

# FRANCE 2018 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

France is a multiparty constitutional democracy. Voters directly elect the president of the republic to a five-year term. They elected Emmanuel Macron to that position in May 2017. An electoral college elects members of the bicameral parliament's upper house (Senate), and voters directly elect members of the lower house (National Assembly). Observers considered the April/May 2017 presidential and the June 2017 parliamentary (Senate and National Assembly) elections to have been free and fair.

Civilian authorities maintained effective control over the security forces.

Human rights issues included reports of societal acts of violence against Jews; lesbian, gay, bisexual, transgender and intersex (LGBTI) persons; and migrants and minorities, including Muslims and Roma.

The government took steps to investigate, prosecute, and punish officials who committed human rights abuses. Impunity was not widespread.

*Note: The country includes 11 overseas administrative divisions covered in this report. Five overseas territories, in French Guiana, Guadeloupe, Martinique, Mayotte, and La Reunion, have the same political status as the 13 regions and 96 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 that of an independent country and an overseas department. Citizens of these territories periodically elect deputies and senators to represent them in parliament, like the mainland regions and departments.*

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

#### **a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings**

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

The country experienced several terrorist attacks during the year, including three that resulted in fatalities. On March 23, a male French citizen hijacked a car in Carcassonne, shot the passenger and driver, and then opened fire on a group of police officers, injuring one. The attacker then drove to Trebes, where he killed two persons at a supermarket, took hostages, then shot another gendarmerie officer who later died from the injuries; security forces shot and killed the attacker. During the attack in Trebes, the attacker swore allegiance to the Islamic State. On May 12, a male naturalized-citizen attacker stabbed five persons, killing one, near the Opera Garnier in Paris; security forces shot and killed the assailant, who had been on the counterterrorism watch list since 2016. On December 11, a 29-year-old French citizen armed with a handgun and knife attacked the Strasbourg Christmas market, killing five and injuring 11. The attacker was shot and killed by police in Strasbourg on December 13. The Paris prosecutor's counterterrorism office opened an investigation into the attack, but as of year's end, it had not made an official determination regarding the motive.

#### **b. Disappearance**

There were no reports of disappearances by or on behalf of government authorities.

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

While the constitution and law prohibit such practices, there were a limited number of accusations that security and military personnel committed abuses.

On April 11, the Defender of Rights, a constitutionally created, independent civil rights watchdog institution, reported registering 1,228 complaints against the security forces' intervention methods in 2017, virtually unchanged from the previous year (1,225), including reports that police beat, kicked, and used pepper spray on migrants and asylum seekers in Calais (see section 2.d.).

In May the newspaper *Le Parisien* reported a judge ordered a new inquest into the death of Adama Traore, a teenager whose death in gendarmerie custody in 2016 sparked riots, in order to ascertain if the cause of death could be determined more precisely. After the release of the results of the inquest was postponed, his family organized a march in Beaumont in July in Traore's memory and to protest the postponement. The march included politicians from several parties of the left. In October medical experts concluded the gendarmes were not responsible for

Traore's death, attributing it to lowered oxygen levels in the blood due to a combination of sickle cell disease, sarcoidosis, stress, and heat.

On September 13, President Macron apologized for the French state's responsibility for the disappearance and death of Maurice Audin, a young mathematician, communist, and anticolonial activist, in Algeria in 1957. Macron stated that Audin died due to torture by soldiers who abducted him from his home and that authorities employed systemic use of torture at that time. Macron announced the government would open its archives to allow the search for information about other persons who disappeared during the war.

Nongovernmental organizations (NGOs) criticized the use of crowd control and anti-riot tactics by police during demonstrations of the so-called Yellow Vest protesters who took to the streets every Saturday across the country beginning on November 17 in mass demonstrations, primarily to show their opposition to the government's tax policy and to highlight socioeconomic inequality. Cases of police violence were also reported against high school students who protested against education reforms launched by the government. On December 6, lawyers acting for demonstrators lodged two formal legal complaints against yet unknown persons for injuries caused by GLI-F4 "instant" tear gas grenades, which contain 25 grams of high explosives, used by police in Paris on November 24. The lawyers wrote to the prime minister calling for an end to use of this weapon for crowd control. According to Human Rights Watch, as of December 11, media reports indicated the General Inspectorate of the National Police, the internal oversight body, had opened 22 investigations into alleged police misconduct following complaints from 15 Yellow Vests, six high school students, and a journalist.

### **Prison and Detention Center Conditions**

While prisons and detention centers met international standards, credible NGOs and government officials reported overcrowding and unhygienic conditions in prisons.

In April 2017 the Council of Europe's Committee for the Prevention of Torture (CPT) published a report on its most recent visit to the country in 2015. The report expressed concerns regarding overcrowding in detention centers and prisons, derogatory comments against detainees, particularly against minors, a lack of windows and ventilation systems in detention centers, and prolonged isolation of violent inmates in psychiatric centers.

Physical Conditions: As of November the overall occupancy rate in the country's prisons stood at 118 percent (70,708 prisoners for 60,108 spots), with the rate at some facilities reaching 200 percent. NGOs agreed that detention conditions for women were often better than for men because overcrowding was less common.

Overcrowding in overseas territories tracked the national trends. The Ministry of Justice reported in July that the occupancy rate for all prisons in overseas territories was 112.6 percent and reached 204.2 percent at the Baie-Mahault prison in Guadeloupe.

On July 25, the administrative court of Basse-Terre ordered the state to pay 10,000 euros (\$11,500) in damages to an inmate from the Baie-Mahault prison in compensation for the unacceptable living conditions to which he was subjected. The inmate spent four years in a cell of 96.6 square feet which he shared with two others.

Administration: Authorities generally conducted proper investigations of credible allegations of mistreatment.

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 regularly examined prisons, most recently in 2016.

#### **d. Arbitrary Arrest or Detention**

The constitution and law prohibit arbitrary arrest and detention and provide for the right of any person to challenge the lawfulness of his or her arrest or detention in court. The government generally observed these requirements, but lengthy pretrial detention remained a problem.

#### **Role of the Police and Security Apparatus**

Under the direction of the Ministry of the Interior, a civilian national police force of 150,000 and a national gendarmerie of 98,155 maintained internal security. In conjunction with specific gendarmerie units used for military operations, the army was responsible for external security under the Ministry of Defense. Observers considered police and gendarmes generally effective.

Civilian authorities maintained effective control over the national police force, the gendarmerie, and the army, and the government had effective mechanisms to investigate, prosecute, and punish human rights abuses and corruption. Official impunity was not widespread. The General Inspection of the National Police and the Central Directorate of the Judicial Police investigated and prosecuted allegations of brutality in the police force and the gendarmerie, a unit within the armed forces responsible for general law enforcement. The government-appointed 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. Citizens may report police abuses via the Ministry of the Interior's website, provided they identify themselves. In 2017 citizens registered 3,361 reports online. The inspector general of National Police and the Inspectorate of the National Gendarmerie investigated and prosecuted allegations of police and gendarme corruption.

According to the Defender of Rights' annual report, individuals filed 1,228 complaints against security forces in 2017, virtually unchanged from 2016 (1,225). The Defender of Rights found ethical violations in less than 10 percent of these complaints and concluded there was a disproportionate use of force by police officers in five complaints, four of which justified disciplinary proceedings.

On July 18, the newspaper *Le Monde* published a video featuring then presidential staffer Alexandre Benalla beating a student protester during May 1 demonstrations in Paris. Benalla was in charge of security for President Macron's 2017 campaign and, after Macron's election, was given a position at the president's official residence. The video showed Benalla, wearing civilian clothes and an official police riot helmet, grabbing and dragging a woman and later dragging and beating a student while surrounded by riot police, who did not appear to intervene. According to press reports, Benalla had requested to accompany riot police to observe crowd control procedures. He had never served as a police officer. After the video surfaced, the presidential administration fired Benalla. On July 22, Benalla was charged with assault, carrying an illegal weapon, interfering with public officials carrying out their duties, wearing police insignia without permission, and illegally obtaining official surveillance video. A Senate investigation continued into abuse of Benalla's authorities and lack of oversight by higher administration officials.

### **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. While in police custody, a person has the right to know the legal basis and expected duration of the detention, to remain silent, to representation by counsel, to inform someone such as a family member or friend, and to examination by a medical professional. Defense lawyers have the right to ask questions throughout an interrogation. Authorities generally respected these rights.

The law allows authorities to detain a person up to 24 hours if police have a plausible reason to suspect such person is committing or has committed a crime. A district prosecutor has the authority to extend a detention by 24 hours. A special judge, however, has the authority to extend detention by 24-hour periods up to six days in complex cases, such as those involving drug trafficking, organized crime, and acts of terrorism. A system of bail exists, and authorities made use of it.

Detainees generally had access to a lawyer, and the government provides legal counsel to indigent detainees. The law also requires medical examiners to respect and maintain professional confidentiality. The law forbids complete strip searches except in cases where authorities suspect the accused of hiding dangerous items or drugs.

Pretrial Detention: Long delays in bringing cases to trial and lengthy pretrial detention were problems. Although standard practice 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. As of November 2017, pretrial detainees made up approximately 29 percent of the prison population.

#### **e. Denial of Fair Public Trial**

The constitution and law provide for an independent judiciary. The government generally respected judicial independence and impartiality, although delays in bringing cases to trial were a problem. The country does not have an independent military court; the Paris Tribunal of Grand Instance (roughly equivalent to a U.S. district court) tries any military personnel alleged to have committed crimes outside the country.

#### **Trial Procedures**

The constitution and law provide for the right to a fair trial, and an independent judiciary generally enforced this right. The usual length of time between charging

and trial is approximately three years. Defendants enjoy a presumption of innocence, and authorities informed defendants of the charges against them at the time of arrest. Except for those involving minors, trials were public. Trials were held before a judge or tribunal of judges, except in cases where the potential punishment exceeds 10 years' imprisonment. In such cases 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 were able to question the testimony of prosecution witnesses and present witnesses and evidence in their defense. Authorities allowed defendants adequate time and facilities to prepare a defense. Defendants have the right to remain silent and 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 submit lawsuits seeking damages for, or cessation of, human rights violations. Individuals may file complaints with the European Court of Human Rights for alleged violations of the European Convention on Human Rights by the government once they have exhausted avenues for appeal through the domestic courts.

### **Property Restitution**

The government has laws and mechanisms in place for property restitution, and NGOs and advocacy groups reported the government made significant progress on resolution of Holocaust-era claims, including for foreign citizens.

In 2014 France and the United States signed the bilateral Agreement on Compensation for Certain Victims of Holocaust-Related Deportation from France Who Are Not Covered by French Programs. The agreement provides an exclusive mechanism to compensate persons who survived deportation from France (or their spouse or other designee) but did not benefit from the pension program established by the government for French nationals or from international agreements concluded by the government to address Holocaust deportation claims. Pursuant to the agreement, the government of France transferred \$60 million to the United

States, which the U.S. used to make payments to claimants that the U.S. determined to be eligible under the agreement.

On July 22, Prime Minister Philippe held a ceremony in Paris honoring the victims of the Velodrome d'hiver roundup of July 1942 in which 13,000 French Jews, including 4,000 children, were deported. "There is one area in which we must do better, that of the restitution of cultural property, 'robbed' during the Nazi occupation," Philippe stated. A Ministry of Culture report submitted in April to the then minister, Francoise Nyssen, criticized the current policy of restitution in the country for being inefficient and lacking ambition, coordination, leadership, and visibility. The report identified 2,008 cultural properties with no identified owner. As a result the Commission for the Compensation of the Victims of Spoliation was empowered to examine all cases of restitution and to transmit its recommendations to the prime minister, and an office dedicated to the research and restitution of these cultural properties was created within the Ministry of Culture.

#### **f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence**

The constitution and law prohibit interference with privacy, family, home, or correspondence, and there were no reports of government failure to respect these prohibitions.

The government continued implementing amendments to the law made in 2015 that allow specialized intelligence agencies to conduct real-time surveillance without approval from a judge on both networks and individuals for information or documents regarding a person identified as posing a terrorist threat. Following passage of the amendments, the Council of State, the country's highest administrative court that hears cases in first and last instance and is both advisor to the government and the supreme administrative court, issued three implementing decrees designating the agencies that may engage in such surveillance, including using devices to establish geolocation.

The government's two-year state of emergency ended after parliament enacted antiterrorism legislation, codifying as law certain authorities granted under the state of emergency. To prevent acts of terrorism, the law permits authorities to restrict and monitor the movement of individuals, conduct administrative searches and seizures, close religious institutions for disseminating violent extremist ideas, implement enhanced security measures at public events, and expand identity



checks near the country's borders. The core provisions were to expire at the end of 2020 unless renewed by parliament.

## **Section 2. Respect for Civil Liberties, Including:**

### **a. Freedom of Expression, Including for the Press**

The constitution and law provide for freedom of expression, including for the press, and the government generally respected these rights. An independent press, an effective judiciary, and a functioning democratic political system combined to promote freedom of expression, including for the press.

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

UN Special Rapporteur Fionnuala Ni Aoilain expressed concern that counterterrorism legislation passed in October 2017 restricted freedom of religion, movement, and expression. After a week-long visit in May, Ni Aoilain stated “the scope of these measures constitutes a de facto state of qualified emergency” in ordinary law.

Press and Media Freedom: While independent media were active and generally expressed a wide variety of views without restriction, print and broadcast media, books, and online newspapers and journals were subject to the same antidefamation and hate speech laws that limited freedom of expression.

The law provides protection to journalists, who may be compelled to reveal sources only in cases where serious crimes occurred and access to a journalist's sources was required to complete an official investigation.

### **Internet Freedom**

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports that the government monitored private online communications without appropriate legal oversight. According to

International Telecommunication Union statistics, 85 percent of the population used the internet during the year.

Under the law intelligence services have the power to monitor suspected threats to public order and detect future terrorists. The law also provides a legal framework for the intelligence services' activities. Laws against hate speech apply to the internet.

On May 30, the National Commission on Informatics and Liberties (CNIL), the government's data protection authority, released its annual report. The report showed a significant increase in the number of requests made to authorities to remove online terrorist and child-pornography-related content. The report, which covered the period between March 2017 and February 2018, also stated the Central Office for the Fight against Crime Related to Information and Communication Technology (OCLCTIC) issued 35,110 withdrawal requests, an increase of 1,270 percent from the previous year. Of these, 93 percent concerned terrorist content and 7 percent child pornography. CNIL underscored that the significant increase in withdrawal requests did not necessarily indicate more offensive material posted online, but rather that a large number of newly hired investigators at OCLCTIC allowed the unit to identify and report more content.

On October 10, parliament adopted a bill cracking down on "fake news," allowing courts to rule whether reports published during election periods are credible or should be taken down. The law allows election candidates to sue for the removal of contested news reports during election periods and to force platforms such as Facebook and Twitter to disclose the source of funding for sponsored content.

### **Academic Freedom and Cultural Events**

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

### **b. Freedoms of Peaceful Assembly and Association**

The constitution and law provide for the freedoms of peaceful assembly and association, subject to certain security conditions, and the government generally respected these rights.

### **Freedom of Peaceful Assembly**

In February Amnesty International released a report claiming “prefects (representatives of the French state at local level; the most senior central government officials) continued to resort to emergency measures to restrict the right to freedom of peaceful assembly. In particular they adopted dozens of measures restricting the freedom of movement of individuals to prevent them from attending public assemblies. Authorities imposed these measures on vague grounds and against individuals with no apparent connection to any terrorism-related offense.”

### **Freedom of Association**

The constitution and law provide for the freedom of association, and the government generally respected this right.

#### **c. Freedom of Religion**

See the Department of State’s *International Religious Freedom Report* at [www.state.gov/religiousfreedomreport/](http://www.state.gov/religiousfreedomreport/).

#### **d. Freedom of Movement**

The constitution and law provide for freedom of internal movement, 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 refugees, asylum seekers, stateless persons, returning refugees, and other persons of concern.

On June 19, the National Consultative Commission for Human Rights (CNCDH), an independent government agency, stated it was “deeply shocked” by the treatment of migrants in the “border areas...where the Republic (France) violates fundamental rights.” For example, the border police station in Col de Montgenevre had a facility for sheltering migrants overnight that had no running water or camp beds and whose outdoor latrines were submerged under three feet of snow at the time of the CNCDH visit. The commander stated he fed the migrants from the stocks on hand but had no funds allocated to feed them.

In-country Movement: The law requires persons engaged in itinerant activities with a fixed domicile to obtain a license that is renewable every four years. Itinerant persons without a fixed abode must possess travel documents.

## Protection of Refugees

Refoulement: The government usually provided protection against the expulsion or return of persons to countries where they would be likely to face persecution or torture. On January 8, then interior minister Gerard Collomb announced the government had deported 26,000 persons in 2017, a 17 percent increase over 2016. Authorities returned approximately 2,330 persons to the EU-member state through which they first entered the EU, in line with the Dublin Regulation. This included some who were returned to Greece, where the European Court of Human Rights found that persons could be subject to persecution. The human rights group La Cimade criticized the government's strict implementation of deportation laws, including detaining persons prior to ordered expulsion and during the initial asylum claims process.

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 protection. 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. Applicants, however, must complete them in French, generally without government-funded language assistance.

On August 1, parliament adopted an asylum and immigration bill intended to reduce the average time for processing asylum applications to six months and shortens from 120 to 90 days the period asylum seekers have to make an application. It also includes measures to facilitate the removal of aliens in detention, extends from 45 to 90 days the maximum duration of administrative detention, and from 16 to 24 hours the duration of administrative detention to verify an individual's right to stay. The new law extends the duration of residence permits for subsidiary and stateless refugees from one year to four years and enables foreigners who have not been able to register for asylum to access shelter. It includes measures to strengthen the protection of girls and young men exposed to the risk of sexual mutilation, states that a country persecuting LGBTI persons cannot be considered "safe," and adopts protective provisions on the right to remain for victims of domestic violence.

On July 6, the Constitutional Council, the country's highest court, ruled that providing humanitarian assistance to undocumented migrants on the country's territory was not a crime. The case against the government was brought by Cedric

Herrou, an activist farmer who was sentenced for providing assistance to migrants in 2017. The court stated that the freedom to help for humanitarian reasons should apply to “all assistance provided with a humanitarian aim.” On July 6, then interior minister Collomb issued a statement that the court’s decision was in line with the government’s efforts to exempt from prosecution individuals who only provide humanitarian assistance to migrants.

Asylum applications rose by 17 percent in 2017 to 100,412, according to provisional data released on January 8 by OFPRA, with 36 percent of applicants approved for asylum or refugee status. OFPRA stated that priority attention was given to female victims of violence, persons persecuted on the basis of their sexual orientation, victims of human trafficking, unaccompanied minors, and victims of torture, particularly in the context of asylum seekers from Libya.

Safe Country of Origin/Transit: The government considered 16 countries to be “safe countries of origin” for purposes of asylum. A “safe country” is one that provides for compliance with the principles of liberty, democracy, rule of law, and fundamental human rights. This policy reduced the chances of an asylum seeker from one of these countries obtaining asylum but did not prevent it. While individuals originating in a safe country of origin may apply for asylum, they may receive only a special form of temporary residence status that allows them to remain in the country. Authorities examined asylum requests through an emergency procedure that may not exceed 15 days. Countries considered “safe” included Albania, Armenia, Benin, Bosnia and Herzegovina, Cabo Verde, Georgia, Ghana, India, Macedonia, Mauritius, Moldova, Mongolia, Montenegro, Senegal, Serbia, and Kosovo.

Freedom of Movement: Authorities maintained administrative holding centers for foreigners who could not be deported immediately. Authorities could hold undocumented migrants in these facilities for a maximum of 90 days. There were 26 holding centers on the mainland and three in the overseas territories with a total capacity of 1,970 persons.

On July 3, five refugee/migrant assistance associations (Association Service Social Familial Migrants, Forum-Refugies-Cosi, France Terre d’Asile, Cimade, and Ordre de Malte) released a joint annual report that estimated 47,000 undocumented migrants were placed in administrative holding centers in 2017, representing a slight increase from 45,937 in 2016.

According to an annual report published on July 3 by six domestic NGOs, government detention of migrant children on the country's mainland territory increased by 70 percent in 2017, compared with 2016. The report noted, however, that the duration of detentions was often short. Since the law prohibits the separation of children from their parents, they were detained together. Civil society organizations criticized the provision of the new asylum and immigration bill adopted during the year that doubles the maximum detention time for foreigners subject to deportation to up to 90 days.

On May 30, for the 35th time since mid-2015, authorities dismantled a large migrant tent camp in Paris. The government forcibly resettled evacuees--937 men and 87 women and children, all of whom, according to press reports, originated in Sudan, Somalia, and Eritrea--in gymnasiums and other public facilities in Paris and the surrounding region while they waited for the government to register and review their eligibility for asylum. Two large tent camps remained in Paris--one reportedly holding about 800 persons (mainly from Afghanistan) and the other holding 300-400 individuals.

According to a report published on June 27 by Cimade, a domestic NGO that provides advice and legal support to migrants, refugees, and asylum seekers, the number of migrants refused entry at the country's border rose to 85,408 in 2017, a 34 percent increase from 2016 (63,845).

Durable Solutions: The government has provisions to manage a range of solutions for integration, resettlement, and return of migrants and unsuccessful asylum seekers. The government accepted refugees for resettlement from other countries and facilitated local integration and naturalization, particularly of refugees in protracted situations. The government assisted in the safe, voluntary return of migrants and unsuccessful asylum seekers to their home countries. In 2017 the government voluntarily repatriated 7,110 undocumented migrants to their countries of origin. On July 25, the Ministry of the Interior announced an increase of financial return aid to foreigners (except those from the EU or visa-exempt countries) from 1,000 euros (\$1,150) to 2,500 euros (\$2,870).

Temporary Protection: Authorities may grant individuals a one-year renewable permit and can extend the permit for an additional two years. According to OFPRA, the government did not grant temporary protection in 2017.

## **Stateless Persons**

OFPRA reported there were 1,370 stateless persons in the country at the end of 2016. It attributed statelessness to various factors, including contradictions among differing national laws, government stripping of nationality, and lack of birth registration. As the agency responsible for the implementation of international conventions on refugees and stateless persons, OFPRA provided benefits to stateless persons. OFPRA's annual report stated that it granted stateless status to 179 persons in 2017. The government provided a one-year residence permit marked "private and family life" to persons deemed stateless that allowed them to work. After two permit renewals, stateless persons could apply for and obtain a 10-year residence permit.

The law affords persons the opportunity to gain citizenship. A person may qualify to acquire citizenship if: either of the person's parents is a citizen; the person was legally adopted by a citizen; the person was born in the country to stateless parents or to parents whose nationality does not transfer to the child; or the person marries a citizen. A person who has reached the legal age of majority (18) may apply for citizenship through naturalization after five years of habitual residence in the country. Applicants for citizenship must have good knowledge of both the French language and civics.

### **Section 3. Freedom to Participate in the Political Process**

The constitution and law provide citizens the ability to choose their government through free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

#### **Elections and Political Participation**

Recent Elections: Observers considered the April/May 2017 presidential and the June 2017 parliamentary (Senate and National Assembly) elections to have been free and fair.

Participation of Women and Minorities: No laws limit participation of women or minorities in the political process, and they did participate.

### **Section 4. Corruption and Lack of Transparency in Government**

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

Corruption: On June 12, the Paris Court of Appeal sentenced former Lyon deputy police chief Michel Neyret to two-and-one-half years in prison (18 months of which were suspended) and a lifetime ban from police service for corruption and drug trafficking. The court convicted Neyret of providing confidential information to informants in exchange for benefits, gifts, and money.

Financial Disclosure: The president, members of parliament and the European Parliament, ministers, regional and departmental council heads, mayors of larger communities, and directors of government-owned companies (post office, railway, and telephone) are required to declare their personal assets to the Commission for the Financial Transparency of Political Life at the beginning and end of their terms. The commission issued and made available to the public periodic reports on officials' financial holdings on a discretionary basis at least once every three years. Officials who fail to comply are subject to sanctions.

The Central Office for Combating Corruption and Financial and Tax Crimes investigates offenses including tax fraud, influence peddling, and failure of elected officials to make financial disclosures or report their own violations of the law.

On March 6, the Montpellier Court of Appeal sentenced Senator Robert Navarro and his wife Dominique to three months in prison (suspended), fined them 30,000 euros (\$34,500), and deprived them of their civil rights for three years for breach of trust. Between 2004 and 2010, while Navarro served as the head of the Socialist Party Federation of Hérault and his wife as its parliamentary attache, they used federation funds for personal expenditures, including airplane tickets totaling more than 85,700 euros (\$98,500) and family trips to Prague, Ljubljana, Budapest and Marrakech. All of the accounting documents for the federation also disappeared.

## **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses 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) advised the government on human rights and produced an annual report on racism and xenophobia. Domestic and international human



rights organizations considered the CNCDH independent and effective. Observers considered the Defender of Rights independent and effective, with access to all necessary resources.

## **Section 6. Discrimination, Societal Abuses, and Trafficking in Persons**

### **Women**

Rape and Domestic Violence: The law criminalizes rape, including spousal rape, and the government generally enforced the law effectively. The penalty for rape is 15 years' imprisonment, which may be increased. The government and NGOs provided shelters, counseling, and hotlines for rape survivors.

The law prohibits domestic violence against women and men, including spousal abuse, and the government generally enforced the law effectively. The penalty for domestic violence against either gender varies from three years in prison and a fine of 45,000 euros (\$51,800) to 20 years in prison.

In November 2017 the government's Interministerial Agency for the Protection of Women against Violence and Combatting Human Trafficking (MIPROF) published data that, between 2012 and 2017, an annual average of 225,000 women between the ages of 18 and 75 declared they had been victims of physical or sexual violence at the hands of a partner or former partner. MIPROF reported that, over the same period, an annual average of 93,000 women declared they had been victims of rape or attempted rape.

On December 6, the National Observatory of Crime and Criminal Justice, an independent public body, and the National Institute of Statistics and Economic Studies (INSEE) published a joint study showing that the number of persons who consider themselves victims of sexual violence committed by a person who does not live with them increased sharply in 2017 to 265,000 from 173,000 in 2016.

The government sponsored and funded programs for women 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 addressing domestic violence.

The government implemented its 2017-19 interministerial plan to address violence against women. The program's three main objectives are ensuring women's access to rights; strengthening public action to protect the most vulnerable groups, such as

children, young women, and women living in rural regions; and uprooting the culture of sexism. On September 30, the government launched a four million euro (\$4.6 million) television campaign aimed at persons who have witnessed sexual or domestic violence.

Female Genital Mutilation/Cutting (FGM/C): FGM/C was practiced in the country, particularly within diaspora communities. Various laws prohibit FGM/C and include extraterritorial jurisdiction, allowing authorities to prosecute FGM/C, which is punishable by up to 20 years in prison, even if it is committed outside the country. The government provided reconstructive surgery and counseling for FGM/C victims.

According to the latest statistics available from the Ministry of Gender Equality, 53,000 FGM/C victims resided in the country. The majority were recent immigrants from sub-Saharan African countries where FGM/C was prevalent and where the procedure was performed. According to the Group against Sexual Mutilation, 350 excisions were performed in the country each year.

Sexual Harassment: The law prohibits gender-based harassment in the workplace. 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.”

On August 1, parliament passed a law against “sexual and sexist violence” that provides for on-the-spot fines of 90 to 750 euros (\$103 to \$860) for persons who sexually harass others on the street (including by wolf whistling), and up to 3,000 euros (\$3,450) if there are aggravating circumstances. The law covers sexual or sexist comments and behavior that is degrading, humiliating, intimidating, hostile, or offensive. The bill also increases sanctions for cyberstalking and prohibits taking pictures or videos under someone’s clothes without consent, which is punishable by up to one year in prison and a fine of 15,000 euros (\$17,200).

According to a November 2017 report by MIPROF, security forces registered 10,870 incidents of harassment and other threats committed by a partner in 2016, with female victims making up more than 88 percent of the total. The same report stated that in 2016 the Ministry of Justice sentenced 82 men for sexual harassment.

More than eight women in 10 reported they had been victims of a form of attack or sexual assault in a public space, according to a study by Fondation Jean Jaures

think tank that was released in February. In the study, 55 percent of women surveyed reported experiencing at least one bullying situation, with 26 percent reporting a bullying incident within the previous 12 months.

On July 30, the Paris prosecutor opened an investigation after a woman posted a video of a man hitting her in the face outside a cafe after she angrily responded to his sexual harassment, according to legal sources. The cafe's surveillance camera recorded the man throwing an ashtray at the 22-year-old woman after she told him to "shut up." He then followed her and, after she confronted him again, he hit her. Following the incident, the woman filed a complaint with police and posted the video online. On August 27, authorities arrested a 25-year-old suspect. On October 4, a Paris court sentenced him to six months in prison and a further six-month suspended sentence. The court also ordered him not to contact the woman and fined him 2,000 euros (\$2,300) in damages. He was ordered to undergo psychological care and take a course on gender-related violence.

During the year a court for the first time sentenced a man for harassing a woman during an assault on a bus. According to the prosecutor's office of the Paris suburb of Evry, on September 19, a 30-year-old man, visibly drunk, boarded a bus in the city of Draveil and approached a 21-year-old female passenger. He slapped her on the buttocks, insulted her, and referred to the size of her breasts. Police arrested the assailant with the help of the bus driver. The court fined the offender 300 euros (\$345) and sentenced him to three months in prison and a six-month suspended sentence for physical abuse under a new law against sexist and sexual violence.

According to statistics released by the Interior Ministry on September 6, reported cases of sexual harassment and sexual violence surged during the year, with 27,728 complaints registered by the police in the first seven months of the year, up 23.1 percent compared, with the same period in the previous year.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization.

Discrimination: The law prohibits gender-based job discrimination and harassment of subordinates by superiors but does not apply to relationships between peers. The constitution and law provide for the same legal status and rights for women as for men, including under family, religious, personal status, labor, property, nationality, and inheritance laws. The Ministry of Gender Equality is responsible for protecting the legal rights of women. The constitution and law provide for

equal access to professional and social positions, and the government generally enforced the laws.

There was discrimination against women with respect to employment and occupation, and women were underrepresented in most levels of government leadership.

## **Children**

Birth Registration: The law confers nationality to a child born to at least one parent with citizenship or to a child born in the country to stateless parents or to parents whose nationality does not transfer to the child. 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.

Throughout the year trade unions and civil society groups in Mayotte protested, demanding an end to illegal immigration, mainly originating from the Comoros, and increased security. Legislation adopted during the year modifies nationality criteria for individuals born in Mayotte, requiring one parent to have been present in French territory for more than three months by the child's birth.

Child Abuse: There are laws against child abuse, including against rape, sexual assault, corruption of a minor, trafficking, kidnapping, child prostitution, and child pornography. The government actively worked to combat child abuse. Penalties are generally severe.

Early and Forced Marriage: The minimum legal age for marriage is 18. Early marriage was a problem mainly for communities from the Maghreb, Sub-Saharan Africa, and South Asia. The law provides 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 euro (\$51,800) 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.

Sexual Exploitation of Children: The minimum age of consent is 15, but prosecutors must prove sex was nonconsensual to prove rape in cases where victims are older than five. A law passed on August 1 extends the deadline for underage rape victims to file complaints from 20 years after they turn 18 to 30 years. The law states that sex between an adult and a minor younger than 15 is

considered rape if the victim “lacks the necessary discernment to consent,” which is determined by a judge.

The government enforced these laws effectively but faced criticism from NGOs such as Coup de Pouce, Acting Against Child Prostitution, and the French Council of Associations for the Rights of the Child that argued children cannot provide legal consent regardless of circumstance. The new law increases the sentence for raping children from five to up to 20 years.

The law also criminalizes the commercial sexual exploitation of children. The minimum penalty for sexual exploitation of children is 10 years’ imprisonment and a fine of 1.5 million euros (\$1.7 million). The law prohibits child pornography; the maximum penalty for its use and distribution is five years’ imprisonment and a 75,000 euro (\$86,200) fine.

According to a November 2017 report by MIPROF, security forces registered 7,570 acts of sexual violence against children younger than 18 in 2016. Female victims made up more than 80 percent of this total.

Displaced Children: In July, Human Rights Watch published a report that asserted arbitrary practices by child protection authorities in Paris had led to unaccompanied foreign minors being considered adults, leaving them ineligible to receive emergency shelter and other protection. Authorities prevented some youth from accessing these resources based on their appearance and others without written decisions following interviews lasting as little as five minutes, contrary to official regulations. Although the applicable regulations provide that the primary method of establishing approximate age should be through interviews, many children were denied protection if they lacked documents (see section 2.d.).

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 *Annual Report on International Parental Child Abduction* at [https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data.htmlhttp://www.travel.state.gov/abduction/resources/congressreport/congressreport\\_4308.html](https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data.htmlhttp://www.travel.state.gov/abduction/resources/congressreport/congressreport_4308.html).

## **Anti-Semitism**

There were between 460,000 and 700,000 Jews in the country in 2016, depending on the definitional criteria of who is Jewish, according to a 2016 report by Berman Jewish Databank, the most recent year for which estimates were available.

NGO and government observers reported numerous anti-Semitic incidents, including physical and verbal assaults on individuals and attacks on synagogues, cemeteries, and memorials. Notably, on March 23, Holocaust survivor Mireille Knoll, 85, was found dead in her Paris apartment. An autopsy revealed she had been stabbed at least 11 times before being burned in a fire that was later ruled arson. Two individuals were arrested in connection with the killing, which the Paris prosecutor's office deemed a hate crime. After the killing, thousands of persons participated in a memorial "white march" in Paris, where many government officials spoke. President Macron attended Knoll's funeral and stated she was "murdered because she was Jewish." On June 29, the Paris prosecutor's office opened an investigation into threatening anti-Semitic letters referring to Knoll's killing received by at least six Jewish associations, including the Representative Council of French Jewish Institutions.

While the number of anti-Semitic acts decreased by 7.2 percent in 2017, according to government statistics, the number of violent attacks, including one killing, rose from 77 in 2016 to 97, accounting for almost one-third of all racist, anti-Semitic, or anti-Muslim incidents in the country. In one example, in March police arrested four teenagers suspected of beating a Jewish boy with a stick and taking his head covering.

According to statistics released by then interior minister Collomb and Defense Minister Florence Parly in September 2017, the government deployed 7,000 security personnel throughout the country to protect sensitive sites, including vulnerable Catholic, Jewish, and Muslim sites and other places of worship.

There were reports of anti-Semitic vandalism. On January 26, for example, according to statements by the Council of Europe, a large swastika was painted on the entrance to the Council of Europe, located in Strasbourg.

### **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

### **Persons with Disabilities**

The constitution and law prohibit discrimination against persons with physical, sensory, intellectual, and mental disabilities. The government generally enforced these provisions effectively.

An estimated 350,000 persons with intellectual or mental disabilities were deprived of the right to vote. The law allows a judge to deny the right to vote to individuals who are assigned guardians to make decisions on their behalf, which mainly affected persons with disabilities.

While the law requires companies with more than 20 workers to hire persons with disabilities, many such companies failed to do so.

The law requires that buildings, education, and employment be accessible to persons with disabilities. According to the latest government estimates available, 40 percent of establishments in the country were accessible. In 2015 parliament extended the deadline for owners to make their buildings and facilities accessible by three to nine years. In 2016 then president Hollande announced that 500,000 public buildings across the country were undergoing major renovation to improve accessibility.

In its most recent report on the country in 2016, the UN Committee on the Rights of the Child stated that autistic children in the country “continue to be subjected to widespread violations of their rights.” The committee found that the majority of children with autism did not have access to mainstream education and many “are still offered inefficient psychoanalytical therapies, overmedication, and placement in psychiatric hospitals and institutions.” Parents who opposed the institutionalization of their children were intimidated and threatened and, in some cases, lost custody of their children, according to the report. A 2005 law provides every child the right to education in a mainstream school, but the Council of Europe condemned the country’s authorities for not respecting it. Pressure groups like Autism France estimated that only 20 percent of autistic children were in school. In April the government began implementing a 340 million euro (\$391 million) strategy to give autistic children access to education. The plan includes increasing diagnosis and early years support for children with autism, increasing scientific research, and training doctors, teachers, and staff.

### **National/Racial/Ethnic Minorities**

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

The government registered an upsurge in violent racist, anti-Semitic, and anti-Muslim acts in 2017, while the overall number of hate crimes declined. On January 31, the Ministry of Interior announced the government registered 950 hate crimes involving threats and violence in 2017, a 16 percent decline from the number recorded in 2016, while the total number of acts of racism fell 14.8 percent to 518. Acts against religious buildings and graves in 2017 declined 7.5 percent to 978, marking the first year since authorities began collecting data in 2008 that there was a decline in acts against religious buildings and graves.

Government observers and NGOs, including the French Council for the Muslim Religion and the Collective against Islamophobia, reported a number of anti-Muslim incidents during the year, including slurs against Muslims, attacks on mosques, and physical assaults. The number of registered violent acts of racism against Muslims rose from 67 in 2016 to 73 in 2017. Over the same period, threats against the Muslim community declined by 58.5 percent, while total anti-Muslim acts declined 34.5 percent, from 185 to 121.

After the counterterrorism law took effect in October 2017, prefects received authority to close places of worship “in which statements are made, ideas or theories are disseminated, or activities take place that lead to violence, hatred or discrimination, provoke the commission of acts of terrorism, or make apologies for such acts.” On July 10, a Senate report stated four closures of places of worship took place on this basis between November 2017 and June 8.

The prefect of Hérault closed a small Muslim prayer room in Gigean, which, according to a May 17 Agence France-Presse news agency report, authorities had considered a Salafist meeting point for six months. According to the prefectural decree posted on the town house, the prayer room was “an influential place of reference of the Salafist movement, advocating a rigorous Islam, calling for discrimination, hatred, and violence against women, Jews, and Christians.”

On April 20, an Algerian imam, El Hadi Douidi, the leader of the Salafist As-Sounna mosque in Marseille, was expelled to Algeria. The expulsion followed the



closing of As-Sounna for six months by the Bouches-du-Rhone Prefecture in December 2017 because of Douidi's radical preaching, which was said to have inspired attendees to join ISIS. Sermons at the As-Sounna mosque, sometimes disseminated via internet, preached in favor of armed jihad and the death penalty for adulterers and apostates and used insulting or threatening terms towards Jews. The As-Sounna mosque, which drew approximately 800 worshippers for its Friday prayers before its closure, was one of 80 places of Muslim worship in Marseille.

In April authorities denied an Algerian woman citizenship for refusing to shake hands with male officials at a French nationalization ceremony due to her religious convictions. The country's top administrative court ruled that there were sufficient grounds to do so since the woman's refusal "in a place and at a moment that are symbolic, reveals a lack of assimilation" and that the decision was not detrimental to her freedom of religion.

Societal hostility against Roma, including Romani migrants from Romania and Bulgaria, continued to be a problem. There were reports of anti-Roma violence by private citizens. Romani individuals, including migrants, experienced discrimination in employment. Government data estimated there were 20,000 Roma in the country.

On March 22, the CNCDH highlighted in its annual report the presence of "intensified racism" leading to abuse of the fundamental rights of the Roma. The report noted that anti-Roma sentiment in the country was expressed both by public "rejection of [their] cultural differences" and the perception that Roma posed a "threat to the national [security] order." The report also cited authorities' "ambiguous policy towards slum dismantling," which in turn encouraged "organized wandering" by members of the Romani community.

On June 9, a group of youths from the Mistral area, in Grenoble, travelled to a slum where several Romani families lived, threatened to set fire to their barracks, and then sprayed them with gasoline. Faced with threats and violence, the inhabitants of the slum fled, abandoning their shelters and possessions. During the night the attackers returned and set fire to five barracks in the slum prior to the arrival of firefighters at around 3:30 a.m. The following night attackers burned eight more huts.

Authorities continued to dismantle camps and makeshift homes inhabited by Roma. According to the European Roma Rights Center (ERRC) and Human Rights League data, authorities evicted 11,309 Roma from their homes in 2017, a

12 percent increase from the previous year, including 8,161 forcefully evicted. In the first half of the year, the ERRC reported the eviction of 4,382 Roma in 50 different localities.

Citizens, asylum seekers, and migrants may report cases of discrimination based on national origin and ethnicity to the Defender of Rights. According to the most recent data available, the office received 3,758 discrimination claims in 2017, 17.6 percent of which concerned discrimination based on ethnic origin.

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

### **Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity**

The law prohibits discrimination based on sexual orientation and gender identity. Authorities pursued and punished perpetrators of violence based on sexual orientation or gender identity. The statute of limitations is 12 months for offenses related to sex, sexual orientation, or gender identity.

More than half of individuals who were lesbian, gay, bisexual, or transgender (LGBTI) had been victims of homophobic, biphobic, or transphobic behavior, according to the French Institute of Public Opinion, which conducted an online survey of 994 LGBTI persons from May 23 to June 6.

Anti-LGBTI acts in the country increased by 4.8 percent in 2017, compared with 2016, according to an annual report published on May 15 by the domestic NGO SOS-Homophobie. This marked the second consecutive year that the number of reported anti-LGBTI acts increased in the country. The NGO stated it received 1,650 reports of anti-LGBTI incidents of all types in 2017, compared with 1,575 incidents in 2016. The data reflected a 15 percent increase in reports of physical assaults in 2017, to 139 cases, compared with 121 cases in 2016. The majority of the victims were men (58 percent) and 35 years of age or younger (56 percent). The report noted there was a 38 percent increase in anti-LGBTI incidents in school environments and a 22 percent increase in anti-LGBTI content on the internet.

On August 5 in Marseille, two unknown assailants chased, attacked, and insulted two individuals who belonged to Le Refuge, an association that assisted victims of

homophobia. After the two Refuge members ran back to the association's office and barricaded themselves inside, the attackers launched a tear gas bomb before fleeing the scene. One of the victims was transgender, which was the probable motive for the attack, according to local press reporting.

On May 3, the criminal court of Nimes sentenced two men to six months in prison for the assault of a homosexual couple in 2017 in Pont-Saint-Esprit (Gard). The assault was recorded on camera, according to a judicial source. The couple had been walking when a group molested and insulted them. One of the victims died of a heart attack a month after the assault.

A parliamentary report published June 19 indicated that violence and discrimination against LGBTI persons was more significant in the country's overseas territories than in mainland France. The report stated that anti-LGBTI hate was reinforced by the prominence of "family, religion, sexist prejudices, and insularity" in territories where "anonymity does not exist" and where the "law of silence dominates."

In May the public prosecutor's office in Nancy opened an investigation of discrimination against same-sex couples wishing to adopt. The Association of Homoparental Families had filed a complaint against the president of the family council of wards of the state of Meurthe-et-Moselle for allegedly giving preference to heterosexual couples in adoption cases.

Human rights organizations such as Inter-LGBT criticized the government for continuing to require transgender persons to go to court to obtain legal recognition of their gender identity.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The constitution and labor law provide 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 and allows unions to conduct their activities without interference. Workers, except those in certain essential services such as police and the armed forces, have the right to strike unless the strike threatens public safety. The law prohibits antiunion discrimination and forbids removing a candidate from a recruitment procedure for asking about union membership or trade union activities. The Ministry of Labor treats such

discrimination as a criminal offense and prosecutes cases of discrimination by both individuals and companies.

Individuals violating the law may be subject to punishment ranging from three years' imprisonment and a 45,000 euro (\$51,800) fine to up to five years imprisonment and a 75,000 euro (\$86,200) fine if the discrimination occurs in a venue open to the public. Companies violating the law may be subject to punishment ranging from a minimum fine of 225,000 euros (\$259,000) to a maximum fine of 375,000 euros (\$431,000) if the discrimination takes place in a venue open to the public. These penalties were generally sufficient to deter violations, although union representatives noted antiunion discrimination occasionally occurred, particularly in small companies.

Public-sector workers must declare their intention to strike at least 48 hours before the strike commences. In addition, a notification of intent to strike is permissible only after negotiations between trade unions and employers have broken down. Workers are not entitled to receive pay while striking. Wages, however, may be paid retroactively. Health-care workers are required to provide a minimum level of service during strikes. In the public transportation (buses, metro) and rail sectors, the law requires the continuity of public services at minimum service levels during strikes. This minimum service level is defined through collective bargaining between the employer and labor unions for each transportation system. For road transportation strikes, the law on minimum service provides for wages to be calculated proportionally to time worked while striking. Transportation users must also receive clear and reliable information on the services that would be available in the event of a disruption. Authorities effectively enforced laws and regulations, including those prohibiting retaliation against strikers.

Workers freely exercised their rights to form and join unions and choose their employee representatives, conduct union activities, and bargain collectively. Workers' organizations stressed their independence vis-a-vis political parties. Some of their leaders, however, did not conceal their political affiliations. Union representatives noted that antiunion discrimination occasionally occurred, particularly in small companies.

## **b. Prohibition of Forced or Compulsory Labor**

The law prohibits all forms of forced or compulsory labor. The law recognizes the offenses of forced labor and forced servitude as crimes. The government

effectively enforced the law, and penalties were sufficient to deter violations. The government also provided financial support to NGOs that assist victims.

Men, women, and children, mainly from Eastern Europe, West Africa, and Asia, were subject to forced labor, including domestic servitude (also see section 7.c.). There were no government estimates on the extent of forced labor among domestic workers, many of whom were migrant women and children. In 2017 the NGO Committee against Modern Slavery assisted 170 victims of forced labor, 72 percent of whom were women.

Also see the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

### **c. Prohibition of Child Labor and Minimum Age for Employment**

The law prohibits the worst forms of child labor. The minimum age for employment is 16. There are exceptions for persons enrolled in certain apprenticeship programs or working in the entertainment industry, who are subject to further labor regulations for minors. The law generally prohibits persons younger than 18 from performing work considered arduous or dangerous, such as working with dangerous chemicals, high temperatures, heavy machinery, electrical wiring, metallurgy, dangerous animals, working at heights, or work that exposes minors to acts or representations of a pornographic or violent nature. Persons younger than 18 are prohibited from working on Sunday, except as apprentices in certain sectors, including hotels, cafes, caterers, and restaurants. Youth are prohibited from working between 8 p.m. and 6 a.m. when they are younger than 16 and between 10 p.m. and 6 a.m. when they are between 16 and 18.

The government effectively enforced labor laws, although some children were exploited in the worst forms of child labor, including commercial sexual exploitation (also see section 6, Children) and forced criminal activity. Inspectors from the Ministry of Labor investigated workplaces to enforce compliance with all labor statutes. To prohibit violations of child labor statutes, inspectors may place employers under observation or refer them for criminal prosecution. Employers convicted of using child labor risk up to five years' imprisonment and a 75,000 euro (\$86,200) fine. These penalties proved generally sufficient to deter violations.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at [www.dol.gov/ilab/reports/child-labor/findings/](http://www.dol.gov/ilab/reports/child-labor/findings/) for information on the French overseas collective of Wallis and Futuna.

#### **d. Discrimination with Respect to Employment and Occupation**

The labor code prohibits discrimination based upon an individual's national origin; sex; customs; sexual orientation; gender identity; age; family situation or pregnancy; genetic characteristics; particular vulnerability resulting from an economic situation that is apparent or known to the author of discrimination; real or perceived ethnicity, nationality or race; political opinions; trade union or mutual association activities; religious beliefs; physical appearance; family name; place of residence or location of a person's bank; state of health; loss of autonomy or disability; and ability to express oneself in a language other than French. Authorities generally enforced this prohibition, and penalties were sufficient to deter violations in this area. The International Labor Organization raised concerns that the labor code does not prohibit discrimination based on social origin.

A gender equality law provides measures to reinforce equality in the workplace as well as sanctions against companies whose noncompliance could prevent women from bidding for public contracts. The law also requires employers to conduct yearly negotiations with employees on professional and pay equity between women and men in companies with more than 50 employees.

Employment discrimination based on sex, gender, disability, and national origin occurred. The country's Roma community faced employment discrimination. The law requires that women receive equal pay for equal work. In March 2017 INSEE released a study that indicated that in 2014, the most recent year for which data were available, women working the equivalent of full time earned 18.6 percent less than men did. The average monthly salary was 2,410 euros (\$2,770) for men. Women on average earned 1,962 euros (\$2,260) per month; salary depended on qualifications, age, and sex. The same study also indicated that 18 percent of salaried men in the private sector held managerial positions, while 13 percent of women with similar skills were managers.

The Fund Management Organization for the Professional Integration of People with Disabilities (AGEFIPH) and the fund for the Inclusion of Persons with Disabilities in the Public Service released an audit in June that showed unemployment among persons with disabilities, who represented 19 percent (513,000) of the unemployed, increased 4.7 percent for the period January-

September 2017. The law requires at least 6 percent of the workforce in companies with more than 20 employees to be persons with disabilities. The law requires noncompliant companies to contribute to a fund managed by AGEFIPH.

Approximately 39 percent of private-sector enterprises (41,270) met the requirement in 2017, while 48 percent contributed into the fund and a small number (mostly large corporations) received an exemption from the government based on a negotiated action plan, according to AGEFIPH. In 2017 President Macron initiated a plan to promote the inclusion of workers with disabilities in the workplace.

#### **e. Acceptable Conditions of Work**

The minimum wage met the poverty level. Employers, except those in the informal economy, generally adhered to the minimum wage requirement. The government effectively enforced wage laws, and penalties were sufficient to deter violations.

The official workweek is 35 hours, although companies may negotiate exceptions with employees. The maximum number of working days for 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 during a 12-week work period. Workdays and overtime hours are fixed by a convention or an agreement in each sector in accordance with the labor code. Under an executive order signed in September 2017, companies with fewer than 50 employees may negotiate working conditions directly with employees without involvement of labor unions.

On August 2, the High Court ordered that the local subsidiary of a United Kingdom-based pest control services company pay 60,000 euros (\$69,000) in damages for violating labor laws related to overtime. The company fired an employee in 2011 for not being reachable after normal working hours to handle emergency cases. The court determined the company could not require employees to respond to emergency calls after working hours if it did not compensate its employees for being on call. Employers must negotiate the use of digital tools with employees or their collective bargaining units and publish clear rules on “the right to disconnect” based on the employee agreement and a 2016 “right to disconnect” law that requires employers to allow employees to “disconnect” from email, SMS messages, and other electronic communications after working hours.

Employees are entitled to a daily rest period of at least 11 hours and a weekly break of at least 24 hours. 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; the law grants each worker five weeks of paid leave per year for a full year of work performed. The standard amount of paid leave is five weeks per year (2.5 weekdays per month, equivalent to 30 weekdays per year). Some companies also allowed other compensatory days for work in excess of 35 hours to 39 hours per week, called “spare-time account.” Work in excess of 39 hours per week was generally remunerated.

The government sets occupational health and safety standards in addition to those set by the EU. Government standards cover all employees and sectors. Individual workers could report work hazards to labor inspectors, unions, or (for companies with more than 50 employees) their company health committee, but they did not have an explicit right to remove themselves from a hazardous workplace.

The Ministry of Labor enforced the law governing work conditions and performed this responsibility effectively, in both the formal and the informal economy. The government permitted salaries below the minimum wage for specific categories of employment, such as subsidized jobs and internships, that must conform to separate, clearly defined standards. Labor inspectors enforced compliance with the labor law. Disciplinary sanctions at work are strictly governed by the labor code to protect employees from abuse of power by their employers. Employees could pursue appeals in a special labor court up to the Court of Cassation. Sanctions depend on the loss sustained by the victim and were usually applied on a case-by-case basis.

Penalties for labor violations depend on the status of the accused. The law provides for employers and physical persons convicted of labor violations to be imprisoned for up to three years and pay fines of up to 45,000 euros (\$51,800) with additional penalties, including a prohibition on conducting a commercial or industrial enterprise. The law provides for companies found guilty of undeclared work to be fined up to 225,000 euros (\$259,000) and face additional sanctions, such as closing the establishment, placing it under judicial supervision, making the judgment public, confiscating equipment, or dissolving the establishment as a legal person.

Immigrants were more likely to face hazardous work, generally because of their concentration in sectors such as agriculture, construction, and hospitality services. In July the newspaper *La Provence* reported on the abuse of migrant agricultural



laborers in the Provence-Alpes-Cote d'Azur region. The workers, who mainly came from South America, reportedly were paid less than the lawful minimum wage, made to work more hours than the law allows, and were not paid overtime or given breaks. According to the newspaper, workers were kept isolated, often living in cramped conditions in vans and mobile homes on their employer's property. An investigation by the local agricultural labor union found "a manifest and organized violation" of workers' rights on 12 farms in the region, where laborers were forced to work 30 days out of 30 (see section 7.b.).