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SUBJECT: 1994 HUMAN RIGHTS REPORT - FRANCE

REF: STATE 330513

FOLLOWING ARE EMBASSY RESPONSES -- KEYED TO THE PARA
NUMBERS OF REFTEL -- TO THE INITIAL EDITED VERSION OF
THE 1994 DRAFT HUMAN RIGHTS REPORT FOR FRANCE:

7. THE CONSTITUTION EXTENSIVELY PROVIDES FOR HUMAN
RIGHTS, AND THE GOVERNMENT HAS A GENERALLY GOOD RECORD
OF INVESTIGATING AND PROSECUTING VIOLATIONS OF THESE
PROVISIONS. ((NOTE TO EMBASSY: AMNESTY INTERNATIONAL
(AI) ISSUED A SPECIAL REPORT IN OCTOBER 1994 DETAILING
INSTANCES OF ALLEGED OR PROVEN POLICE BRUTALITY AND
EXTRAJUDICIAL KILLINGS, ESPECIALLY (BUT NOT
EXCLUSIVELY) AGAINST FOREIGNERS AND ETHNIC MINORITIES.
PLEASE COMMENT ON THEIR ACCUSATIONS, AND REPORT THE
INCIDENTS IN SOME DETAIL (BUT BRIEFLY) IN SECTION 1.C.
BELOW, MAKING CLEAR THE GOVERNMENT'S RESPONSE IN EACH

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CASE.)) (EMBASSY REPOSE: SEE EMBASSY REVISIONS AND COMMENTS IN BOTH SECTIONS 1.A. AND 1.C BELOW. END RESPONSE.)

RESPECT FOR HUMAN RIGHTS

SECTION 1 RESPECT FOR THE INTEGRITY OF THE PERSON,
INCLUDING FREEDOM FROM:

A. POLITICAL AND OTHER EXTRAJUDICIAL KILLING

8. THERE WERE NO REPORTS OF POLITICAL OR OTHER EXTRAJUDICIAL KILLING. A POLICE OFFICER WHO IN 1993 WAS CHARGED WITH INVOLUNTARY MANSLAUGHTER FOR SHOOTING A SUSPECT, ERIC SIMONTE, IN THE COURSE OF A ROBBERY ARREST, RECEIVED A SUSPENDED 1-YEAR PRISON SENTENCE IN 1994. SEVERAL OTHER CASES REMAIN UNDER INVESTIGATION INVOLVING DEATHS CAUSED BY POLICE OFFICERS IN THE COURSE OF MAKING AN ARREST. ((NOTE TO EMBASSY: WE MAY HAVE TO REVISE THIS IN LIGHT OF THE AI REPORT; DO YOU HAVE EVIDENCE TO CONFIRM OR DENY IT? ON WHATEVER EVIDENCE IS AVAILABLE, WHAT IS YOUR JUDGMENT AS TO ITS ACCURACY?)) (EMBASSY RESPONSE: THE AI REPORT CITES ISOLATED EXAMPLES OF POLICE BRUTALITY AND OVERREACTION. WE ARE UNAWARE OF ANY DEATHS WHICH MEET THE INTENT OF STATE 215437, WHICH ASKS WHETHER "AGENTS OF THE STATE PERPETUATE, INSTIGATE, OR CONDONE KILLINGS WITHOUT DUE PROCESS OF LAW." IN ONE 1994 CASE CITED BY AI, PRESS REPORTS INDICATE THE POLICE INTERVENED AS THE TWO SUSPECTS, NEBOR AND ADOM, ATTACKED A SHOP OWNER. NEBOR AND ADOM THEN ATTACKED POLICE, WHO OPENED FIRE AFTER THE PROPRIETOR WAS UNABLE TO STOP THE ASSAILANTS WITH EITHER A CATTLE PROD OR A GUN WITH RUBBER BULLETS. THE TWO POLICEMEN WERE SUBSEQUENTLY CHARGED WITH INVOLUNTARY MANSLAUGHTER. THERE IS LESS INFORMATION AVAILABLE ON THE OTHER 1994 CASE, THAT OF MR. SY, BUT THE AMNESTY INTERNATIONAL REPORT CITED BY DRL SAYS SY WAS SHOT BY POLICE OFFICERS AS THEY INTERRUPTED HIM AND TWO OTHER YOUTHS BREAKING INTO PARKED CARS. BOTH CASES ARE STILL UNDER INVESTIGATION BY THE AUTHORITIES. END RESPONSE.)

C. TORTURE AND OTHER CRUEL, INHUMAN, OR
DEGRADING TREATMENT OR PUNISHMENT

10. THE LAW PROHIBITS TORTURE OR CRUEL, INHUMAN, OR DEGRADING TREATMENT. AN OCTOBER 1994 AMNESTY INTERNATIONAL REPORT ARGUED THAT THERE SEEMS TO BE A PATTERN OF ILL-TREATMENT, SHOOTINGS, AND KILLING BY POLICE OFFICERS IN THE APPREHENSION OF SUSPECTS. THEIR REPORT GOES ON TO SAY THAT THE GOVERNMENT DOES NOT INVESTIGATE THESE CASES AS QUICKLY OR AS THOROUGHLY AS IT SHOULD. THE FACTS IN SUCH CASES ARE OFTEN DIFFICULT TO SORT OUT, AND CONVICTED POLICE OFFICERS ARE FREQUENTLY GIVEN SUSPENDED SENTENCES. ((NOTE TO EMBASSY: PLEASE ADD A SENTENCE CHARACTERIZING THE GOVERNMENT'S ENFORCEMENT OF THESE PROVISIONS, TAKING

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INTO ACCOUNT AI'S REPORT. PLEASE REVIEW THE AI CASE OF PIERRE KONGO, THE GYNECOLOGIST FROM THE CAR ALLEGEDLY BEATEN UP BY FRENCH RAILWAY OFFICERS, AND THE CASE OF THE FRENCH TUNISIAN WOMAN ALLEGEDLY RAPED BY FRENCH BORDER POLICE AT THE MENTON-VENTIMIGLIA BORDER. ALSO, IF THERE WAS EXCESSIVE USE OF FORCE BY THE POLICE DURING THE STUDENT DEMONSTRATIONS AND MARCHES OVER THE

YOUTH WAGE LAW--AS MIGHT HAVE BEEN THE CASE, JUDGING FROM THE TELEVISION COVERAGE IN THE U.S. AND WORLDWIDE--PLEASE INCLUDE IT HERE AND CITE ANY CASES OF POLICE REPRIMANDED FOR IT.) (EMBASSY RESPONSE: EMBASSY DOES NOT BELIEVE THE POLICE USED EXCESSIVE FORCE DURING STUDENT PROTESTS AGAINST THE YOUTH WAGE LAW, ALTHOUGH THERE MAY HAVE BEEN ISOLATED INSTANCES OF POLICE OVERREACTION. IN FACT, THE POLICE WERE WIDELY CRITICIZED FOR NOT RESPONDING FORCEFULLY ENOUGH. THE DEMONSTRATIONS WERE THE MOST VIOLENT SEEN HERE IN YEARS WITH DEMONSTRATORS DESTROYING SCORES OF VEHICLES AND STREETSIDE BUSINESSES. THERE WERE MANY PRESS REPORTS THAT GANGS OF NON-STUDENT YOUTHS INFILTRATED SOME OF THE DEMONSTRATIONS, STARTING FIRES AND THROWING PAVING STONES AT BUSINESSES AND POLICE. REGARDING THE CASE OF MOUFIDA KSOURI, THE FRENCH TUNISIAN WOMAN, IT OCCURRED IN 1993 AND THUS APPEARS BEYOND THE SCOPE OF THIS REPORT. REGARDING THE KONGO CASE, THE OFFICER CHARGED BY KONGO WITH ASSAULT AND BATTERY WENT TO TRIAL AFTER A PRELIMINARY INVESTIGATION BUT WAS FOUND INNOCENT ON NOVEMBER 24, 1994. THE COURT DECIDED THAT WIDELY DIFFERING TESTIMONY OF VARIOUS WITNESSES MADE IT IMPOSSIBLE TO RULE THAT THE OFFICER HAD ACTED "WILLFULLY" IN INJURING KONGO. KONGO'S ATTORNEY HAS APPEALED THE VERDICT, HOWEVER, AND THE CASE SHOULD BE HEARD IN ABOUT SIX MONTHS. EMBASSY WILL CONTINUE TO FOLLOW THIS CASE NEXT YEAR. END RESPONSE.)

D. ARBITRARY ARREST, DETENTION, OR EXILE

12. (NOTE TO DRL: THIS PARAGRAPH HAS BEEN EXTENSIVELY REVISED. END NOTE.) IN AUGUST IN THE WAKE OF THE TERRORIST ASSASSINATION OF FIVE FRENCH OFFICIALS IN ALGERIA, FRENCH POLICE ADMINISTRATIVELY DETAINED 26 (NON-FRENCH) MUSLIMS RESIDENT IN FRANCE, SUSPECTED OF SUPPORTING ALGERIAN TERRORISTS. THE GROUP WAS HELD SEVERAL WEEKS AT A FORMER FRENCH MILITARY BASE -- WHERE THEY WERE ALLOWED TO SEE LEGAL COUNSEL AND THEIR FAMILIES -- BEFORE 20 WERE EXPELLED WITHOUT SPECIFIC CHARGE TO BURKINA FASO. FRENCH HUMAN RIGHTS GROUPS CRITICIZED THE GOVERNMENT'S ACTION, AND ATTORNEYS FOR SEVERAL SUCH GROUPS ARGUED THAT THE DETAINEES' CONSTITUTIONAL RIGHTS WERE VIOLATED IN THREE RESPECTS: (1) THEY WERE NEVER CHARGED WITH A CRIME; (2) THEIR INTERNMENT DID NOT MEET THE LEGAL REQUIREMENTS FOR ASSIGNED RESIDENCE STATUS (I.E., THEY WERE NOT PERMITTED TO REMAIN IN THEIR OWN PLACE OF RESIDENCE); ((NOTE TO EMBASSY: WHAT DOES THIS TERMINOLOGY MEAN?))

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(EMBASSY RESPONSE: INDIVIDUALS IN "ASSIGNED RESIDENCE" ARE TYPICALLY PERMITTED TO COME AND GO FREELY WITHIN THEIR OWN COMMUNITY. END RESPONSE) AND (3) THEY WERE DEPORTED WITHOUT A HEARING. AT LEAST 7 DEPORTEES HAVE APPEALED THEIR DEPORTATIONS TO THE FRENCH ADMINISTRATIVE COURTS; ONE DEPORTATION ORDER INVOLVING SEVERAL DEFENDANTS HAS ALREADY BEEN OVERTURNED -- A DECISION THAT HAS BEEN APPEALED BY THE GOVERNMENT -- AND THE OTHER CASES ARE BEING REVIEWED. THE GOVERNMENT MAINTAINS THE DEPORTEES PRESENTED AN IMMINENT DANGER TO PUBLIC ORDER AND SECURITY AND THAT IT THEREFORE ACTED RIGHTFULLY UNDER THE LAW. ((NOTE TO EMBASSY: EARLIER IT IS STATED THAT CASES MUST BE REFERRED TO A MAGISTRATE WITHIN 4 DAYS OR 2 FOR TERRORISM OR DRUG-SMUGGLING; DOES THIS NOT APPLY TO RESIDENT ALIENS? TO TOURISTS? IF NOT, SO STATE. IF IT DOES, PLEASE MAKE CLEAR WHY THE GOF WAS WITHIN THE LAW IN HANDLING THIS CASE--IS IT THAT THE LAW ALLOWS SUCH PROCEDURE IN CASES OF "IMMINENT DANGER"?)) (EMBASSY RESPONSE: THE REQUIREMENT TO SUBMIT ARREST CASES TO A MAGISTRATE ALSO APPLIES TO RESIDENT ALIENS AND FOREIGNERS BUT IS NOT RELEVANT TO THIS CASE. INITIAL EMBASSY DRAFT MAY HAVE CONFUSED THE ISSUE BY SAYING THE DETAINEES WERE "ARRESTED," WHEN THEY WERE ACTUALLY HELD UNDER AN ADMINISTRATIVE DETENTION ORDER. FRENCH LAW PERMITS THE GOVERNMENT TO HOLD ALIENS IN ADMINISTRATIVE DETENTION FOR UP TO A MONTH BEFORE THEY ARE EITHER RELEASED, CHARGED, OR EXPELLED. THERE IS ALSO A LEGAL PROVISION WHICH AUTHORIZES THE GOVERNMENT TO CARRY OUT DEPORTATIONS WITHOUT A HEARING "IF THE PRESENCE ON FRENCH TERRITORY OF A FOREIGNER CONSTITUTES A GRAVE

MENACE TO PUBLIC ORDER." THE EXPELLED ALIENS HAVE RECOURSE TO THE FRENCH ADMINISTRATIVE COURTS, WHICH RULE ON WHETHER THE GOVERNMENT HAD THE RIGHT TO TAKE THE ACTIONS IT DID IN THESE CASES. THESE COURTS HAVE ALREADY OVERTURNED ONE DEPORTATION -- THOUGH THE DECISION IS BEING APPEALED BY THE GOVERNMENT -- AND OTHER CASES WILL PROBABLY BE HEARD NEXT YEAR. END RESPONSE)

E. DENIAL OF FAIR PUBLIC TRIAL

15. THE LAW PROVIDES FOR THE RIGHT TO FAIR PUBLIC TRIAL, AND THE AUTHORITIES RESPECT THIS. ((NOTE TO EMBASSY: PLEASE UPDATE THE CASE OF OMAR RADDAD, REPORTED IN MARSEILLE 87. HAS HIS CONVICTION BEEN APPEALED? WHAT ABOUT THE ACCUSATIONS OF UNFAIR JUDICIAL PROCEDURE?)) (EMBASSY RESPONSE: THERE HAVE BEEN NO FURTHER DEVELOPMENTS IN THE RADDAD CASE. IT REMAINS UNDER REVIEW BUT NOWHERE NEAR COMPLETION. BASED ON A REVIEW OF STATE 215437, PARA 25, EMBASSY DOES NOT BELIEVE THE RADDAD CASE DEMONSTRATES IT IS DIFFICULT TO GET A FAIR TRIAL IN FRANCE. THE CASE ATTRACTED A FAIR AMOUNT OF ATTENTION, IN PART BECAUSE

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OF ITS VIOLENT NATURE BUT ALSO BECAUSE RADDAD'S DEFENSE ATTORNEY, JACQUES VERGES, IS A MEDIA FIGURE IN FRANCE, HAVING TAKEN ON CASES LIKE NAZI WAR CRIMINAL **KLAUS BARBIE** AND THE TERRORIST CARLOS. END RESPONSE)

F. ARBITRARY INTERFERENCE WITH PRIVACY, FAMILY, HOME, OR CORRESPONDENCE

19. FRENCH LAW PROVIDES FOR FREEDOM FROM INVASION OF PRIVACY, AND THE AUTHORITIES RESPECT THIS. POLICE CAN SEARCH A PRIVATE RESIDENCE ONLY BETWEEN 6 A.M. AND 9 P.M., EXCEPT IN SPECIAL CIRCUMSTANCES SUCH AS IN DRUG CASES OR A CRIME IN PROGRESS, WHEN THE SEARCH MAY BE UNDERTAKEN AT ANY TIME. (NOTE EMBASSY: IS A JUDICIAL WARRANT REQUIRED?) (EMBASSY RESPONSE: A JUDICIAL WARRANT IS REQUIRED, EXCEPT WHEN RESPONDING TO A CRIME IN PROGRESS.) TELEPHONE CONVERSATIONS CAN BE MONITORED ONLY UNDER A COURT ORDER IN CONJUNCTION WITH CRIMINAL PROCEEDINGS, EXCEPT IN NATIONAL SECURITY CASES.

SECTION 2 RESPECT FOR CIVIL LIBERTIES, INCLUDING:

A. FREEDOM OF SPEECH AND PRESS

20. THE LAW PROVIDES FOR FREEDOM OF SPEECH AND PRESS, AND THE GOVERNMENT GENERALLY RESPECTS THIS. HOWEVER, IN AUGUST -- FOLLOWING A SERIES OF MURDERS BY TERRORISTS OF FRENCH CITIZENS IN ALGERIA -- IT BANNED THE DISTRIBUTION OF FIVE MIDDLE EASTERN-ORIENTED PUBLICATIONS, ARGUING THAT THEIR VIOLENT ANTI-WESTERN TONE ENCOURAGED TERRORISM. THE GOVERNMENT HAS ALSO BANNED DISTRIBUTION OF A SKINHEAD PUBLICATION, ARGUING THAT IT PROMOTED RACIST AND ANTI-SEMITIC VIOLENCE. THERE HAVE BEEN NO REPORTED PROTESTS OF THE CONTINUING BAN ON ANY OF THESE PUBLICATIONS. ((NOTE EMBASSY: ARE THEY STILL BANNED? HAVE THERE BEEN ANY PROTESTS ABOUT THE BANNING?)) (EMBASSY RESPONSE: EMBASSY HAS REWRITTEN THIS PARAGRAPH. WE HAVE ALSO ADDED INFORMATION ABOUT ANOTHER BANNED PUBLICATION. END RESPONSE)

C. FREEDOM OF RELIGION

24. (NOTE: THIS PARAGRAPH HAS BEEN EXTENSIVELY REVISED. END NOTE.) THE LAW PROVIDES FOR SEPARATION OF CHURCH AND STATE, AND THE GOVERNMENT RESPECTS THIS. THERE HAS BEEN A NATIONAL DEBATE IN RECENT YEARS ABOUT WHETHER MUSLIM GIRLS SHOULD BE PERMITTED TO WEAR HEADSCARVES IN PUBLIC SCHOOLS. IN SEPTEMBER THE MINISTRY OF EDUCATION ISSUED A DIRECTIVE THAT PROHIBITS THE WEARING OF "OSTENTATIOUS POLITICAL AND RELIGIOUS SYMBOLS." NEITHER SCARVES NOR ANY OTHER HEADWEAR ARE SPECIFICALLY MENTIONED, BUT MOST OBSERVERS CONCLUDE THE MEASURE IS IMPLICITLY AIMED AT THE SCARVES -- WHICH

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MANY FRENCH CONSIDER A FLAUNTING OF ISLAMIC
FUNDAMENTALIST VALUES INCOMPATIBLE WITH THEIR OWN

IDEALS OF A SECULAR AND TOLERANT SOCIETY. PRESS
REPORTS INDICATE THAT APPROXIMATELY 80 GIRLS WEARING
SCARVES HAVE SUBSEQUENTLY BEEN DENIED ENTRY TO SCHOOLS
BY LOCAL ADMINISTRATORS CHARGED WITH ENFORCING THE
DIRECTIVE, WHILE SEVERAL HUNDRED OTHER GIRLS HAVE BEEN
PERMITTED TO WEAR THEM. SOME MUSLIMS AND JEWS HAVE
PROTESTED THE MEASURE. ((NOTE TO EMBASSY: PARIS 27923
SAYS IT WAS THE SEPTEMBER DIRECTIVE THAT BANNED
OSTENTATIOUS RELIGIOUS SYMBOLS, AND THAT IT DID NOT
MENTION HEADSCARVES SPECIFICALLY. DOES THE DIRECTIVE
APPLY TO SYMBOLS OTHER THAN HEADSCARVES? TO RELIGIOUS
HEADGEAR IN GENERAL, INCLUDING JEWISH YARMULKAS?
PLEASE CLARIFY AND UPDATE.)) (EMBASSY RESPONSE TO DRL
QUESTION: NO LAW SPECIFICALLY BANS HEADSCARVES, OTHER
HEADWEAR, OR ANY OTHER RELIGIOUS SYMBOLS. RATHER,
FRANCE'S HIGHEST ADMINISTRATIVE COURT RULED IN 1989
THAT WEARING THESE SCARVES TO SCHOOL IN AN
"OSTENTATIOUS" MANNER VIOLATED A LONGSTANDING LAW
SEPARATING CHURCH AND STATE WHICH FORBIDS
"PROSELYTIZING" IN SCHOOLS. THE MINISTER OF EDUCATION
CONCLUDED THIS YEAR THAT CONTINUING PROBLEMS COULD BEST
BE RESOLVED BY ISSUING MORE SPECIFIC GUIDANCE. LOCAL
SCHOOL ADMINISTRATORS NEVERTHELESS HAVE CONSIDERABLE
AUTHORITY IN APPLYING THE DIRECTIVE AND HAVE
INTERPRETED IT TO PERMIT THE VAST MAJORITY OF YOUNG
WOMEN WHO WANT TO WEAR THE SCARF TO DO SO. THERE HAVE
BEEN NO REPORTS OF STUDENTS KEPT OUT OF SCHOOL FOR
WEARING YARMULKAS. END RESPONSE.)

D. FREEDOM OF MOVEMENT WITHIN THE COUNTRY,
FOREIGN TRAVEL, EMIGRATION, AND REPATRIATION

25. THE LAW PROVIDES FOR FREEDOM OF INTERNAL MOVEMENT,
FOREIGN TRAVEL, EMIGRATION, AND REPATRIATION, AND THE
GOVERNMENT DOES NOT HAMPER THESE RIGHTS. THE
GOVERNMENT PARTICIPATES CLOSELY WITH UNHCR IN ASSISTING
REFUGEES TO SETTLE IN FRANCE OR FIND OTHER PLACES OF
REFUGE.

26. ((NOTE EMBASSY: DOES THE GOVERNMENT COOPERATE WITH
THE UNHCR IN ASSISTING REFUGEES? ARE REFUGEES FORCED
TO RETURN TO COUNTRIES WHERE THEY FEAR PERSECUTION?))
(EMBASSY RESPONSE: WE HAVE REVISED PARAGRAPH 25 IN
RESPONSE TO DRL'S QUESTIONS, WHICH ARE MORE EXTENSIVELY
ADDRESSED IN THE 1994 REFUGEE REPORT FOR FRANCE.

SECTION 5 DISCRIMINATION BASED ON RACE, SEX,
RELIGION, DISABILITY, LANGUAGE, OR SOCIAL
STATUS

WOMEN

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34. (NOTE TO DRL: BOTH PARAGRAPHS 34 AND 35 ON WOMEN HAVE BEEN EXTENSIVELY REVISED IN RESPONSE TO DRL QUESTIONS. END NOTE.) THE PENAL CODE PROHIBITS ABUSE AS WELL AS VIOLENCE AGAINST WOMEN, AND SPECIFICALLY CRIMINALIZES WIFE-BEATING. IN MARCH 1994 CHANGES TO THE CODE UPGRADED THE CRIME FROM A MISDEMEANOR TO A FELONY. THE PENALTY FOR RAPE RANGES FROM 15 YEARS TO LIFE IN PRISON, DEPENDING ON CIRCUMSTANCES, WITH NO DIFFERENTIATION BETWEEN SPOUSAL AND OTHER RAPE. APPROXIMATELY 13,000 INCIDENTS OF WIFE-BEATING WERE REPORTED TO POLICE IN 1990, THE MOST RECENT STATISTICS AVAILABLE. FIFTY-FOUR PERCENT OF REPORTED ASSAULTS WERE COMMITTED BY SPOUSES, MOST OF THE REST BY MEN WITH WHOM THE VICTIMS SHARED A LONG TERM RELATIONSHIP. THERE ARE 60 PRIVATE ASSOCIATIONS DEVOTED TO HELPING BATTERED WOMEN, AND THE GOVERNMENT OFFERS SHELTER, COUNSELING, AND FINANCIAL ASSISTANCE. IT ALSO ESTABLISHED A SPECIAL TELEPHONE HOT LINE IN 1992. ((NOTE EMBASSY: PLEASE PROVIDE YOUR ASSESSMENT OF THE EXTENT OF SUCH PROBLEMS. ALSO, IS MOST SUCH ABUSE AT THE HANDS OF SPOUSES? WHAT IS THE PENALTY FOR RAPE? DOES THE LAW TREAT SPOUSAL RAPE THE SAME AS OTHER RAPE? ARE THERE GOVERNMENT-RUN OR OTHER SHELTERS FOR BATTERED WOMEN, OR OTHER ASSISTANCE TO THEM?))

35. WHILE FRENCH LAW REQUIRES THAT WOMEN RECEIVE EQUAL PAY FOR EQUAL WORK, THIS IS OFTEN NOT THE REALITY.

AMONG PROFESSIONALS AND MANAGERS THE MEAN SALARY DISCREPANCY IN 1993 WAS 29.4 PERCENT, A SLIGHT IMPROVEMENT FROM 31 PERCENT IN 1986. IN 1993 THE PAY GAP AMONG WHITE-COLLAR EMPLOYEES WAS 11.4 PERCENT -- VERSUS 18 PERCENT IN 1986 -- AND 17 PERCENT AMONG SKILLED BLUE-COLLAR WORKERS -- COMPARED TO 24 PERCENT IN 1986. WOMEN ARE UNDERREPRESENTED IN THE SENIOR RANKS OF GOVERNMENT SERVICE (12 PERCENT, ACCORDING TO 1990 FIGURES) AND INDUSTRY (NO SPECIFIC FIGURES AVAILABLE). TO REDUCE THIS DISCREPANCY IN SMALL TO MEDIUM SIZE BUSINESSES (DEFINED AS FEWER THAN 600 EMPLOYEES), THE GOVERNMENT INITIATED A PROGRAM IN 1987 TO ASSIST WOMEN IN ENTERING PROFESSIONS PREVIOUSLY DOMINATED BY MEN. A FIRM WHICH JOINS THE PROGRAM IS REIMBURSED FOR UP TO 50 PERCENT OF A TRAINEE'S EDUCATIONAL AND OTHER EXPENSES. ONE HUNDRED AND NINETEEN WOMEN ENTERED THE PROGRAM IN 1993, THE MOST RECENT PERIOD FOR WHICH THERE IS DATA. ((NOTE TO EMBASSY: PLEASE PROVIDE DATA, IF AVAILABLE, ON THE SIZE OF THE DISPARITY. ALSO, COMMENT ON WHETHER WOMEN ARE SIGNIFICANTLY UNDER-REPRESENTED IN MANAGERIAL POSITIONS; WHETHER THE GOVERNMENT IS DOING ANYTHING TO COMBAT DISCRIMINATION AGAINST WOMEN IN THE WORKPLACE; AND WHETHER PROGRESS IS BEING SCORED.)) (EMBASSY

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RESPONSE: THIS PARAGRAPH HAS BEEN EXTENSIVELY REVISED TO ADDRESS DRL QUESTIONS. END RESPONSE.)

CHILDREN

37. THERE ARE STRICT LAWS AGAINST CHILD ABUSE, PARTICULARLY WHEN COMMITTED BY A PARENT OR GUARDIAN. IN 1993, THE MOST RECENT YEAR FOR WHICH STATISTICS ARE AVAILABLE, THERE WERE 6,500 CASES OF PHYSICAL VIOLENCE AGAINST CHILDREN. ANOTHER 6,000 CHILDREN WERE VICTIMS OF MENTAL CRUELTY OR SEVERE NEGLIGENCE. SPECIAL SECTIONS OF THE NATIONAL POLICE AND JUDICIARY ARE CHARGED WITH HANDLING THESE CASES. THE GOVERNMENT PROVIDES COUNSELING, FINANCIAL AID, FOSTER HOMES, AND ORPHANAGES, DEPENDING ON THE EXTENT OF THE PROBLEM. ((NOTE EMBASSY: PLEASE PROVIDE YOUR ASSESSMENT OF THE EXTENT OF THE PROBLEM. ALSO, DOES THE GOVERNMENT RUN ANY FACILITIES OR SERVICES FOR ABUSED CHILDREN?)) (EMBASSY RESPONSE: THIS PARAGRAPH HAS BEEN REVISED TO RESPOND TO DRL QUESTIONS. END RESPONSE.)

NATIONAL/RACIAL/ETHNIC MINORITIES

40. ANTI-IMMIGRANT SENTIMENT CONTINUED TO PROVOKE INCIDENTS OF RACISM, INCLUDING OCCASIONAL ATTACKS BY "SKINHEADS" DIRECTED AT MEMBERS OF THE LARGE ARAB/MUSLIM AND BLACK AFRICAN IMMIGRANT COMMUNITIES, AS WELL AS AT THE JEWISH POPULATION. IN MARCH 1994 THE ANNUAL REPORT OF THE NCCHR (SEE SECTION 4) NOTED A MARKED INCREASE IN THE NUMBER OF ATTACKS AND THREATS, PARTICULARLY AGAINST THOSE OF NORTH AFRICAN ORIGIN, FROM 172 IN 1992 TO 342 IN 1993. IN RESPONSE THE GOVERNMENT INITIATED A PUBLIC AWARENESS PROGRAM TO COMBAT RACISM AND ANTI-SEMITISM, BRINGING TOGETHER LOCAL GOVERNMENT OFFICIALS, POLICE, AND ASSOCIATIONS WHICH ADDRESS MINORITY ISSUES. THEY ALSO INITIATED ANTI-RACIST EDUCATIONAL PROGRAMS IN PARIS PUBLIC SCHOOLS. AS NOTED IN SECTION 2.A ABOVE, THE GOVERNMENT ALSO BANNED DISTRIBUTION OF A SKINHEAD PUBLICATION FOR PROMOTING ANTI-RACIST AND ANTI-SEMITIC VIOLENCE. NCCHR STATISTICS INDICATE THERE WERE 52 ARRESTS IN 1993 AND 56 DURING THE FIRST NINE MONTHS OF 1994 FOR RACIST ATTACKS OR THREATS. NO STATISTICS ARE AVAILABLE ON CONVICTIONS. ((NOTE TO EMBASSY: PLEASE REPORT BRIEFLY WHAT THE GOVERNMENT IS DOING IN RESPONSE: ARRESTS, PROSECUTIONS, CONVICTIONS, ACTIONS AGAINST SKINHEAD GROUPS, ETC.)) (EMBASSY RESPONSE: PARAGRAPH HAS BEEN REVISED TO ADDRESS DRL QUESTIONS. END RESPONSE.)

RELIGIOUS MINORITIES

44. THE NCCHR REPORT IN MARCH ALSO NOTED A SHARP

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INCREASE IN THE NUMBER OF ANTISEMITIC INCIDENTS, FROM 103 IN 1992 TO 299 IN 1993. THERE WERE NO ARRESTS FOR ANTI-SEMITIC ATTACKS OR THREATS IN 1993, BUT THE

GOVERNMENT MADE 8 ARRESTS DURING THE FIRST NINE MONTHS OF 1994, ALL OF WHICH ARE CURRENTLY UNDER INVESTIGATION. OTHER GOVERNMENT SOURCES INDICATE THAT IN 1994 SOME 20 JEWISH AND MUSLIM GRAVES WERE DESECRATED, FOR WHICH NO ARREST FIGURES ARE AVAILABLE. ((NOTE TO EMBASSY: AGAIN, PLEASE REPORT ON ARRESTS, PROSECUTIONS, CONVICTIONS, AND OTHER ACTIONS BY THE GOVERNMENT.)) (EMBASSY RESPONSE: IN ADDITION TO INCORPORATING WHAT ADDITIONAL STATISTICS ARE AVAILABLE INTO THIS REVISED PARAGRAPH 44, EMBASSY REFERS DRL TO PARAGRAPH 20 FOR ACTION TAKEN AGAINST A SKINHEAD PUBLICATION AND TO PARAGRAPH 40 FOR PROGRAMS INITIATED BY THE GOVERNMENT TO COMBAT RACISM AND ANTI-SEMITISM. END RESPONSE.)

PEOPLE WITH DISABILITIES

47. (NOTE TO DRL: THIS PARAGRAPH HAS BEEN MODIFIED TO RESPOND TO DRL QUESTIONS. WE HAVE ALSO DROPPED A DRL-WRITTEN SENTENCE RELATING TO A 1993 STUDY OF ACCESS TO PUBLIC BUILDINGS BECAUSE THE STUDY COVERED EMPLOYMENT NOT ACCESS. CLARIFICATION OF THE EMPLOYMENT FINDING IS INCORPORATED IN THE REVISED PARAGRAPH. END NOTE.) A WIDE RANGE OF LEGISLATION PROVIDES PROTECTION AS WELL AS WELFARE BENEFITS FOR PEOPLE WITH DISABILITIES. SINCE 1988 THE LAW HAS MANDATED THAT DISABLED PERSONS MAKE UP AT LEAST 6 PERCENT OF ALL PUBLIC AND PRIVATE ENTERPRISES WITH 20 OR MORE EMPLOYEES. THE GOVERNMENT WILL IN SOME CASES REIMBURSE EMPLOYERS UP TO 20 PERCENT OF THE COSTS OF EMPLOYING A DISABLED PERSON. ((NOTE TO EMBASSY: HAS IT BEEN IMPLEMENTED EFFECTIVELY? BEEN WIDELY FULFILLED?)) A 1993 STUDY CONCLUDED THAT THE PUBLIC SECTOR ELEMENT OF THE PROGRAM WAS SUCCESSFUL IN MEETING ITS GOALS. IT FOUND THE PRIVATE SECTOR ALSO LARGELY IN COMPLIANCE BUT NOTED THAT FIRMS OFTEN CHOSE NOT TO HIRE THE HANDICAPPED THEMSELVES BUT INSTEAD TOOK ADVANTAGE OF A PROVISION WHICH PERMITS COMPANIES TO PAY INTO A SPECIAL FUND TO HELP GOVERNMENT AGENCIES PROVIDE EMPLOYMENT. A 1991 LAW REQUIRES NEW PUBLIC BUILDINGS TO BE ACCESSIBLE TO THE PHYSICALLY HANDICAPPED.

48. IN MARCH THE GOVERNMENT'S OMBUDSMAN REPORTED THAT DESPITE GOVERNMENTAL ACTION, DISABLED PEOPLE STILL FACED CONSIDERABLE OBSTACLES TO THE EXERCISE OF SOME OF THEIR RIGHTS. HE CALLED FOR GREATER COORDINATION BETWEEN CENTRAL AND LOCAL GOVERNMENTS, PRIVATE SOCIAL

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WORKERS, AND THE HANDICAPPED THEMSELVES AND THEIR FAMILIES. (NOTE TO EMBASSY: PLEASE REPORT THE GOVERNMENT'S RESPONSE.)) (EMBASSY RESPONSE: THE GOVERNMENT IS STILL REVIEWING THE STUDY'S FINDINGS AND RECOMMENDATIONS, AND HAS NOT YET ISSUED A RESPONSE. END RESPONSE.)

SECTION 6 WORKER RIGHTS

E. ACCEPTABLE CONDITIONS OF WORK

60. (EMBASSY NOTE: EMBASSY HAS REVISED THE LANGUAGE IN LAST SENTENCE OF THIS PARAGRAPH. ONLY CERTAIN CATEGORIES OF YOUTHS -- GRADUATES OF SOME JUNIOR COLLEGE PROGRAMS WHO ACCEPTED SELECTED TRAINING PROGRAMS -- WOULD HAVE BEEN AFFECTED BY THE DRAFT LEGISLATION AND DRL'S EDIT OF THE PARAGRAPH WOULD HAVE BEEN MISLEADING. END NOTE.) FRANCE HAS AN ADMINISTRATIVELY DETERMINED MINIMUM WAGE, REVISED WHENEVER THE COST-OF-LIVING INDEX RISES 2 PERCENTAGE POINTS, AND IT IS SUFFICIENT TO PROVIDE A DECENT STANDARD OF LIVING TO A WORKER AND FAMILY. THE WAGE WAS \$6.50 (35.56 FRANCS) IN JULY. FOLLOWING MASSIVE PUBLIC DEMONSTRATIONS AGAINST A DRAFT LAW THAT WOULD HAVE LOWERED THE MINIMUM WAGE FOR YOUTHS IN SOME TRAINING PROGRAMS, THE GOVERNMENT WITHDREW IT.

61. THE LEGAL WORKWEEK IS 39 HOURS, WITH A MINIMUM BREAK OF 24 HOURS EACH WEEK. OVERTIME IS RESTRICTED TO 9 HOURS PER WEEK. ((NOTE TO EMBASSY: DOES THE LAW PRESCRIBE A WEEKLY REST PERIOD?)) (EMBASSY RESPONSE: PARAGRAPH 61 HAS BEEN REVISED TO RESPOND TO DRL'S

QUESTION.)

HARRIMAN

ADMIN
END OF MESSAGE

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