

FRANCE 2013 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. Voters elected Francois Hollande to that position in May 2012. The upper house (Senate) of the bicameral parliament is elected indirectly through an electoral college, while the public elects the lower house (National Assembly) directly. The 2012 presidential and National Assembly elections and the 2011 elections for the Senate were considered free and fair. Authorities maintained effective control over the security forces. There were occasional reports that security forces committed human rights abuses.

The most significant human rights problems during the year included an increasing number of anti-Semitic and anti-Muslim incidents. There also were 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 investigations and trials.

Other human rights problems reported included instances of excessive use of force by police, 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 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 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.

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, a unit within the armed forces responsible for general law enforcement. The Office of the Defender of Rights, the equivalent of an official ombudsman for civil liberties, investigated allegations of misconduct by municipal police, gendarmes, and private security forces and reported its findings to the prime minister and parliament.

Killings in Corsica were linked largely to organized crime and Corsican nationalism. From January 1 to December 10, 17 killings and 12 attempted killings occurred. In 2012 there were 20 killings, all connected to organized crime, along with 85 bombings or attempted bombings.

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. There were, however, occasional accusations of police discrimination and degrading treatment.

An April 2012 Council of Europe's Committee for the Prevention of Torture (CPT) report 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 allegations involved minors and persons suffering psychiatric disorders. In many cases physicians on the delegation identified injuries to prisoners consistent with these 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.

Physical Conditions: The maximum acceptable occupancy rate for the country's prisons was 57,390 inmates. As of November, the Prison Service reported the incarceration of 67,050 individuals, including 2,744 women and 654 minors, in the country's 191 prisons, representing 117 percent of capacity and an increase over year-end 2012, when 66,572 persons reportedly were incarcerated. The occupancy rate was over 300 percent at the Faa'a Nuutania prison in French Polynesia. Detention conditions for women were often better than for men because overpopulation was less common in the women's prisons.

A January 23 National Assembly Commission on Laws report described overcrowding in prisons as "an alarming situation" and outlined ways to reduce the problem. The report cited instances of "very poor" and "undignified" living conditions, as well as "unsanitary" facilities, especially in older prisons and those in overseas territories.

In its 2012 report, the CPT raised concerns about inadequate medical and psychiatric staffing and degrading treatment of prisoners by prison staff during medical evaluations in some prisons. The CPT also noted overall good conditions in detention centers but mentioned detainee complaints of derogatory comments by staff and the lack of opportunities for detainees to work or engage in other activities.

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, 123 inmates committed suicide in 2012, a figure considerably higher than the per capita suicide rates outside prison. Statistics for 2013 were not available at year's end. Prisoners and detainees had access to potable water.

Authorities maintained administrative holding centers for foreigners whom they could not immediately deport. Authorities could hold illegal immigrants in these facilities for a maximum of 45 days. There were 25 holding centers on the mainland and three in the overseas territories with a total capacity of 1,777.

On April 19, the defender of rights submitted his recommendations on the overall migration situation in the department of Mayotte, located in the Indian Ocean. The defender of rights called for urgent measures to assist approximately 3,000 unaccompanied foreign minors on the island.

In 2012 the Supreme Court ruled that local police could hold illegal immigrants detained within the country and its territories a maximum of four hours in custody

for not having a residency permit, a significant decrease from the previous practice of detaining such immigrants for 48 hours.

Administration: Authorities permitted prisoners and detainees reasonable access to visitors and to 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 such 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 authorities respect detainees' fundamental rights. 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 November 1, 10,560 prisoners were under electronic surveillance, a 12.3 percent increase over November 2012. Authorities included those under electronic surveillance in government prison statistics even though such individuals were under surveillance in their homes.

Independent 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 examined the country's prisons every four years, most recently in 2010.

Improvements: The Ministry of Justice continued to increase prisoner access to work, sports, libraries, worship, cultural services, education, and training programs during the year.

The Baumettes prison in Marseille, which the Inspector General for Places of Detention had cited for its "inhumane," "appalling," and "unworthy" conditions in a 2012 recommendation, underwent a partial rehabilitation and facilities upgrade.

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 52 decisions in wrongful

incarceration trials in 2012 and provided approximately 1.8 million euros (\$2.4 million) in financial compensation.

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 140,000 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 was responsible for external security under the Ministry of Defense. Observers considered police and gendarmes generally effective.

During 2012-13 the Ministry of the Interior introduced a program to combat crime in 64 “priority security zones” across the country. The program focused on combating gun and drug trafficking, car thefts, burglary, and gang violence. Authorities deployed an additional 270 police officers and gendarmes in these zones during the year.

Official impunity was not widespread. The IGPN, the 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 2012 defender of rights report, individuals filed 485 complaints against security forces in 2012.

In September the IGPN initiated an inquiry into anti-Muslim comments made on Facebook by police officers who had conducted an identity check of a woman in Trappes wearing the banned face-covering veil. The identity check led to two days of rioting on July 19 and 20. On November 8, the Versailles Public Prosecutor opened an official inquiry into the actions of one officer involved in the incident. The inquiry sought to determine whether prosecution of the officer for “incitement to hatred on the basis of religion” was warranted.

On June 27, the Parliamentary Assembly of the Council of Europe pointed out police use of excessive force, notably tear gas, during protests across the country against the same-sex marriage bill. The Council of Europe urged authorities to ensure that police action remained proportionate. The police union, Alliance, also called on authorities to deploy security forces only when needed.

In its May 23 annual global report, Amnesty International criticized police for new cases of violence and the slow speed of investigations in the country.

Arrest Procedures and Treatment of Detainees

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.

By law police must inform persons taken into custody 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. The law forbids complete strip searches except in cases where authorities suspect the accused of hiding dangerous items or drugs. A system of bail exists and authorities made use of it. Detainees generally had access to a lawyer, and the state provides legal counsel to indigent detainees. The law allows police to detain individuals for up to 24 hours if police suspect them of having committed a crime punishable by a prison sentence. Authorities may extend this period of detention for an additional 24 hours regardless of the seriousness of the crime.

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. Following this maximum six-day period, authorities must either charge suspects or release them.

Pretrial Detention: Long delays in bringing cases to trial and lengthy pretrial detention were problems. Although authorities generally allowed pretrial detention only in cases involving possible sentences of more than three years in prison, some 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; 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.

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 authorities inform defendants 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. Authorities provide an attorney 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. Authorities allow defendants 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

The country is subject to the jurisdiction of the ECHR. In 2012 the ECHR issued 19 judgments involving at least one violation by the state of 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 interference with privacy, family, home, or correspondence, and the government generally respected these prohibitions.

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. 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 speech constituting a threat of terrorism.

Press Freedoms: 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 occurred and access to the sources was required to complete the investigation.

On March 19, authorities sentenced a former Montpellier lawyer to a suspended one-year prison term for “inciting hatred” in online blog posts in which he repeatedly used racist epithets against Middle Eastern, African, and Jewish people.

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.

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.

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. The government cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, asylum seekers, stateless persons, and other persons of concern.

The law requires persons engaged in itinerant activities with a fixed domicile to obtain a license renewable every four years. Itinerant persons without a fixed abode must possess travel documents. In 2012 the Constitutional Council partially repealed a law requiring members of the itinerant 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. On February 27, Prime Minister Jean-Marc Ayrault created a special, temporary commission to review possible methods to promote the social inclusion of the itinerant community.

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 was active and accessible to those seeking it. The Office for the Protection of Refugees and Stateless Refugees (OFPRA) provided asylum application forms in 24 languages, including English, Albanian, Russian, Serbo-

Croatian, Turkish, Tamil, and Arabic, although applicants must complete them in French.

Safe Country of Origin/Transit: The government considered 15 countries to be “safe countries of origin” for purposes of asylum. A “safe country” is one that provides for compliance with principles of liberty, democracy, rule of law, and fundamental human rights. This notion reduced the chances of obtaining asylum but did not prevent it. 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. Authorities examine asylum requests through an emergency procedure that cannot exceed 15 days. Countries considered “safe” included: Armenia, Benin, Bosnia-Herzegovina, Cape Verde, Ghana, India, Macedonia, Mauritius, Moldavia, Mongolia, Montenegro, Senegal, Serbia, Tanzania, and Ukraine.

Refoulement: Human rights groups regularly criticized the government’s deportation practices for its strict adherence to the law. During the year several French NGOs, including Gisti, Entraides-Citoyennes, La Voix des Roms, and CyberDodo Global, criticized individual cases of deportations, notably deportations to Afghanistan.

Temporary Protection: Temporary protection is a procedure that provides for, in the case of a mass influx or an imminent influx of displaced persons, immediate temporary protection. Authorities often initiated this protection when the asylum system was unable to process such an influx. Authorities may grant individuals a one-year renewable permit, which could be extended for an additional two years. According to OFPRA, the government granted temporary protection to 9,976 persons in 2012.

Stateless Persons

According to OFPRA, there were 1,210 stateless persons in the country as of January. As the agency responsible for the implementation of international conventions on refugees and stateless persons, OFPRA provided benefits to stateless persons. The government provides a one-year residence permit marked “private and family life” to persons deemed stateless, which allows them to work. After two permit renewals, stateless persons can apply for and obtain a 10-year resident permit.

The country has laws that afford individuals the opportunity to gain French citizenship. A person may become a citizen if either parent is a citizen or if he/she had been legally adopted, if a child is born in the country 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 citizenship through naturalization after five years of habitual residence in the country. Applicants for citizenship must have good knowledge of both French and civics.

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 through periodic, free, and fair elections based on universal suffrage. Political parties generally operated without restriction or outside interference.

Elections and Political Participation

Recent Elections: The 2012 presidential and national assembly elections were deemed free and fair.

Participation of Women and Minorities: As a result of the 2012 national assembly elections and 2013 by-elections, there were 232 women in the two chambers of the 925-seat parliament; 153 in the National Assembly, and 79 in the Senate. There were 18 female ministers in the 38-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. Women held four presidencies of the 26 regional councils, one presidency of the four overseas regional councils, five presidencies of the 101 departmental councils, two presidencies of the eight overseas territorial administrations, 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 seemed significantly underrepresented in the government. At year's end there were 11 self-identified, ethnic minority members in the National Assembly. These 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. The law provides for public access to government information, and the government provided access for citizens and noncitizens, including foreign media. There were some reports of government corruption during the year.

Corruption: On March 19, the junior minister for the budget, Jerome Cahuzac, who was responsible for enforcing tax collection, resigned from the cabinet because of tax fraud allegations. Shortly thereafter, authorities charged Cahuzac with money laundering. On September 11, authorities charged Cahuzac with “incomplete or false declaration” for lying about his assets in a secret Swiss bank account.

In a long-running investigation, Eric Woerth, former President Nicolas Sarkozy's budget minister and treasurer of the center-right Union for a Popular Movement, remained under investigation for allegations that he illegally solicited funds from Lillian Bettencourt, the country's richest woman. Woerth allegedly received up to 150,000 euros (\$202,650) in cash from Bettencourt to finance Sarkozy's 2007 presidential campaign. By law individual campaign contributions are limited to 4,600 euros (\$6,215), and contributors must pay any contribution above 150 euros (\$203) by check.

The IGS, IGPN, and Inspectorate of the National Gendarmerie actively investigated and prosecuted allegations of police and gendarme corruption. Together, IGPN and IGS received 1,381 complaints against police officers or gendarmes in 2012. On September 2, Interior Minister Valls initiated a reform of the IGPN, allowing citizens to report police abuses on the internet through the Ministry of Interior's website, provided they identify themselves.

On March 1, legal authorities charged and jailed two police officers from Lille for extortion and aggravated violence. From October 2012 through February 2013, the officers allegedly extorted money from Bengali street sellers.

In its 2013 annual report, Amnesty International accused the government of failing to punish properly all cases of police misconduct and corruption.

Whistleblower Protection: The law does not provide protection to whistleblowers.

Financial Disclosure: 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.

On September 17, the National Assembly approved legislation to increase transparency in public life, requiring public officials to file detailed listings of their personal wealth and professional activities with the newly established High Authority for Transparency in Public Life. Transparency International stated that the bill "largely mirrored" its own prior recommendations.

On October 27, the government established the Central Office for Combating Corruption and Financial and Tax Crimes to coordinate investigations into offenses including tax fraud, influence peddling, and failure of elected officials to make financial disclosures or to report incidents of their own violations of existing law.

In its 2013 report, Transparency International hailed the governmental reforms carried out during the year but lamented the fact that some approved measures were not enacted.

Public Access to Information: The law provides for public access to government information, and the government provided access 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 (CNCDH) served in an advisory role to the government on human rights and produced an annual report on racism and xenophobia in the country. Domestic and international human rights organizations widely considered CNCDH independent and effective. Observers also considered the defender of rights independent and effective, with 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

The Ministry of Women's Rights was responsible for preparing and implementing government policies that enforce women's rights in society, fight discriminatory practices, and promote protection for female victims of violence and harassment. The ministry played a key role in drafting laws promoting gender equalities and laws against women's precarious financial situation and domestic violence.

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, which could be increased depending on the age of the victim or the nature of the relationship of the rapist to the victim. The government and NGOs provided shelters, counseling, and hotlines for rape victims.

The 2013 National Supervisory Body on Crime and Punishment (ONDRP) report registered 10,885 rapes in the country in 2012. The ONDRP based its finding on the number of lawsuits filed in which the defendant was accused of committing rape. According to the National Institute for Statistics and Economic Studies (INSEE), authorities convicted 1,252 persons of rape in 2011, the most recent year for which data was available. NGOs claimed that up to 90 percent of rape victims did not report the crime and estimated an average of 75,000 rape victims each year.

The law prohibits domestic violence against women and men, including spousal abuse, and the government generally enforced the law. The penalty for domestic violence against either gender varies according to the type of crime, ranging from three years in prison and a fine of 45,000 euros (\$60,795) to 20 years in prison. The government sponsored and funded programs targeted at 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 (\$42.7 million) to fund its 2011-13 interministerial Plan to Combat Violence against Women, a 30 percent increase 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 reported that spouses killed 148 women and 26 men in domestic violence cases in 2012, a 17 percent increase over 2011. The ONDRP estimated that approximately 400,000 women residing in the country were victims of domestic violence in 2011 and 2012.

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 (\$202,650). The government provides reconstructive surgery and counseling for FGM/C victims. On July 25, parliament adopted a law that expands and increases penalties in cases of female genital mutilation.

According to the Ministry of Women’s Rights, 20,000 women living in the country during the year were circumcised or at risk of FGM/C. According to several women’s rights NGOs, 55,000 circumcised women resided in the country. The majority of FGM/C victims were recent sub-Saharan African immigrants who had had the procedure performed in their country of origin.

Sexual Harassment: The law prohibits gender-based job discrimination and harassment of subordinates by superiors. Sexual harassment is defined 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 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 euros (\$40,530) fine; the second, for a single serious offense, carries a maximum sentence of three years’ imprisonment and a 45,000

euros (\$60,795) fine. The law also criminalizes discrimination against transgender individuals.

The Ministry of Justice estimated that 300,000 cases of sexual harassment occurred in the country each year but that only approximately 1,000 victims filed complaints. Of these, an estimated 80 resulted in convictions, with an average penalty of 1,000 euros (\$1,351).

Reproductive Rights: Couples and individuals could decide freely and responsibly the number, spacing, and timing of their children and both had the information and means to do so free from discrimination, coercion, and violence. There was easy access to contraception and skilled attendance during childbirth.

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 and property law and in 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. In a study released in March, however, INSEE reported that in 2010 (the most recent year for which data was available), the average private sector salary was 21,700 euros (\$29,317) for men, while women on average earned 15,603 euros (\$21,080), or 72 percent of the average salary for men. In the public sector, women's salaries were 82 percent those of men. Although they constituted 65 percent of the public sector workforce, women were underrepresented in managerial jobs and faced continuing difficulties in attaining positions of responsibility. A 2012 INSEE study 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. Women also were generally much more likely to work part-time, due in part to childcare responsibilities. Data for 2013 was unavailable at year's end.

While women were underrepresented in most levels of government leadership, the proportion of women in the National Assembly grew to 26 percent from 18 percent in 2007.

Children

Birth Registration: A child born to at least one parent with French citizenship, or a child born in the country to stateless parents, or to parents whose nationality does not transfer to the child, confers French nationality. Parents must register births of children regardless of citizenship within three days at the local city hall. Parents who do not register within this period are subject to 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.

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

On May 15, the government sentenced Fehim Hamidovic to seven years in jail for forcing a number of young girls to steal and pickpocket under threat of violence. Authorities also found his wife and 20 members of their family guilty and sentenced them to various prison terms for conspiracy, human trafficking, and theft. 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 (\$1.76 million) in 2009 from their pickpocketing ring. In 2012 police reported the arrest of 1,108 Romanian citizens for stealing on public transport. Of those arrested, 685 were minors connected to the Hamidovic network.

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

Forced and Early Marriage: The minimum legal age for marriage is 18. Child marriage was a problem, particularly in communities of African or Asian descent. According to human rights observers, 70,000 children between the ages of 10 and 18 were at risk of forced marriage. Although most forced marriage ceremonies occurred outside the country, authorities took steps to address the problem. On July 25, the parliament passed a law providing for the prosecution of forced marriage cases, even when the marriage occurred abroad. Penalties for violations are up to three years' imprisonment and a 45,000 euros (\$60,795) fine.

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.

Harmful Traditional Practices: The law prohibits FGM/C as “violence involving mutilation or permanent infirmity.” It is punishable by up to 20 years in prison and a fine of 150,000 euros (\$202,650) if the crime involves a minor less than 16 years of age. The government provides reconstructive surgery and counseling for FGM/C victims. On July 25, parliament adopted a law that expands and increases penalties in cases of female genital mutilation. Persons who encouraged female minors to undergo circumcision or encouraged their families to force circumcision are subject to prosecution. The offense is punishable by five years’ imprisonment and a 75,000 euros (\$101,325) fine.

According to the Ministry of Women’s Rights, 10,000 female minors residing in the country were circumcised or at risk of FGM/C. Children of recent sub-Saharan African immigrants represented the majority of FGM/C victims, having had the procedure performed in their country of origin.

Sexual Exploitation of Children: The law criminalizes the statutory rape of minors under the age of 16, the minimum age of consensual sex, and the government generally enforced the law effectively. The penalty for statutory rape is a minimum of 15 years’ imprisonment, which could 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 and the maximum penalty for its use and distribution is five years’ imprisonment and a 75,000 euros (\$101,325) fine. A 2007 parliamentary report by the Commission on Foreign Affairs, (the latest data available) estimated that between 3,000 and 8,000 children were sexually exploited in 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. 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 http://travel.state.gov/abduction/country/country_5784.html.

Anti-Semitism

There were approximately 550,000 Jewish residents in the country. NGO and government observers reported several anti-Semitic incidents during the year, including attacks on synagogues and cemeteries as well as physical assaults. Both the Ministry of Interior and the Jewish Community Protection Service in its annual report cited 614 anti-Semitic incidents in 2012, compared with 389 in 2011.

In November the EU's Fundamental Rights Agency released a survey conducted in September and October 2012 on discrimination and hate crime against Jews in eight EU member states, including France. According to the survey, 21 percent of French respondents stated that they had experienced anti-Semitic harassment and/or physical attack in the previous 12 months, as opposed to 79 percent of respondents who had not. Thirty percent of French respondents stated that they had witnessed other Jews being verbally insulted, harassed, and/or physically attacked in the previous 12 months.

On June 19, several individuals in the Paris suburb of Seine-et-Marne attacked their Jewish neighbors after an argument. One of the individuals used a crowbar to hit members of a Jewish family, causing two broken wrists. The attackers shouted anti-Semitic slurs. The local tribunal issued a summons directing all parties to appear in court in January 2014.

On October 14, authorities arrested and charged three suspects for their involvement in the September 2012 molotov cocktail attack on a kosher supermarket in Sarcelles. The attack injured one individual. An investigation into the attack led to the dismantling of an Islamist terrorist group in the country. Further judicial action was pending at year's end.

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.

The Fund Management Organization for the Professional Integration of People with Disabilities (AGEFIPH) reported that the unemployment rate for persons with disabilities grew 17 percent in 2012, faster than the growth rate for the general population (9 percent). On October 17, the Ministry of Labor published the results of a 2011 inquiry that showed that 21 percent of those registered with the government as persons with disabilities were unemployed, more than double the level of the total population. The law requires that at least 6 percent of the workforce of companies with more than 20 employees be persons with disabilities. The law required noncompliant companies to contribute to a fund managed by AGEFIPH. Forty-one percent of companies met the requirement in 2012; 50 percent contributed into the fund; and 9 percent (usually large corporations) received an exemption from the government based on a negotiated action plan, according to AGEFIPH.

On February 5, a Paris appeals court upheld a discrimination conviction against easyJet airline, including a 70,000 euros (\$94,570) fine, for refusing to allow three unaccompanied persons with disabilities to board a plane at the Charles de Gaulle airport near Paris.

On October 7, the Pontoise administrative court ordered the state to provide appropriate housing to a 19-year-old woman with disabilities in order to comply with two fundamental rights: the right to life and the right to lead a normal family life.

The law provides for welfare payments to individuals with disabilities and requires that buildings, education, and employment be accessible to them. During the year one million persons with disabilities received financial compensation from the government. As of September the government paid adults with disabilities 790 euros (\$1,068) 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 France, only 15 percent of establishments in the country were accessible to persons with disabilities. The law also requires the establishment of centers in each administrative department to assist individuals with disabilities in receiving compensation and employment assistance.

In a report released March 1, the Office of the Junior Minister for Disabled Persons and for the Fight against Exclusion stated the January 2015 deadline for making all buildings accessible “must stand even if it is certain that it will not be respected” because of budgetary reasons. On March 5, the Association of Paralytics in France

released a statement calling the report's main proposal to allow extensions of up to seven years for compliance "a disguised postponement" of the legal deadline for 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.

Citizens may report cases of discrimination based on national origin and ethnicity to the defender of rights. In 2012 the defender of rights received 8,183 discrimination claims, 23 percent of which concerned discrimination based on origin. On November 6, the Ministry of Justice revealed that in the first quarter of the year, there were reportedly 1,500 lawsuits for racist and xenophobic offenses, compared with 1,300 for the same period in 2012.

The Paris prosecutor's office opened a preliminary investigation into alleged "public insults of a racist nature," following the November 13 publication of a magazine, whose cover compared black Justice Minister Christiane Taubira to a monkey. The far-right satirical weekly *Minute*'s headline read: "Crafty as a monkey, Taubira gets her banana back." Several antiracist NGOs announced their intention to file lawsuits against the weekly. Taubira had faced repeated racist attacks allegedly linked to her advocacy of same-sex marriage. On October 18, the National Front suspended an electoral candidate for a Facebook posting indicating she would prefer to see the minister "swinging from the branches rather than in government." Meanwhile on October 25, a group of children in Angers demonstrated against same-sex marriage, shouting "Monkey, eat your banana" during Taubira's visit to the town.

The government estimated the Muslim community to be between five and six million persons, consisting primarily of immigrants from former French North African and sub-Saharan colonies and their descendants. Government observers and NGOs reported a number of anti-Muslim incidents during the year, including slurs against Muslims and attacks on mosques as well as physical assaults. In its annual report on the fight against racism, anti-Semitism, and xenophobia, released in March, the CNCDH maintained that 201 anti-Muslim acts were committed in 2012. The Collectif Contre L'Islamophobie en France reported that in 2012, 469

anti-Muslim acts occurred in the country. The National Islamophobia Observatory of the French Council of the Muslim Faith registered a 35 percent increase in racist acts against Muslims between January and June, compared with the same period in 2012.

On August 13, authorities in Avignon discovered anti-Muslim graffiti demeaning the Prophet Mohammed near the entrance to the Popes' Palace. Police arrested a 31-year-old Italian citizen who said he bought the paint after an argument with some Moroccans. The Avignon court convicted the man of "degradation and damage to a World Heritage monument." He received a two-month suspended sentence. The Popes' Palace and the city of Avignon filed a complaint for vandalism, and the courts scheduled the defendant for a separate trial for religious insults.

Authorities continued to dismantle camps and makeshift homes inhabited by Roma throughout the year. In the first half of the year, the European Roma Rights Center reported the eviction of 8,365 Roma. According to the European Association for the Defense of Human Rights, authorities evicted almost 12,000 Roma in 2012. The association further alleged that in 80 percent of the cases, police used force to evict Roma. According to a government study, an estimated 19,000 Roma resided in the country.

In August 2012 the government published a nonbinding circular aimed at providing more employment opportunities, better living conditions, and greater access to education and health care for Roma. Key measures included expanding the list of authorized occupations for Romanian and Bulgarian citizens and removing the tax on employers who hired Romanian and Bulgarian citizens. The circular also outlined measures local governments should take before dismantling a Romani camp. In accordance with 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. The government reported that as of May 28, it had spent 2.2 million euros (\$3 million) to provide alternate housing for evicted Roma.

On June 24, the defender of rights sent the prime minister a report on the implementation of the August 2012 circular in which he noted increased tension between the inhabitants of the camps and the neighboring areas. He cited

inconsistent implementation of the circular and shared his concern regarding the treatment suffered by Roma, particularly Romani families, placed in a situation of “forced nomadism.” The Interministerial Delegation for Accommodation and Housing Access reported on three main areas of achievement in the treatment of Roma: the allocation of 4 million euros (\$5.4 million) by the government to provide transitional housing to displaced Romani communities; the implementation of an educational continuity monitoring system in each school district for Romani children; and a significant increase in the number of work permits granted to Bulgarian and Romanian workers during the year.

NGOs supporting Romani communities were critical of the government’s efforts to provide alternative housing for Roma following evictions. On September 11, local authorities cleared a Romani encampment outside Lille in preparation for construction of a new shopping mall, reportedly removing 750 Roma. Authorities met with the community two months prior to the removals (carried out in three stages) and distributed questionnaires to residents, 98 of whom returned the questionnaires. Authorities offered alternate housing to 12 displaced families.

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 June 7, unknown persons threw three Molotov cocktails into a government-provided Romani settlement in Hellemmes, shouting slurs during the attack. Subsequently, authorities opened an investigation into the attack, the outcome of which was pending at year’s end.

On July 27, approximately 10 persons took part in beating two Roma with iron bars in the Parisian suburb of Saint-Denis. Following the attack, authorities opened an investigation for attempted murder committed by an organized group.

In 2012 the government voluntarily repatriated 17,573 illegal immigrants to their countries of origin. Romanians and Bulgarians, many of whom were Roma, comprised an estimated 60 percent of voluntary repatriations, according to the French Office for Immigration and Integration. The government provided approximately 12 million euros (\$16.2 million) in aid to individuals who voluntarily repatriated in 2012 and Romanians and Bulgarians received the majority of this aid. On November 7, Interior Minister Manuel Valls stated he anticipated only 7,000 voluntary repatriations during the year, a 60 percent decrease from 2012. According to Valls, this significant decrease was due to the

elimination of financial aid provided to illegal immigrants who agreed to repatriate.

On October 9, authorities deported Leonarda Dibrani, a 15-year-old Romani girl, and her family to Kosovo after the family had exhausted all available appeals in their asylum request. Her arrest at the conclusion of a school trip sparked protests by high school students and considerable media coverage. An inspector general's report concluded that the deportation was lawful but criticized its handling. The report revealed that Leonarda's father, Resat Dibrani, purchased a fake marriage certificate to create the legal basis for the family's asylum request. In his asylum petition Dibrani also claimed his children were born in Kosovo, whereas all but one were born in Italy, while the youngest child was born in France. During the almost five years that their asylum request was under consideration and appeal, the family benefitted from government-supported social programs, including free housing, health-care and food assistance, and monthly welfare payments.

On October 19, President Hollande announced that Leonarda could return to school in the country, but without her family. Leonarda rejected his offer and, on October 28, her parents applied for French residency through the administrative courts. A hearing on the family's application was due prior to January 28, 2014.

In September 2012 the governments of France and Romania announced a two-year pilot program to return 80 Romani families to their counties of origin in Romania with French government financial and logistical support. On May 27, the city of Nantes and Romanian local governments signed a cooperation agreement to begin implementing the program, which provides funds to Romani families returning to Romania and connected those families with social workers upon their return.

During the year there were several statements made by public figures regarded by NGOs as demeaning to members of the country's ethnic and racial minorities. On September 24, Minister of Interior Valls stated, "Only a minority of Roma want to integrate into French society, and for the others the solution is to dismantle their camps and repatriate them." On November 12, the NGO Movement against Racism and for Friendship among People filed a judicial complaint against Valls for his September 24 comments.

Under threat of expulsion, National Assembly representative and Cholet mayor Gilles Bourdouleix resigned from the centrist Union of Democrats and Independents (UDI) party on July 24. Bourdeleix faced universal condemnation after a journalist overheard him mutter, "Hitler perhaps didn't kill enough of them"

during a confrontation with itinerant groups illegally occupying land in Cholet on July 21. UDI leader Jean-Louis Borloo condemned the remarks, while Interior Minister Valls deemed them a “glorification of World War II crimes” and requested legal proceedings against Bourdouleix. The state prosecutor in Angers opened an inquiry into the incident.

On July 5, Jean-Marie Le Pen, the former leader of the rightist National Front political party, described the presence of Roma as “irritating and smelly.” On August 13, the association SOS Racisme filed a complaint against Le Pen with the High Court of Nice for “incitement to racial hatred” due to his July remarks.

The law requires municipalities with more than 5,000 inhabitants to provide a campsite with sanitary facilities and access to water and electricity. This law aims to accommodate Travellers by preventing them from parking on unauthorized sites. The 2012 French General Accounting Office report stated that as of late 2011, municipalities had built only 52 percent of the campsites required by law.

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 provided a more secure environment, sought to curb juvenile delinquency, and allowed children to attend school regularly.

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 persons. The NGO SOS Homophobia reported 1,977 homophobic acts in 2012, a 27 percent increase from 2011. It reported 122 instances of physical assault, a 20 percent decrease from the previous year.

On April 17, police arrested three young men suspected of being skinheads. Authorities accused the men of assaulting two employees and damaging property

in a well-known gay bar. During the incident witnesses reported that the men used insulting and degrading terms to refer to bar patrons. On November 27, the three men received six-month suspended jail sentences.

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 provides for the right to bargain collectively. 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. 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 that it occasionally occurred, particularly in small companies.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor. On January 11, the ECHR ruled that the state had failed to establish an effective legal framework against servitude and forced labor and ordered it to pay 30,000 euros (\$40,530) to a young French woman from Burundi, found to be a victim of domestic slavery while living with her aunt and uncle in Paris. On July 25, the parliament adopted a law to recognize modern-day slavery as a crime punishable by up to 30 years in prison. Prior to adoption of the law, authorities prosecuted forced-labor cases on the grounds of “taking advantage of vulnerable persons,” which carried a lighter sentence.

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 on the extent of forced domestic labor. During 2012 the NGO Committee against Modern Slavery assisted 120 victims, the majority of whom were women working in domestic labor. According to the 2011 ONDRP Report, in 2010 the gendarmerie registered 72 cases of 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 February 18, the Appeals Court of Caen increased the sentence to one year in prison and a 12,000 euros (\$16,212) fine to the owner of a stud farm in Normandy after a Cambodian refugee was deemed a victim of forced labor at the farm. The refugee worked 64 hours every week for six years and received 100 euros (\$135) per month as pay. Unable to access basic medical care, he suffered from frostbite and pulled out several of his own teeth because of painful decay.

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 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. The law generally prohibits persons under the age of 18 from performing work considered arduous or working between 10 p.m. and 6 a.m.

The government effectively enforced the applicable laws. Inspectors from the Ministry of Labor investigated workplaces to enforce compliance with all labor statutes. To prohibit violations of child labor statutes, inspectors can impose penalties ranging from observation of employers up to criminal prosecution. Employers convicted of using child labor risk up to five years of imprisonment and a 75,000 euros (\$101,325) fine. According to the 2011 report of the Labor Inspectorate, the country had 2,256 inspectors and comptrollers.

d. Acceptable Conditions of Work

On July 1, the government raised the national minimum wage to 9.43 euros (\$12.74) per hour. The Ministry of Labor enforced the minimum wage. The

poverty-level income rate was 964 euros (\$1,302) per month for an individual, 1,446 euros (\$1,954) for a couple, and 2,410 euros (\$3,256) 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 set 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 work on weekends and holidays. Authorities effectively enforced these standards.

The law sets basic occupational health and safety standards. The Ministry of Labor is responsible for enforcing the law and did so effectively. According to the latest figures available, in 2011 there were approximately 670,000 workplace accidents, 789 labor inspectors, and 1,560 labor controllers in the country.