employment, including subsidized employment and internships, must conform to separate, clearly defined standards and provided salaries below the minimum wage. Employers generally adhered to the minimum wage requirement, with the exception of those in the informal economy.

The official workweek was 35 hours; however, in certain industries the government allowed a greater number of overtime hours that could result in a de facto 39–hour workweek. Overtime was limited to 180 hours annually. Maximum hours of work were fixed at 10 hours per day, 48 hours per week, and an average of 44 hours per week over a 12–week work period. Employees were entitled to a daily rest of at least 11 hours and a weekly break of 24 hours, not including the daily rest period. Employers were required to give workers a 20–minute break in a six–hour workday. Premium pay was mandatory for overtime. These standards were effectively enforced.

The law sets basic occupational health and safety standards. The Ministry of Social Affairs, Labor, and Solidarity is responsible for enforcing the laws and did so effectively. Workers have the right to remove themselves from situations that endanger their health or safety without jeopardy to their employment, and the government effectively enforced this right.

BACK TO TOP

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