

# FRANCE 2017 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. 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 23/May 7 presidential and the June 11/18 parliamentary (Senate and National Assembly) elections to have been free and fair.

Civilian authorities maintained effective control over the security forces.

Since the 2015 terror attacks in Paris, the country was under a state of emergency that gave expanded powers to police and other government authorities. The emergency law authorized the government to dissolve associations deemed to be working towards the serious disruption of public order. It also authorized prefects in all regions to close temporarily concert halls, restaurants, or any public place and to prohibit public demonstrations or gatherings posing a threat to public safety, as they deemed appropriate. While the state of emergency generally enjoyed legislative and public support, some nongovernmental organizations (NGOs) and parliamentarians expressed concern it negatively affected the balance between security and individual rights. On October 31, the state of emergency was lifted, and the government enacted legislation to codify certain powers granted under it. 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 will expire at the end of 2020 unless actively renewed by parliament. Some members of the National Assembly and human rights organizations criticized the bill for incorporating the emergency measures in common law, a step they believed eroded civil liberties and diminished judicial oversight.

The most significant human rights issues included reports of societal acts of violence against migrants, minorities, Jews, Muslims, and lesbian, gay, bisexual, transgender and intersex (LGBTI) persons; authorities generally investigated, and where appropriate prosecuted, such cases.

The government took steps to investigate, prosecute, and punish members of the security forces and other officials who committed human rights abuses. Impunity was not widespread.

During the year the country experienced six terrorist attacks, at least five terror-related individual killings targeting security forces, and several attempted terrorist attacks. As of year's end, authorities continued to investigate elements of these cases.

*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 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 other overseas 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 some that resulted in fatalities. On April 20, a 39-year-old male French citizen, using an automatic assault rifle, killed one police officer and injured two others on Avenue des Champs-Elysees in Paris; security forces shot and killed the assailant. On June 19, a 31-year-old man rammed his car into security force vehicles on Avenue des Champs-Elysees; the assailant died of injuries sustained during the attack. On October 1, a Tunisian national man armed with a knife killed two women at the main train station in Marseille; the security forces shot and killed the assailant.

### **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 occasional accusations that security and military personnel committed abuses.

On February 23, the Defender of Rights, a constitutionally created, independent civil rights watchdog institution, reported registering 1,225 complaints against the security forces' intervention methods in 2016.

There were reports police beat, kicked, and used pepper spray on migrants and asylum seekers in Calais (see section 2.d.).

In 2015 credible allegations surfaced that French peacekeeping soldiers sexually abused children in 2013 and 2014 at a camp for internally displaced persons in Bangui, the capital of the Central African Republic. The Ministry of Defense and the Paris prosecutor's office opened separate investigations into the allegations. In February 2016 Paris prosecutors widened the probe after two children submitted accusations of rape against French soldiers. In April 2016 a judicial source stated prosecutors had opened a third investigation into allegations of sexual abuse by French peacekeeping forces. On March 22, sources close to the investigation reported that prosecutors asked for the charges to be dismissed due to a lack of reliable evidence. At year's end the investigation was still continuing.

On February 2, four police officers reportedly stopped a 22-year-old black man, Theo Luhaka, for an identity check in the Paris suburb of Aulnay-sous-Bois, and one of the officers reportedly penetrated Luhaka's anus with a baton. Media reports stated Luhaka spent two weeks in a hospital where medical examinations concluded he had suffered a four-inch gash in his rectum as well as head trauma. The incident sparked several days of demonstrations in Aulnay-sous-Bois and surrounding neighborhoods. On February 17, the UN high commissioner for human rights expressed concern regarding impunity in the police force and asked the government to conduct a "rapid and impartial investigation." Authorities charged the four officers for aggravated assault and one police officer for rape. At year's end the investigation was continuing.

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

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

In April 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: The maximum acceptable capacity for the country's 191 prisons was 59,094 inmates. As of August the Prison Service reported the country's prisons held 69,126 inmates, representing 117 percent of prison capacity. The number of inmates increased from the end of 2016. Detention conditions for women were often better than for men because overcrowding was less common.

Overcrowding was a serious problem in some overseas territories. For example, the occupancy rate was 281.5 percent of capacity at the Faa'a Nuutania prison in French Polynesia and 192.5 percent at the Baie-Mahault prison in Guadeloupe.

Although there were no known deaths in prison due to mistreatment or adverse conditions during the year, prison suicides remained a problem. The latest Ministry of Justice report issued in January 2016 stated 113 inmates committed suicide in 2015, a rate considerably higher than that outside prison.

In March, Bordeaux's administrative court of appeal condemned the government for degrading living conditions at a prison in Agen and ordered the government to pay 1,500 euros (\$1,800) in fines to the inmate who had filed the complaint.

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 April.

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

The constitution and law prohibit arbitrary arrest and detention and provides for the right of any person to challenge the lawfulness of his/her arrest or detention in

court, and the government generally observed these requirements. Lengthy pretrial detention, however, 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 has 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 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 2016 Defender of Rights report, individuals filed 1,225 complaints against security forces in 2016.

In 2015 the Defender of Rights called for a ban on police use of flash-ball guns during demonstrations following several cases in which demonstrators sustained injuries from the weapon. In 2013 and 2014, the Defender of Rights was asked to examine seven cases in which serious injuries or permanent infirmities were allegedly sustained due to the use of flash-ball guns. In 2015 then interior minister Bernard Cazeneuve announced he would not ban police use of flash-ball guns. On March 3, the Criminal Court of Marseille handed down a six-month suspended sentence to a police officer for the involuntary manslaughter of a man in 2010 using a flash-ball gun.

### **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 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. As of August pretrial detainees made up approximately 28.2 percent of the prison population.

Detainee's Ability to Challenge Lawfulness of Detention before a Court: Persons arrested or detained, regardless of the nature of the charge(s), are entitled to challenge in court the legal basis or arbitrary nature of their detention and obtain prompt release and compensation if found to have been unlawfully detained.

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

The constitution and law provide for an independent judiciary, and the government generally respected judicial independence and impartiality, although delays in bringing cases to trial were a problem. The country has no independent military court; the Paris Magistrates 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. 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 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 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 (ECHR) 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/or mechanisms in place, and NGOs and advocacy groups reported that the government made significant progress on resolution of Holocaust-era claims, including for foreign citizens.

In 2014 France and the U.S. also signed the Compensation for Certain Victims of Holocaust-Related Deportation from France Who are not Covered by French Programs Agreement to provide an exclusive mechanism for compensating persons who survived deportation from France, their surviving spouses, or their assigns, who were not able to gain access to the pension program established by the government for French nationals, or by international agreements concluded by the government to address Holocaust deportation claims. To implement the agreement, France transferred to the U.S. a payment of \$60 million, to be used for making payments under the agreement.

## **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 that the government failed to respect these prohibitions.

The nationwide state of emergency in effect until October 31 authorized law enforcement officers to search homes without a warrant, to read email and text messages, and to eavesdrop on telephone communications of persons suspected of having links to terrorism. The civil society group La Quadrature du Net continued to express concern that the state of emergency augmented authorities' ability to carry out invasive searches of homes and seized cell phones. As of June 21, police carried out 4,200 antiterrorism raids across the country under the state of emergency.

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. Since passage of the amendments, the Council of State has issued three implementing decrees designating the agencies that may engage in such surveillance, including using devices to establish geolocation. In 2016 the Constitutional Council struck down provisions in the code that allowed surveillance of radio communications that was not subject to "any substantive or procedural conditions" as well as the police practice of copying the data on any electronic device during a house search without the consent of the individual or judicial authorization.

## **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.

On September 7, the ECHR ruled that the government violated the freedom of expression of a municipal councilor who had been sued for and found guilty of defamation by a court without being given an opportunity to prove his allegations. In 2009 the municipal councilor accused the Broc city mayor and deputy mayor of committing fraud in the awarding of a public building construction contract. The ECHR ruled the municipal counselor’s accusations served the public interest and were based on sufficient evidence. The ECHR also ordered the government to pay 11,670 euros (\$14,000) in damages to the plaintiff.

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

The nationwide state of emergency in effect until October 31 allowed blocking of websites and social networks linked to or advocating terrorism and authorized the government to read emails and text messages of individuals suspected of having links to terrorist activities. On January 27, then interior minister Le Roux announced the government had requested the blocking of 834 websites and 1,929 more sites would be pulled from search engine results as part of the fight against “child pornographic and terrorist content.” In a May report from the National Commission on Informatics and Liberties (CNIL) for the period March 2016 through February, the CNIL reported receiving 2,189 website content withdrawal

demands for terrorism and withdrawing 1,975 of them. The CNIL also reported receiving 165 demands to block websites for terrorism content; the CNIL however does not publish the number of websites it blocked for terrorism content.

On February 10, in response to an appeal by a defendant sentenced to a two-year term in prison for consulting terrorist websites, the country's highest judicial body, the Constitutional Council, rendered unconstitutional the statute criminalizing regular consultation of terrorist websites. The statute mandated a maximum sentence of two years' imprisonment and a 30,000-euro (\$36,000) fine for "habitually" consulting terrorist websites. In the decision the court explained the consultation of a terrorist website does not necessarily imply an individual's "willingness to commit terrorist acts" or their "adhesion to an ideology."

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. Civil liberties groups and digital freedom activists opposed the law and asserted that the rules on intelligence gathering could lead to mass surveillance with inadequate oversight. The state of emergency that was in force until October 31 granted the minister of the interior exceptional powers to take "all the measures" necessary to block sites suspected of "condoning terrorism or encouraging acts of terrorism."

### **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 restrictions imposed under the state of emergency that expired on October 31. The government generally respected these rights within the boundaries of the state of emergency.

### **Freedom of Peaceful Assembly**

The state of emergency in effect until October 31 granted exceptional powers to authorities, notably the power to set curfews, limit the movement of individuals, forbid mass gatherings, establish secure zones where persons may be monitored, and close public spaces such as theatres, bars and museums. Prefects in all regions

may provisionally close concert halls, restaurants, or any public place, and prohibit public demonstrations or gatherings.

An Amnesty International report released May 31 stated that authorities used the state of emergency to restrict freedom of peaceful assembly and “contain peaceful protesters” who posed no “concrete threat to public order.” Under the state of emergency, according to the report, security forces prohibited 155 public protests and adopted 683 measures “restricting the freedom of movement of specific individuals.”

### **Freedom of Association**

The constitution and law provide for the freedom of association, and the government generally respected this right. Under the state of emergency, police and prefects could dissolve associations acting in favor of serious disruption of public order.

#### **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, and other persons of concern.

Abuse of Migrants, Refugees, and Stateless Persons: In February 2016, seven migrants living in the Calais refugee camp filed lawsuits alleging that police committed violent acts against them in January and February 2016. An investigation into the allegations continued at year’s end.

On February 11, four migrants staying in a Calais refugee camp filed lawsuits in Boulogne-sur-Mer against security forces for allegedly committing violence against them. An investigation into the allegations continued at year’s end.

In a report released July 26, Human Rights Watch (HRW) stated law enforcement officers, particularly riot police, “routinely use pepper spray on child and adult migrants while they are sleeping or in other circumstances in which they pose no threat.” HRW stated such acts violate the prohibition on inhuman and degrading treatment as well as international standards on police conduct. In response to the HRW report, the Ministry of the Interior published an official internal report October 23 evaluating the use of force by law enforcement officers against migrants in the Calais region. The government stated it was “plausible” that law enforcement agents failed to follow proper code of conduct and ethics in the use of police powers. These failures, according to the report, specifically related to the use of force, disproportionate use of tear gas, destruction of migrants’ belongings, and eschewing the requirement to show agents’ badge numbers.

On June 26, a Lille court ruled that NGOs could provide humanitarian assistance to the estimated 400-600 migrants staying in Calais at the former site of the infamous “Jungle” migrant camp. The court, however, rejected a request by NGOs to set up a permanent migrant center. The court gave local officials 10 days to establish several drinking fountains, toilets, and showers for migrants who are “exposed to inhuman and degrading conditions” in the area, or face a 100-euro (\$120) per day fine for failure to comply with the decision. Local law enforcement officers, however, continued to impede NGOs from distributing aid to migrants and used force, including tear gas, to dismantle makeshift camps. Minister of the Interior Gerard Collomb also rejected activists’ call to create a permanent migrant center in Calais, stating “it would reproduce what happened before; you go from a few hundred to a few thousand migrants.”

On July 31, the country’s highest administrative court, the Council of State, rejected the government’s and the City of Calais’s appeal against the June 26 Lille court’s decision ordering the government to provide water and sanitation to migrants in Calais. The court ruled the government’s failure to provide basic needs “exposed [migrants] to inhuman and degrading treatment, dealing a serious and clearly illegal blow to a basic right” and “fundamental freedom.” In response, Minister of the Interior Collomb on July 31 announced the government would open two migrant centers “within 10 days” in the northern region of the Hauts-de-France to shelter migrants and speed up assessment of their situation. On September 29, the centers opened in Croisilles and Troisvaux.

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: While the government provided protection against the expulsion or return of persons to countries where they would be likely to face persecution or torture, human rights groups regularly criticized the government's strict implementation of deportation laws. During the year several French NGOs provided legal advice to migrants and asylum seekers and criticized individual cases of deportations.

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 language assistance.

A 2015 law on asylum reform provides improved procedures for assessing asylum cases. It requires the reduction of application processing times, from 24 to nine months, and introduces a directed housing system so that asylum seekers are not concentrated in a handful of regions and enjoy better reception conditions.

On March 31, the Nice administrative court ordered the prefect of the Alpes-Maritime to register the asylum claim of an Eritrean family of three within three days. The court ruled that the prefect's refusal to register the asylum claim of the Eritrean nationals constituted a serious breach of the right to asylum. On September 4, the Nice administrative court ruled against the same prefect for violating the asylum rights of three Sudanese migrants by detaining them while they were en route to register their asylum claim with authorities and then returning them to Italy.

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 45 days. There were 26 holding centers on the mainland and three in the overseas territories with a total capacity of 1,970 persons.

On June 27, five refugee/migrant assistance associations (Assfam, Forum-Refugies-Cosi, France Terre d’Asile, Cimade, and Ordre de Malte) released a joint annual report stating that 45,937 undocumented migrants were placed in administrative holding centers in 2016, representing a slight decrease from 2015, when 47,565 were held.

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 2016 the government voluntarily repatriated 4,500 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 (\$1,200) to 2,500 euros (\$3,000).

Temporary Protection: Authorities may grant individuals a one-year renewable permit that could be extended for an additional two years. According to OFPRA, the government did not grant temporary protection in 2016.

## **Stateless Persons**

OFPRA reported there were 1,370 stateless persons in the country as of December 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. 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 23/May 7 presidential and the June 11/18 parliamentary (Senate and National Assembly) elections to have been free and fair.

Participation of Women and Minorities: Women and members of minority groups faced no political restrictions and actively participated in the political process.

### **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.

The inspector general of National Police and the Inspectorate of the National Gendarmerie actively investigated and prosecuted allegations of police and gendarme corruption. Citizens may report police abuses via the Ministry of the

Interior's website, provided they identify themselves. In 2016 citizens registered 3,446 reports online.

Corruption: On June 30, the Versailles Appeals Court upheld the 2015 decision of a Nanterre court to sentence on corruption charges Senator Philippe Kaltenbach to two years in prison, including a one-year suspended prison sentence, to impose a 20,000-euro (\$24,000) fine, and to render him ineligible for political office for five years.

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 February 2, a Paris court found Senator Serge Dassault guilty of hiding tens of millions of euros from taxation in undeclared accounts in Liechtenstein and Luxembourg over a period of 15 years. He was fined two million euros (\$2.4 million) for tax fraud and barred from holding elected office for five years.

## **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 (CNCDDH) advised the government on human rights and produced an annual report on racism and xenophobia. Domestic and international human rights organizations widely considered the CNCDDH 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 domestic violence, 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 (\$54,000) to 20 years in prison.

In November the government's Interministerial Agency for the Protection of Women against Violence and Combatting Human Trafficking (MIPROF) published data showing that, between 2012 and 2017, an annual average of 225,000 women between the ages of 18 and 75 declared that they had been victims of physical and/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 that they had been victims of rape or attempted rape.

The report noted that 123 women were killed by their male partner or former partner in 2016.

The government sponsored and funded programs for female victims of violence, including shelters, counseling, hotlines, free mobile phones, and a media campaign. The government also supported the work of 25 associations and NGOs dedicated to fighting domestic violence.

The government budgeted 125 million euros (\$150 million) to fund its 2017-19 interministerial plan to combat violence against women, a 50-percent increase over the previous three-year plan. The program's three main objectives were 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.

Female Genital Mutilation/Cutting (FGM/C): FGM/C is practiced in the country, particularly within diaspora communities where FGM/C was prevalent. The law prohibits FGM/C as “violence involving mutilation or permanent infirmity.” It is punishable by up to 20 years in prison. The government provides reconstructive surgery and counseling for FGM/C victims.

According to the Ministry of Gender Equality, 53,000 victims resided in the country. The majority were recent immigrants from sub-Saharan African countries where the procedure was performed. According to the Group against Sexual Mutilation, 350 excisions were performed in the country each year. In a November 2016 interministerial plan to combat violence against women, the government introduced new measures to prevent genital mutilation and support affected women and girls.

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.”

A November report by MIPROF reported that the 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 victims. The same report stated that in 2016 the Ministry of Justice sentenced 82 men for sexual harassment.

On August 9, parliament passed an ethics bill directed at parliamentarians and other elected officials, which included a measure that bars persons with a conviction for sexual harassment from running for public office.

Coercion in Population Control: There were no reports of coerced abortion, involuntary sterilization, or other coercive population control methods. Estimates on maternal mortality and contraceptive prevalence are available at: [www.who.int/reproductivehealth/publications/monitoring/maternal-mortality-2015/en/](http://www.who.int/reproductivehealth/publications/monitoring/maternal-mortality-2015/en/).

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 (see section 7.d.), 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.

Early and Forced Marriage: The minimum legal age for marriage is 18. Child marriage was a problem. 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 (\$54,000) 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 still have to prove sex was non-consensual to prove rape. Otherwise, sex with a minor is considered sex abuse, punishable with up to five years in prison as opposed to up to 20 years in the case of rape. The government generally enforced these laws effectively.

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 (\$1.8 million). The law prohibits child pornography; the maximum penalty for its use and distribution is five years' imprisonment and a 75,000-euro (\$90,000) fine.

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

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 [travel.state.gov/content/childabduction/en/legal/compliance.html](http://travel.state.gov/content/childabduction/en/legal/compliance.html).

## **Anti-Semitism**

There were between 460,000 and 700,000 Jews in France in 2016, depending on the definitional criteria of who is Jewish, according to a 2016 report by Berman Jewish DataBank.

NGO and government observers reported numerous anti-Semitic incidents during the year, including physical and verbal assaults on individuals and attacks on synagogues, cemeteries, and memorials. As of January 2016, according to the Ministry of the Interior, security forces were protecting 12,000 sites across the country, of which 26 percent were Jewish.

On December 10 at a Conseil Représentatif des Institutions juives de France (CRIF) convention in Paris, Prime Minister Edouard Philippe announced that the number of anti-Semitic acts in the country had dropped by 20 percent in the first 10 months of the year compared with the same period in 2016, according to Israeli media. He stated there were 216 anti-Semitic incidents during this period. According to press reports, anti-Semitism was causing a growing number of Jews to abandon their suburban homes for downtown Paris.

On April 4, a 27-year-old Franco-Malian man, Kobili Traore, killed his 65-year-old Jewish neighbor, Sarah Halimi. Neighbors heard Traore beating Halimi while reciting the Quran and shouting "Allah hu akbar" ("God is greatest") and calling her Satan before throwing her from the third-story window of her apartment. On July 10, authorities arrested Traore and charged him for "voluntary homicide" and "sequestration." The umbrella group of French Jewish communities, CRIF, and the NGO National Bureau for Vigilance against Anti-Semitism (BNVCA) criticized the prosecutor's delay in filing an indictment and omission of the anti-Semitic motive behind it. On September 27, authorities added the charge of anti-Semitism to the indictment. The investigation continued at year's end.

On September 7, three attackers forcibly entered the home of a Jewish family in Livry-Gargan, a suburb of Paris. They confined, beat, and threatened to kill the family of three, according to the BNVCA. Minister of the Interior Collomb said,

“everything will be done to identify and arrest those who carried out this cowardly attack (which) appears directly linked to the victims’ religion.” On November 28, authorities arrested five individuals--four men and one woman--in connection with the attack. On December 1, authorities charged them with armed robbery, illegal detention, and extortion with violence, motivated by the victims’ religious affiliation. All five individuals were placed in pretrial detention. The case remained open at year’s end.

On September 18, a juvenile court in northeastern France ordered five teenagers, ages 15 to 17, who vandalized approximately 300 gravestones in the Jewish cemetery in Sarre-Union in 2015, to perform 140 hours of community service each; the court, however, suspended an earlier decision to sentence the teenagers to prison to up to seven years.

Jewish community leaders objected to Front National Party politician Marine Le Pen’s statement on April 9 that the country was not responsible for the 1942 roundup and detention of 13,152 Jews at the Velodrome d’hiver stadium in Paris. At a Velodrome d’hiver roundup memorial event on July 16, President Macron reaffirmed the French government’s position that “it was indeed France that organized the roundup, the deportation, and thus, for almost all, death.”

In June authorities upheld the charge of anti-Semitism in the indictment against five assailants for an attack committed in December 2014 against a 21-year-old man and his 19-year-old girlfriend in Creteil. One of the five attackers faced the charge of rape of the woman while another faced the charge of complicity in the rape; all five aggressors faced charges of theft or attempted theft, extortion, and false imprisonment with a weapon; or complicity.

On August 7, unknown persons vandalized a memorial in Lyon dedicated to 44 children and their seven adult supervisors who were arrested by the Lyon Gestapo in 1944 at the Children’s Home of Izieu and deported to concentration camps, where all but one adult died. The memorial was broken and removed from its base.

Former president Hollande, President Macron, and other government leaders condemned anti-Semitism during the year. On July 16, President Macron and Israeli Prime Minister Benjamin Netanyahu held a ceremony in Paris honoring the victims of the Velodrome d’hiver roundup. President Macron stated, “We will never surrender to the messages of hate; we will not surrender to anti-Zionism because it is a reinvention of anti-Semitism.”

On October 2, Prime Minister Philippe announced a new initiative to combat online anti-Semitism during an address at Paris' Buffault Synagogue to mark the Jewish New Year. He also confirmed the continuation of high-level security at Jewish community institutions.

### **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.

While the law requires companies with more than 20 workers to hire persons with disabilities, many such companies failed to do so (see section 7.d.).

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

On January 19, a Bayonne criminal court fined easyJet Airline 60,000 euros (\$72,000) for refusing to board a passenger with a disability. The airline denied boarding to the 55-year-old plaintiff, Joseph Etcheveste, in 2010, citing "security" reasons.

### **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, 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 Defender of Rights in 2016 received 5,203 discrimination claims, 18 percent of which concerned discrimination based on ethnic origin.

Government observers and NGOs reported a number of anti-Muslim incidents during the year, including slurs against Muslims, attacks on mosques, and physical assaults. The National Islamophobia Observatory of the French Council of the Muslim Faith, citing interior ministry figures, registered 64 incidents and 118 threats against the Muslim community in 2016, representing a 48.4- and a 61.3-percent decrease, respectively, in the number of anti-Muslim incidents and threats from 2015.

According to media reports, in June the city of Lorette prohibited women wearing veils from accessing the city's municipal swimming pool by adding "headscarves" to the pool's list of prohibited items. The rules require a woman to wear a one-piece or two-piece bathing suit to access the pool.

In an April 25 ruling, the Paris Criminal Court fined the mayor of Beziers, Robert Menard, 2,000 euros (\$2,400) for inciting hatred and discrimination through anti-Muslim comments. In September 2016 he had tweeted his "regret" at witnessing "the great replacement," an allusion to a term used by xenophobic writer Renaud Camus to describe the country being "overtaken" by foreign-born Muslims. Menard was also prosecuted for an interview given in September 2016 in which he claimed the number of Muslim children in Beziers was "a problem." The mayor was ordered to pay symbolic damages, of 1 to 1,000 euros (\$1.20 to \$1,200) to the seven antiracism organizations that had originally filed the suit against him.

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 (see section 7.d.). Government data estimated there were 20,000 Roma in the country.

Authorities dismantled camps and makeshift homes inhabited by Roma throughout the year. In the first half of the year, the European Roma Rights Center (ERRC) reported the eviction of 4,382 Roma in 50 different localities. According to the ERRC and Human Rights League data, authorities evicted 10,119 Roma from 76

illegal camps in 2016, a 9-percent decrease from 2015, when 11,128 Roma were evicted.

On February 7, the country's highest court upheld the conviction of Luc Jousse, the former mayor of Roquebrune-sur-Argens, for his anti-Roma statements in 2013. Jousse was fined 10,000 euros (\$12,000) and disqualified from running for public office for one year.

On February 27, the Aix-en-Provence appeals found guilty and ordered Jean-Marie Le Pen, the founder of the National Front Party, to pay a 5,000-euro (\$6,000) fine for inciting hatred against the Romani community in Nice. At a news conference in 2013, Le Pen described members of the Romani community as "irritating" and "smelly."

In a report released September 12, the Council of Europe's commissioner for human rights criticized the country for continuing to "exclude disabled children, Roma(ni) children and migrants or refugees from mainstream schools." The commissioner noted that inequality in the education system "perpetuates their marginalization."

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

The NGO SOS Homophobie, a NGO supporting lesbian, gay, bisexual, transgender, and intersex (LGBTI) rights, reported 1,575 homophobic acts in 2016, a 19.5-percent increase from 2015. It reported 121 instances of physical assault, a 20-percent decrease from 2015.

On March 11, authorities arrested and indicted two men in Marseille for kidnapping and raping Zak Ostmane, an Algerian LGBTI activist and refugee.



SOS Homophobie reported the two assailants drugged the victim in a gay bar in central Marseille, then took him to a hotel room where he was beaten and raped. Police rescued Ostmane two days later. The Marseille prosecutor's office did not release the identities of the assailants.

Human rights organizations criticized the government for continuing to require transgender persons to go to court to change their gender legally.

## **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 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 (\$54,000) fine to up to five years' imprisonment and a 75,000-euro (\$90,000) 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 (\$270,000) to a maximum fine of 375,000 euros (\$450,000) if the discrimination takes place in a venue open to the public. These penalties were generally sufficient to deter violations.

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. For road transportation strikes, the law on minimum service provides for wages to be calculated proportionally to time worked while striking. 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. 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 prohibiting retaliation against strikers.

Workers freely exercised their rights to form and join unions, 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. Although the law prohibits antiunion discrimination, union representatives noted that it occasionally occurred, particularly in small companies. Only 1.4 percent of the workforce in small companies takes part in workplace elections for labor union representatives. The government and employers respected freedom of association and the right to collective bargaining.

### **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.

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 2016 the NGO Committee against Modern Slavery assisted 167 victims of forced labor, including 125 women. The government attempted to address forced labor by providing financial support to NGOs that assist victims.

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 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 under the age of 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 under the age of 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 8:00 p.m. and 6:00 a.m. when they are under 16 and between 10:00 p.m. and 6:00 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 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 (\$90,000) fine. These penalties proved generally sufficient to deter violations. According to the latest report of the Court of Audit released in 2016, there were 2,462 inspectors and comptrollers.

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

The labor code prohibits discrimination based upon an individual's national origin, religion, race, sex, lifestyle, sexual orientation, age, family situation, pregnancy, state of health or disability, economic situation and place of residence. Authorities generally enforced this prohibition.

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 law requires that women receive equal pay for equal work. On March 7, National Institute of Statistics and Economic Studies released a study that indicated that in 2014, the most recent year for which data were available, the average annual private sector salary was 23,400 euros (\$28,080) for men. Women on average earned 17,820 euros (\$21,384) per year. 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. Women constituted 63 percent of workers without an academic degree and were generally more likely to work part time, due in part to child-care responsibilities; 15.7 percent of women worked part time, compared with 9.2 percent of men.

The Fund Management Organization for the Professional Integration of People with Disabilities (AGEFIPH) reported the unemployment rate for persons with disabilities grew 25 percent in 2015, faster than the growth rate for the general population (10 percent). 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 52 percent of companies met the requirement in 2013, 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. During the year 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 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. Based on an executive order signed September 24 by President Macron, companies with fewer than 50 employees may negotiate working conditions directly with employees without involvement of labor unions.

Employees are entitled to a daily rest period of at least 11 hours and a weekly break of at least 24 hours total. 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 (\$54,000) with additional penalties, including a prohibition on conducting a commercial or industrial enterprise. The law provides companies found guilty of undeclared work to be fined up to 225,000 euros (\$270,000) 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.