

European Union Agency for Fundamental Rights, selection of relevant and recent passages from published reports related to France

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References to France marked with **bold**

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Data Explorers, tools and themes

Violence against women survey

<http://fra.europa.eu/en/publications-and-resources/data-and-maps/survey-data-explorer-violence-against-women-survey?mdq1=country&mdq2=420>

LGBT Survey

<http://fra.europa.eu/en/publications-and-resources/data-and-maps/survey-data-explorer-lgbt-survey-2012?mdq1=country&mdq2=420>

Roma survey data explorer

<http://fra.europa.eu/en/publications-and-resources/data-and-maps/survey-data-explorer-results-2011-roma-survey>

Mapping child protection systems in the EU

<http://fra.europa.eu/en/publications-and-resources/data-and-maps/comparative-data/child-protection>

Indicators on the right to political participation of people with disabilities

<http://fra.europa.eu/en/publications-and-resources/data-and-maps/comparative-data/political-participation>

Mapping victims' right and support in the EU

<http://fra.europa.eu/en/publications-and-resources/data-and-maps/comparative-data/victims-support-services>

Regular overviews of migration-related fundamental rights concerns

<http://fra.europa.eu/en/theme/asylum-migration-borders/overviews>

FRA published weekly overviews encompassing a period of eight weeks from September to November 2015.

From January 2016 FRA is publishing monthly updates that cover a variety of different issues, including:

- initial registration and asylum applications, with particular attention to the situation of vulnerable people
- criminal proceedings initiated for offences related to irregular border crossing
- child protection
- reception conditions for new arrivals, focusing on the situation of children and other vulnerable people
- access to healthcare
- public response such as rallies of support, humanitarian assistance or voluntary work
- racist incidents such as demonstrations, online hate speech or hate crime.

The countries covered are Austria, Bulgaria, Denmark, Finland, **France**, Germany, Greece, Hungary, Italy, the Netherlands, Poland, Slovakia, Spain and Sweden.

Annual Reports

Fundamental Rights Report 2017

<http://fra.europa.eu/en/publication/2017/fundamental-rights-report-2017>

1. Equality and non-discrimination

“Some Member States added grounds of protection against discrimination to their legislation in 2016, including as regards a person’s socio-economic status. This was the case in **France**, where being in a socially precarious situation and vulnerability due to a person’s economic situation became protected characteristics.” (p. 64)

“On 14 July, a terrorist attack in Nice claimed by the so-called Islamic State killed more than 80 people and injured scores of others. Although not as a direct consequence of this attack, more than 30 municipalities in **France** sought to enact by-laws prohibiting the so-called ‘burkini’, a swimsuit designed for women that covers their entire body, save for their face, hands and feet. Justifications for such bans tend to argue that the burkini runs counter to moral standards, French secularism (laïcité), rules of hygiene and to swimming safely.

Two civil society organisations (Ligue des droits de l’homme and Collectif contre l’islamophobie en France) appealed against the first such by-law to be proposed, in Villeneuve-Loubet. The Nice administrative court rejected the appeal on the grounds that “beaches are not a suitable place to express one’s religious convictions in an ostentatious way” and that “following the succession of Islamic extremist attacks in France” the wearing of the burkini poses “a risk to public law and order”.

This prompted the Ligue and Collectif to lodge an appeal with the Council of State. In its decision, issued in late August, the Council of State held that banning a woman from wearing such a swimsuit, which identifies her as belonging to a religion, could only be justified on the grounds of safeguarding the public order. The prohibition cannot be based on any other considerations and any restriction on individual freedoms must be justified by proven risks to the public order. The Council of State ruled that, “in the absence of such a risk, the emotion and concerns resulting from terrorist attacks, and in particular from the attack carried out in Nice on 14 July, are not sufficient to legally justify the contested banning measure”.

On 6 September, however, the administrative court of Bastia issued an ordinance upholding a by-law adopted by the municipality of Sisco on 16 August. The reason was that there had been a violent confrontation on the beach in Sisco, allegedly sparked by reactions to the unconfirmed presence on the beach of a woman wearing a full-body bathing suit. The by-law was temporary and expired on 30 September.” (pp. 65 – 66)

2. Racism, xenophobia and related intolerance

“In **France**, a bill making racism, antisemitism and homophobia general aggravating circumstances was under scrutiny in the Senate in 2016. It proposes raising the maximum punishment for racist or discriminatory insults (currently six months and € 22,500) to the same level as that for provocation and racist or discriminatory slander (one year and € 45,000).” (pp. 80 – 81)

“In **France**, the Court of Cassation in a landmark case reviewed claims by 13 men of African or Arab origin alleging that they were victims of humiliating police checks. None of the men had a police record. The court ruled that the police illegally checked the identities of three of them based on discriminatory ethnic profiling, stating that identity checks based on physical features associated with a real or supposed origin, without any prior objective justification, are discriminatory.

However, it found that eight other contested identity checks were legal, as they were based on objective elements and therefore not discriminatory. The court did not decide on two other cases, returning them to lower courts for retrial.

The Court of Cassation's decision set more specific rules for identity checks. According to the ruling, alleged victims of discriminatory profiling only have to provide courts with 'elements' that support an assumption of discrimination – the testimony of a single witness, for instance – while police authorities have to prove that 'objective elements' justified the identity checks.

France's Commission Nationale Consultative des Droits de l'Homme (CNCDH) also issued an opinion on abusive and discriminatory identity checks, recommending that the authorities ensure the traceability of identity check operations. In addition, the CNCDH launched a survey aiming to collect testimonies and experiences of victims of discriminatory ethnic profiling and police abuse." (p. 88)

Promising Practice: Promoting anti-racist education

"In March 2016, the **French** government mobilised public institutions, civil society organisations, cultural establishments, memorials, public education providers and media organisations to take part in a week of education against racism and antisemitism. More than 70 events took place at the National Museum for the History of Immigration. Another 500 activities took place throughout the country, including film screenings, debates, performing arts, exhibitions and workshops." (p. 90)

3. Roma Integration

Promising Practice: Providing education to hard-to-reach populations

France is among the countries applying various approaches to provide Roma children with access to education. One example is *Camion école – Antennes Scolaires Mobiles* – a mobile classrooms project aiming to make school accessible to Roma children living in slums. Three mobile schools of the association ASET 93 have been operational in the Department of Seine-Saint-Denis, providing education to Roma children. The approach is particularly relevant today, with the issue of children living in unsettled conditions – not just Roma, but also migrants and refugees – increasingly a challenge.

Another example is the work of the *Groupe de suivi académique pour la scolarisation des enfants vivant en situation de grande précarité* in the region of Paris. Formed in September 2016, the group is a network of different actors (teachers, social workers and NGOs) who support children at risk of poverty in their education.

The success of both approaches depends on the support and engagement of all local stakeholders. Both send an important message: the technical infrastructure (in the first case a mobile school unit) is the last element of the chain leading to success. Unless other elements – such as preparatory work with local communities and the engagement of people who can be role models for the children – are in place, success is not feasible." (p. 107)

4. Asylum, visas, migration, borders and integration

"Austria, Denmark, Greece, **France**, Ireland, Lithuania, Luxembourg, Malta and the Netherlands are among the Member States that already provide educational support, mainly language and basic introductory support, at reception and in the reception centres.

Outside the reception centres and in countries that do not have any, the maximum duration of this introductory period before the children join normal classes in area schools ranges from 12 to 36 months. [...] In Croatia, Finland, **France**, Luxembourg, Malta and Romania the maximum duration of introductory classes is 12 months." (p. 137)

5. Information society, privacy and data protection

“Meanwhile, in **France**, the state of emergency introduced after the November 2015 Paris attacks was prolonged for a fourth time. According to the law enacted at the last extension, it is to be lifted on 15 July 2017. The state of emergency extends intelligence services’ powers relating to, for example, the real-time monitoring of individuals.” (p. 158)

6. Rights of the child

“In seven countries, the proportions of children at risk of poverty or social exclusion increased by 2–12 percentage points over time: Austria, Cyprus, **France**, Greece, Italy, Malta and Spain.” (p. 176)

“The dismantling of the Calais camp in 2016 triggered a lot of media and policy attention. The CRC Monitoring Committee stated that the governments of **France** and the United Kingdom fell seriously short of their obligations under the CRC in relation to the Calais camp, where “hundreds of children have been subjected to inhumane living conditions, left without adequate shelter, food, medical services and psychosocial support, and in some cases exposed to smugglers and traffickers.” (p. 183)

(For more information on the dismantling of the Calais please see Monthly data collection: November 2016, <http://fra.europa.eu/en/theme/asylum-migration-borders/overviews/november-2016> and Monthly data collection: December 2016 <http://fra.europa.eu/en/theme/asylum-migration-borders/overviews/december-2016>)

7. Access to justice including rights of crime victims

“National courts provided further guidance on interpreting the right to information in light of relevant fundamental rights standards. For example, the Court of Cassation in **France** ruled on the right to remain silent in a case involving an event that took place before the law implementing Directive 2012/13/EU came into force. The court instead referred to Article 6 (3) of the ECHR. It declared that any person placed in police custody should be informed of their right to remain silent and be able to benefit from a lawyer’s assistance. The case concerned a man convicted of sexual assault based on his own statements, which the police obtained without informing the suspect of his right to remain silent. It should be noted that there were additional procedural and material shortcomings in the case; the violation of the rights to remain silent and to assistance of a lawyer did not serve as the only basis for the judgment’s annulment. The Court of Cassation remitted the case back to the Court of Appeal of Versailles.” (p. 205)

“In a notably positive trend, a significant number of Member States increased state funding for victim support services in 2016. These include Croatia, Finland, **France**, Ireland, Luxembourg, Malta, the Netherlands, Sweden and the United Kingdom. In some Member States, such increases came about in direct response to obligations under the Victims’ Rights Directive, or expectations [...] that more victims would seek assistance once the directive came into force.

In **France**, the budget for victim support has almost doubled – from € 10.2 million in 2012 to € 20 million in 2016. It increased by 18 % from 2015 to 2016.” (p. 207)

Fundamental Rights Report 2016

<http://fra.europa.eu/en/publication/2016/fundamental-rights-report-2016>

1. Asylum and migration into the EU in 2015

Humanitarian situation in Calais

“Over the past years, a mixed group of refugees and migrants has settled near Calais in northern **France**. In August, about 3,000 refugees and migrants were encamped there, hoping

to reach the United Kingdom, where some of them had family or other links. From June to August 2015, at least 10 people died while attempting to pass through the Channel Tunnel.

Following an intervention by a coalition of NGOs, which pointed to the lack of adequate shelter, on 26 October 2015, the Administrative Tribunal of Lille ordered **French** authorities to take immediate measures to address the inhumane and degrading conditions affecting some 6,000 people in and around the Calais camp. The judge requested the **French** authorities to immediately install 10 additional water points and 50 latrines, implement a rubbish collection system, install mobile rubbish containers, clean the site and make one or more routes available for emergency access. On 29 February 2016, the **French** police took action to dismantle the camp, using tear gas and water cannons to disperse some 150 migrants and militants who resisted the police by throwing projectiles. Two bulldozers and twenty people from a private company were commissioned by the state to dismantle twenty shelters located in a 100-square-meter area.

In addition, at Grande-Synthe, a suburb of Dunkirk situated 35 km from Calais, some 3,000 people were reported to live in freezing and inhumane conditions towards the end of 2015.” (p. 19)

2. Equality and Non-Discrimination

“National courts referred preliminary questions relating to discrimination on the ground of religion and belief to the CJEU for the first time in 2015. Both cases involved women whose employment contracts were terminated because they wore Islamic headscarves at work. The cases originated in Belgium and **France**, and were still to be decided upon by the CJEU at the time of writing. [...]

The case in **France** concerned an employer who received complaints from customers and asked the applicant to take off her veil. The employer reminded her of the duty to dress in a neutral fashion when dealing with clients, but the applicant refused to take off her veil and was subsequently dismissed. The applicant alleged that her dismissal was unjustified and contrary to Article 2(2) of the Employment Equality Directive. Proceedings at national level were stayed and the case was referred to the CJEU to ask if the dismissal can be justified in light of Article 4(1) of the Employment Equality Directive, relating to legitimate and justified occupational requirements.” (pp. 67 – 68)

3. Racism, Xenophobia and Related Intolerance

“In **France**, the Public Defender of Rights – supported by the Inter-ministerial Delegation Against Racism and Antisemitism and about other partners from private and public companies, NGOs, and local governments – launched a campaign to mobilise against racism, targeting victims and witnesses of racist incidents. In the Czech Republic, Denmark, **France**, Ireland, Italy, Luxembourg, the Netherlands, Spain and Sweden, national public campaigns and/or information websites were launched on living together without prejudice, racism and xenophobia; on increasing the reporting of racist and discriminatory incidents; and on victim support.” (p. 81)

“The ECtHR also issued a decision relating to hate speech. In *M’Bala M’Bala v. France* (No. 25239/13), it held that a comedian’s stand-up performance – which promoted hatred, antisemitism, and Holocaust denial – could not be regarded as entertainment, but instead was an expression of an ideology that runs counter to values of the ECHR, namely justice and peace. The court therefore ruled that the applicant’s performance was not entitled to the protection of Article 10 of the ECHR, which guarantees freedom of expression.” (p. 83)

4. Roma integration

“Despite various efforts, challenges persist in respect to access to education and poor housing conditions. **France’s** intergovernmental circular on planning and supporting operations to evacuate illegal camps includes actions initiated at local level that are aimed at slum clearance. According to the **French** inter-ministerial delegation for housing (Délégation interministérielle à l’hébergement et à l’accès au logement – DIHAL), the 59 local actions financed in 2014 by the dedicated state fund for those actions enabled 2,109 persons living in illegal settlements to access housing or accommodation. At the same time, a study mapping evictions in living areas occupied mostly by Roma reveals that more than 11,000 people were evicted by authorities from over 100 living sites across various regions of France in 2015 – a decrease from 2014. These findings come in the wake of criticism expressed by international treaty bodies, including the UN Committee on the Elimination of Racial Discrimination and the Human Rights Committee, over forced evictions in **France**. The UN High Commissioner for Human Rights expressed concern over an “increasingly apparent systematic national policy to forcibly evict the Roma” and urged Member States, including **France** and Bulgaria, to refrain from evictions without providing alternative housing. **France** responded by underlining that decisions to evacuate are made on a case-by-case basis and that solutions for accommodation and housing are proposed whenever possible, depending on local capacities.” (p. 100)

5. Rights of the child

“Initiatives also targeted other forms of violence, such as corporal punishment, during 2015. The European Committee of Social Rights (ESCR) focused on corporal punishment as a form of violence against children and has now adopted all decisions on the merits of the collective complaints made in 2013 against several Member States. The ESCR found a violation of Article 17 of the European Social Charter in Ireland, Slovenia, Belgium, the Czech Republic and **France** – but not in Italy – for not explicitly prohibiting all forms of corporal punishments.” (p. 143)

6. Access to justice, including rights of crime victims

“Several national courts issued judgments in 2015 that provide guidance on domestic laws governing the rights of suspects or accused people to interpretation, translation and/or information in criminal proceedings. [...] The Court of Cassation in **France** reviewed a case concerning an investigating judge’s failure to proceed on their own initiative with a written translation of essential documents in a procedure against a person accused of stealing valuable historic maps. The court ruled that this failure did not have any bearing on the validity of acts lawfully carried out by criminal authorities – such as the arrest or placement in detention – unless this compromised the right of defence and the right of the accused to pursue an appeal.” (pp. 164 – 165)

7. Developments in the implementation of the Convention on the Rights of Persons with Disabilities

Promising Practice: Increasing awareness of universal accessibility

“The **French** government launched a public awareness campaign on universal accessibility in partnership with France Télévisions, a public broadcaster, and the popular television series Plus belle la vie. Broadcast with subtitles and audio description, the 20 one-minute sketches illustrate various aspects of universal accessibility. By focusing on everyday scenes such as using a smartphone and waiting for the doctor, the series highlights how improving accessibility for persons with disabilities can result in much broader benefits for all members of society.” (p. 193)

Thematic Reports

European legal and policy framework on immigration detention of children (June 2017)

<http://fra.europa.eu/en/publication/2017/child-migrant-detention>

“In *Popov v. France*, the ECtHR clarified “that the child’s best interests cannot be confined to keeping the family together and that the authorities have to take all the necessary steps to limit, as far as possible, the detention of families accompanied by children and effectively preserve the right to family life. In the absence of any indication to suggest that the family was going to abscond, the measure of detention for fifteen days in a secure centre appears disproportionate to the aim pursued.” (p. 52)

“For unaccompanied children, only 14 EU Member States had centres considered suitable. Altogether there were 25 detention facilities that authorities considered to meet the EU legal requirements for hosting unaccompanied children.

Conditions in facilities may differ even within the same country. In **France**, internal rules and available child-friendly equipment differ among the administrative detention centres where families can be held. Whereas in Sète, for example, detained individuals can move freely in the communal areas and have access to a TV room and table football, in Coquelles people had to ask for permission from the detention authorities to access the telephone or the coffee machine, and often had to wait for several hours or even days.²⁹⁴ Childcare equipment, such as a game room, is reportedly available in some facilities, for example in Hendaye, but is reduced to a TV room in others, for example in Paris.” (p. 75)

“If police officers are present during the consultation, they directly compromise medical confidentiality [...] At the centre for administrative detention in Metz, **France**, detainees wishing to see a doctor or nurse during their stay must ask the police to help them submit a request, in French, to a box in the dining room.” (p. 84)

Together in the EU - Promoting the participation of migrants and their descendants (March 2017)

<http://fra.europa.eu/en/publication/2017/migrant-participation>

“Regulation (EU) No. 514/2014 laying down general provisions for the Asylum, Migration, Integration Fund (AMIF) requires Member States to adopt national programmes to be examined and approved under the regulation procedures, “setting up and developing integration strategies, encompassing different aspects of the two-way dynamic process”. By the end of 2015, 19 Member States had integration policies in place, supported by AMIF funds. In 2015, three more Member States were in the process of developing or implementing a new national action plan or strategy [...]. Eleven of the 19 Member States with national action plans also had local- or regional-level integration strategies in place [...], while Belgium, **France**, Ireland and the United Kingdom had integration strategies at a regional level.” (p. 24)

“All Member States provide some form of funding for language-learning programmes [...] In Austria, Belgium, Bulgaria, Germany, Denmark, **France**, Luxembourg, Poland, Romania, Slovenia and Sweden, this language support is provided as part of special integration programmes.” (p. 51)

Child-friendly justice - Perspectives and experiences of children involved in judicial proceedings as victims, witnesses or parties in nine EU Member States (February 2017)

<http://fra.europa.eu/en/publication/2017/child-friendly-justice-childrens-view>

“Children indicate that not using child-friendly language undermines their full participation in criminal proceedings. For example, an interviewee in **France** who was a victim of sexual abuse reported that the female police officer kept repeating the term “rape” and was quite sharp during her questioning in the interview. This resulted in the interviewee not wanting to file a complaint about the sexual assault.” (p. 24)

“For example, in Bulgaria, **France**, Romania, Spain and the United Kingdom (England), children were interviewed in “normal office rooms” containing desks, chairs, phones and computers. In **France**, Romania and Spain, children complained about testifying in shared working environments that lack privacy.” (p. 29)

“Particular attention should be paid to children’s accounts of meeting defendants during judicial proceedings. Children always described meeting defendants as negative experiences. They stated that their presence in hearing rooms made them feel unsafe and frightened, usually meaning that they found it very difficult to testify in a free and calm manner. Particularly in Bulgaria, **France**, Romania and Spain, numerous children reported unwanted encounters with defendants while waiting in court buildings, waiting areas and courtrooms. (For France, no data are available about the protection measures in criminal proceedings.)” (p. 34)

“Children also recurrently criticised that criminal proceedings are often stretched out over a high number of years. For example, in **France**, one child victim of sexual abuse indicated that four years passed between her providing evidence to the police and the final sentencing. Children perceive this as something that is outside of their control, and do acknowledge that some delays are inevitable.” (p. 35)

“In **France**, children talked mostly about their experiences with children’s judges (Juge des enfants), and some spoke about family affairs judges and guardianship judges. Children’s judges have jurisdiction over educational support. They decide on educational support measures when the health, safety or ‘morality’ of a child are endangered, or when the conditions of a child’s education are seriously threatened. They also have jurisdiction when children are prosecuted and in cases related to child protection; the judge assesses how educational support measures are being implemented, whether they need to be extended or discontinued and whether or not a decision to place a child in foster care should be taken. Usually hearings are conducted by the same judge – which children prefer, as it allows them to develop a trusting personal relationship.

Some of the children interviewed were parties in custody cases, in which family affairs judges (Juge aux affaires familiales) conduct hearings. Such judges have jurisdiction over diverse matters relating to children, such as divorce, parental authority and guardianship cases. Article 338(1) to (12) of the Code of Civil Procedure regulates the hearings. The judges may interview the children and hear the children alone; children can be accompanied by a lawyer or a person of their choice. Pursuant to the Act of 5 March 2007, children have a right to such hearings if they are capable of discernment and the proceedings concern them, so these are no longer held at judges’ discretion. According to Article 338(2p) of the Code of Civil Procedure, children or parties to the procedures can present requests for hearings to judges without having to follow any formal, specific format. When a child makes the request, the judge can refuse to hear the child if the judge finds that the child is not capable of discernment or that the procedure does not concern the child. Otherwise, as noted, children have the right to be heard by the judge if they request this. However, some of the children interviewed reported not being heard by the judge and others described not receiving any answers to their requests to meet.

Some of the children interviewed in **France** under specific procedures for unaccompanied foreign children spoke positively about their interactions with all professionals involved, including social workers, guardianship judges and children’s judges.” (p. 40)

“In **France**, children involved in child protection cases are heard by children’s judges, with a clerk present. When children are below 12 years old, parents, foster parents and social workers are also present; the children were largely critical of this. They stated that they prefer being heard alone by the judge, as they can explain better without other people present.) (p. 44)

“In **France**, children indicated that they were mainly informed by parents and lawyers. In the few cases where psychologists and ad hoc administrators were appointed, children also positively assessed their role in informing them.” (p. 64)

“In **France**, children involved in child protection cases and proceedings about unaccompanied foreign children generally received support from social workers and, if foster care measures were in place, foster parents. Children only rarely had their own lawyers in these types of cases. The assessment of social workers’ and foster carers’ support was ambivalent; sometimes they assessed social workers negatively when their support did not meet children’s expectations.” (p. 96)

Incitement in media content and political discourse in Member States of the European Union (November 2016)

<http://fra.europa.eu/en/publication/2016/incitement-media-content-and-political-discourse-member-states-european-union>

“When confronted with clearly racist speech or Holocaust denial, the ECtHR has not hesitated to invoke Article 17 of the European Convention on Human Rights on the prohibition of abuse of rights. Article 17 aims to withhold the benefit of the guarantees of the Convention from those who wish to use them to further an objective contrary to the values protected by the Convention. The *Garaudy v. France* case provides one example of the Court’s approach in this regard. In this case, the ECtHR declared inadmissible the application of a writer convicted for Holocaust denial, defamation in public of a group of persons and incitement to violence. It ruled that the content of the applicant’s book had indeed amounted to Holocaust denial, which not only constitutes one of the most serious forms of racial defamation of Jews, but also triggers incitement to hatred towards them. Consequently, the Court held that such acts are incompatible with the fundamental values of the Convention and the applicant could therefore not benefit from the protection afforded by Article 10.” (p. 5)

“Between 1 January 2014 and 1 September 2016, courts, national equality bodies, independent press councils and independent regulatory or supervisory bodies for broadcasting organisations ruled that media content and political discourse in several Members states incited against migrants and refugees, among which Bulgaria, Cyprus, Ireland, Finland, **France**, Greece or Poland.” (p. 7)

Violence, threats and pressures against journalists and other media actors in the European Union (November 2016)

<http://fra.europa.eu/en/publication/2016/violence-threats-and-pressures-against-journalists-and-other-media-actors-european>

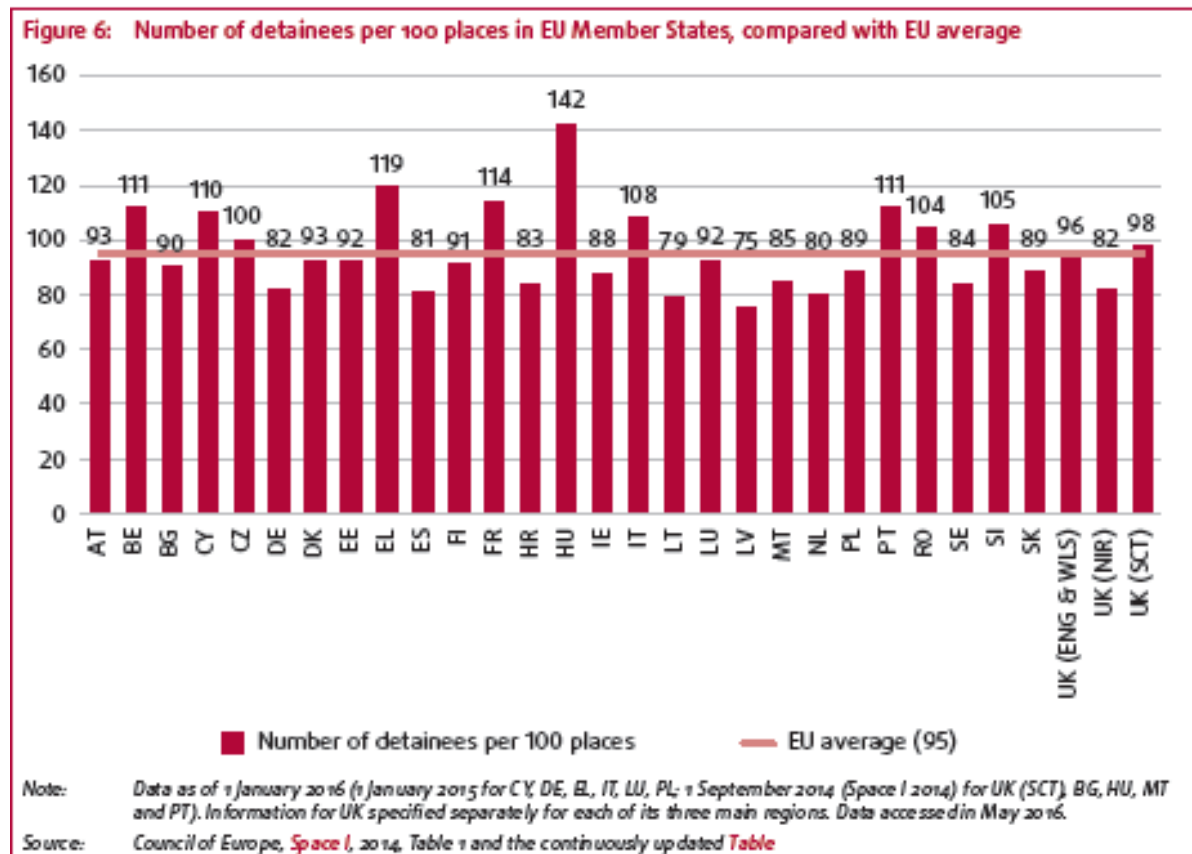
“In **France**, journalists reporting on protests opposing proposed changes to French labour law were injured in 12 incidents in March 2016. Among these, six journalists were allegedly targeted by the police although they had press identification. The journalist association Presse Club Bretagne and other members from the joint union of journalists were subsequently received by the Minister of the Interior, who recognised the existence of a “climate of increased violence” in the particular context of the state of emergency, an ongoing nationwide security measure put in place following the 2015 terrorist attacks in Paris. The Minister of the Interior condemned all forms of violence and urged journalists who are victims of this type of action to press charges. Furthermore, he revealed the existence of a memorandum written on his request on 3 June by the Ille-et-Vilaine Departmental director of public safety, which reiterates the principles of the freedom of the press and provides guidance for law enforcement in demonstrations.” (pp. 11 – 12)

“In **France**, a bill on the freedom, independence and pluralism of the media was discussed in the Senate in October 2016. The bill includes the possibility of circumventing the confidentiality of sources for all offences that relate to violations of the fundamental interests of the nation (Title I, Book IV of the Criminal Code).” (p. 14)

Criminal detention and alternatives: fundamental rights aspects in EU cross-border transfers (November 2016)

<http://fra.europa.eu/en/publication/2016/criminal-detention-and-alternatives-fundamental-rights-aspects-eu-cross-border>

“The overuse of criminal detention, both pre- and post-trial, is a world-wide problem, including in the EU. International human rights obligations to make only limited use of pre-trial detention are flouted in many cases. Council of Europe data show that despite an increased use of alternatives to detention, overcrowding remains a problem. For instance, the average number of detainees in the EU Member States is approximately 95 per 100 places. This does not take into consideration that some of the spaces may not comply with the minimum requirements for a place. The number of detainees per 100 places, as presented in Figure 6, shows the potential strain on facilities in EU Member States compared to the EU average. [...] Hungary has around 140 % occupation, and Belgium, Cyprus, **France**, Greece, Italy and Portugal all have around 110 persons per 100 places.” (pp. 55 – 56)



“Prison can also be a place for de-radicalisation. In January 2016, **France** started a programme to de-radicalise individuals in prisons. Terrorists are being held away from other prisoners, and they can receive study sessions if wanted, have interfaith encounters organised and family ties reconstructed. In addition, stronger surveillance and monitoring, as well as specific preventive efforts, are applied – this includes, for example, hiring Muslim chaplains and special training for prison guards.” (p. 58)

“Financial surety is an alternative to pre-trial detention in 16 Member States, while a ban on driving may be ordered in **France**, Poland, Romania, Slovakia and Spain.” (p. 67)

“In **France**, day-fines can be imposed. This means a daily contribution for a certain number of days, with a failure to pay resulting in the sentence being transformed into days of imprisonment.” (p. 69)

“The rights of fathers must also be considered, especially when they are the sole carers of the children. Some Member States, such as Sweden and **France**, have specific legislation on the right of fathers with young children to have their children with them. [...] In **France**, too,

attention is paid to the role of the father – prison sentences can be suspended for fathers if they have parental authority over a child who is less than 10 years old and has their usual residence with this parent. [...]

In **France**, for example, children can be kept in detention with their mothers until the age of eighteen months, in specially adapted buildings. In the twelve months following a child's departure, the child can return to the mother for short periods. **France** also allows offenders to suspend their sentences and be released on parole if they have parental authority over a child who is less than ten years old and who has their usual residence with this parent. This parole can take the form of day-release, external placement or placement under electronic tagging, allowing the parent a long-term alternative to post-trial detention that enables them to develop family relationships in as normal a manner as possible." (pp. 77 - 78)

"Nevertheless, at least six EU Member States (Bulgaria, **France**, Hungary, Lithuania, Slovenia and Spain) have practices for checking whether prisoners fully understand the transfer procedure in accordance with the Framework Decision on transfer of prisoners. [...]

In **France** this task belongs to the public prosecutor; when obtaining consent, they must confirm this by checking "comprehension of the transfer procedure"." (p. 92)

Rights of suspected and accused persons across the EU: translation, interpretation and information (November 2016)

<http://fra.europa.eu/en/publication/2016/rights-suspected-and-accused-persons-across-eu-translation-interpretation-and>

"Further guidance on when oral as opposed to written translation suffices can be found in national case law. For example, the Court of Cassation in **France** reviewed a case concerning an investigating judge's failure to proceed on their own initiative with a written translation of essential documents in a procedure against a person accused of stealing valuable historic maps. The court ruled that this failure did not have any bearing on the validity of acts lawfully carried out by criminal authorities – such as the arrest or placement in detention – unless this compromised the right of defence and the right of the accused to pursue an appeal." (p. 41)

"Although Directive 2010/64/EU does not require Member States to establish a register, [...] 17 Member States bound by the directive have provided for one in their laws: Austria, Bulgaria, Cyprus, Croatia, the Czech Republic, Estonia, Finland, **France**, Germany, Greece, Luxembourg, the Netherlands, Poland, Romania, Slovakia, Slovenia, and Sweden." (p. 45)

"Some Member States, such as Austria, **France** and the Netherlands, use alternative lists of interpreters. Although these interpreters tend to be less qualified than their registered counterparts, their listing means that they are still subject to some form of quality control. [...] In **France**, the list of translators and interpreters provided for by Article R.111-1 of the Code of Entry and Stay of Foreigners and Asylum can also be used. An unlisted interpreter or translator can only be used if these lists do not contain information about a suitable, available interpreter or translator." (pp. 50 – 51)

"It is also worth highlighting some specifics about how information about rights is provided. At least two legal systems refer to specific circumstances under which some information does not have to be provided. For example, the law in **France** specifies that suspects must be informed about the right to a lawyer (whose costs may be covered by the state subject to specific conditions) provided they are suspected of an offence for which a prison sentence can be imposed." (pp. 65 – 66)

“**France** also has several types of letters of rights, but these are uniformly applied according to the type of procedure in question (police custody, provisional detention, variable system according to the classification of the offence – for example, police custody by derogation as regards organized crime – or the age of the detainee).” (p. 71)

“The directive provides that refusing access to evidence is permitted if access may lead to “a serious threat to the life or the fundamental rights of another person”. About half of the Member States apply variations of this refusal ground. [...] In **France**, an investigating judge can refuse to grant access if it could lead to pressure on witnesses, experts or victims, which can be seen as falling both under protecting their rights and the interests of the proceedings. Furthermore, the identities of witnesses with protected identity and undercover officers are commonly exempted from disclosure.” (p. 81)

“Where obstacles to direct consultation of the case file exist at this stage, they are mostly of procedural nature. [...] An interesting situation arises in **France** in the event of prosecution by direct committal or summons by the Judicial Police, where the lawyers can consult the file in the High Court but direct consultation by the parties is not permitted. According to an application circular of 23 May 2014, this is due to the risk that individuals who are not part of the justice system could destroy or conceal the documents.” (p. 85)

[Ensuring justice for hate crime victims: professional perspectives \(April 2016\)](http://fra.europa.eu/en/publication/2016/ensuring-justice-hate-crime-victims-professional-perspectives) <http://fra.europa.eu/en/publication/2016/ensuring-justice-hate-crime-victims-professional-perspectives>

“Some interviewees noted that individuals who may be discriminated against based on more than one characteristic are at particular risk. For example, experts from **France** pointed to the situation of Muslim women.” (p. 30)

“Establishing specialised police units is one way of moving closer to victims and of encouraging reporting. These can both improve cooperation between the police and NGOs that support (specific categories of) hate crime victims and boost victims’ confidence that they will be understood and acknowledged if they report hate crime. In several EU Member States – including Belgium, Croatia, Denmark, **France**, Luxembourg and the Netherlands – the police and NGOs jointly campaign against homophobic crime to encourage victims to report such crime and to emphasise that they can do so in a safe and understanding environment.” (p. 41)

“In **France**, the Ministry of Justice issued a circular concerning hate crime based on sexual orientation or gender identity, requesting investigators to ensure that it is established whether or not such bias motives were involved, and, if so, to record this fact.” (p. 47)

“In **France**, practical guides for investigators on the fight against discrimination, racism, antisemitism, xenophobia and homophobia have been developed at both the police and gendarmerie level in partnership with the Public Defender of Rights. These are available to investigators via their intranet systems, and include specific information about various forms of hate crime. Several training sessions have also been held on identifying and managing stereotypes and on police identity checks, in cooperation with the Committee to fight racism and antisemitism.” (p. 49)

[Professionally speaking: challenges to achieving equality for LGBT people \(March 2016\)](http://fra.europa.eu/en/publication/2016/professional-views-lgbt-equality) <http://fra.europa.eu/en/publication/2016/professional-views-lgbt-equality>

“The professionals interviewed reported that homophobic verbal abuse is very common in schools. The word for ‘gay’ is routinely used as an insult in many of the countries studied,

including Austria, Bulgaria, Denmark, Finland, **France**, Hungary, Latvia, Lithuania, the Netherlands, Romania, Spain and the United Kingdom.” (p. 39)

“Other issues raised by professionals include the absence of professionals addressing LGBT persons’ fundamental rights agenda in many educational institutions. For example, a public official in **France** reported that nurses are sometimes the only staff members in schools who deal with LGBT issues, which may contribute to the pathologisation of LGBT people. Other barriers include an absence of training and a lack of engagement with NGOs concerned with LGBT rights.” (pp. 43 – 44)

“The interviews indicated that, in some Member States, LGBT police officers have actively worked to improve relationships between the police and LGBT local communities. This work appears to gain most traction when openly LGBT officers have established a recognisable organisation to represent their views and interests within their police force. Examples include Gay Cops Austria, G-Force in Ireland, FLAG in **France**, and Pink in Blue in the Netherlands.” (p. 51)

“Some public officials discussed specific areas for which targeted policies are provided. There is targeted work around HIV and sexually transmitted disease (STD) services or health promotion strategies that include LGB people (particularly in **France**, Hungary, Ireland and Latvia). For example, in **France**, the Aides association implemented an HIV-testing network, with rapid tests done by people who are not doctors. It allows association members to provide tests in places frequented by gay men and bisexual people. A number of countries, including Ireland, support research in the area of LGBT healthcare, which helps with developing targeted policies.” (p. 65)

“In countries such as Croatia, Spain and **France**, training on trans issues was seen by professionals as non-existent within the public health system, and some referred to self-training through apprenticeships and engagement in professional networks. Some clinicians do their specialist training by working with existing specialists.” (p. 77)

Violence against children with disabilities: legislation, policies and programmes in the EU (December 2015)

<http://fra.europa.eu/en/publication/2015/children-disabilities-violence>

“In **France** for instance, the criminal code prohibits physical and psychological violence against children in general. Violence against a child under 15 years of age or a “vulnerable person” are both considered aggravating circumstances. Persons are defined as being vulnerable “due to age, sickness, infirmity, physical or psychological disability, pregnancy”. The level of the aggravated sanction faced by the perpetrator varies with the nature of the offence. The vulnerability of the victim (for example, a child with a disability) is also integrated into the definition of a number of relevant offences. [...]

Concerning the concept of ‘vulnerability’, a court in **France** sanctioned an educator who worked in a specialised institution for children with disabilities for sexually assaulting four girls with intellectual disabilities. The Court of Appeal declared the accused guilty of sexual assault with the aggravating circumstance of “vulnerability”, ruling that the victims were “greatly vulnerable” as a result of disability. It sentenced him to two years of imprisonment, with one year suspended, and the deprivation of his civic, civil and family rights for five years.

As reported by respondents, claims or statements by children with disabilities are often dismissed, or sentences reduced because national courts do not fully take into account or question the truthfulness of such statements. For instance, in the **French** case presented

above, the court of first instance did not find the accused guilty regarding one of the girls, who was affected by a “profound mental deficiency of a psychotic nature” and had an intelligence quotient under 30. The Court of Appeal overturned the judgement, finding it was based only on the testimony of an expert (who indicated that the girl’s declarations were extremely limited and unreliable, and that it was unlikely that she could provide facts or understand their gravity). The Court of Appeal held that in doing so, the lower court had failed to take into account testimony by two other children from the institution concerning the sexual assault of the victim, even though this was reliable testimony, consistent with declarations of the victim and “leaving no doubt as to the culpability of the accused”. (pp. 37 - 38)

“The CRC obliges States Parties to take all measures necessary to protect children from all forms of violence. Such protective measures should include effective reporting procedures, as appropriate.¹⁰⁵ States Parties are obliged to establish an accessible, child-sensitive complaint mechanism and a functioning monitoring system based on the Paris Principles. [...]

Only 15 of the 25 Member States who have such a reporting obligation impose it on all professionals (Bulgaria, Croatia, Denmark, Estonia, **France**, Hungary, Ireland, Lithuania, Luxembourg, Poland, Romania, Slovenia, Spain, Sweden and the United Kingdom). In the remaining Member States, existing obligations only address certain professional groups, such as social workers or teachers.” (p. 40)

Protection against discrimination on grounds of sexual orientation, gender identity and sex characteristics in the EU – Comparative legal analysis – Update 2015 (December 2015)

<http://fra.europa.eu/en/publication/2015/lgbti-comparative-legal-update-2015>

“At least seven Member States are increasingly acknowledging that the requirements of being single and/or undergoing forced divorce conflict with the fundamental rights of trans people. In France, a lower court refused to recognise the right of a married trans woman with three children to change her sex in civil status records, based on the then existing prohibition of marriage for same-sex couples. In 2012, the Court of Appeal reversed that decision, concluding that the judgment on the sex change in civil status records had no impact on the marriage certificate and on the children’s birth certificates. However, given that same-sex marriage was introduced in 2013, the issue should probably be considered resolved.” (p. 21)

“The Employment Equality Directive does not clearly specify whether, where same-sex couples are not allowed to marry, and employment-related benefits are contingent upon marriage, the resulting differences in treatment should be considered a form of (direct or indirect) discrimination based on sexual orientation. The CJEU clearly rejects the possibility that Recital 22 of the Employment Equality Directive justifies any differences in the treatment of spouses and registered partners who are in situations comparable to spouses. To the contrary - the CJEU has noted that Member States’ exercise of their competence to regulate matters relating to civil status and the benefits flowing therefrom “must comply with Community law and, in particular, with the provisions relating to the principle of non-discrimination”.

In 2013, in *Frédéric Hay v. Crédit agricole mutuel de Charente-Maritime et des Deux-Sèvres*, the CJEU ruled on same-sex registered partners’ access to employment-related partner benefits. A **French** national collective agreement grants special leave and a salary bonus to employees when they marry, but these were denied to an employee in a *pacte civil de solidarité* (PACS) with a person of the same sex. According to the CJEU, determining whether there was discrimination does not require examining whether or not national law generally and comprehensively treats registered life partnerships as legally equivalent to marriage. Instead,

it is necessary to compare the situations of the spouses and registered life partners as they result from the relevant applicable domestic provisions, taking account of the purpose and conditions for granting the benefits at issue. The CJEU found that persons of the same sex who cannot legally marry and therefore instead conclude a PACS are in a situation comparable to that of couples who marry in terms of benefits relating to terms of pay or working conditions, such as days of special leave and salary bonuses, granted at the time of an employee's marriage – which is a form of civil union.

As homosexual employees were not entitled to marry in **France** at the time, they were unable to meet the condition required to obtain the benefit claimed.¹²⁵ In such a situation, the CJEU found, “the difference in treatment based on the employees' marital status and not expressly on their sexual orientation is still direct discrimination [...]” as defined by the Employment Equality Directive.” (pp. 30 – 31)

“In **France**, most trade unions have LGBTI branches. In 2014, the Solidarity trade union (Union syndicale Solidaires) supported an employee who was the target of homophobic remarks from his manager by questioning the board of directors on the issue.” (p. 44)

“To a limited extent it is also possible to issue birth certificates without sex identifiers or markers in **France** and Finland. In **France**, ministerial guidelines advise parents to check with their doctor what the sex of the new-born is ‘most likely’ to be. This should be based on the expected results of medical treatments, where appropriate. In cases involving expected medical treatments, it is possible, with the public prosecutor's consent, not to specify a child's sex, as long as sex determination can reasonably be expected within three years of medical treatment.” (p. 73)

“In **France**, the Law opening marriage to couples of the same sex, adopted on 17 May 2013, expands the concept of spouse, under Articles L. 411-1 and L. 411-4 of the Code of Entry and Residence of Aliens and the Right to Asylum (CESEDA), to include same-sex spouses.” (p. 88)

“In **France**, the State Council (the highest French administrative court) clarified some issues in 2012, in a case involving the National Court for the Right of Asylum (CNDA)'s refusal to grant refugee status to a man from the Democratic Republic of Congo because he had not publicly expressed his sexual orientation in his country of origin and because Congolese law does not prohibit homosexuality. The State Council annulled this decision, finding that granting refugee status due to membership in a particular social group based on common sexual orientation should not require the person seeking refugee status to publicly manifest his/ her sexual orientation “because the social group [...] is not established by those who compose it, or even because of the existence of objective characteristics attributed to them but by the views held by the surrounding society or institutions on these people”. The State Council also stated that the fact that there is no specific criminal legislation against homosexuality in the country of origin does not affect the reality of the risk of persecution.” (p. 106)

Surveillance by intelligence services: fundamental rights safeguards and remedies in the EU (November 2015)

<http://fra.europa.eu/en/publication/2015/surveillance-intelligence-services>

“In some cases, the notion of national security was inserted into national law under the influence of the European Convention of Human Rights. This is the case in **France**, for example.¹⁶⁷ The French Law on Intelligence refers to the overarching notion of “fundamental interests of the Nation” (intérêts fondamentaux de la Nation), which is defined in Article 410–1 of the Penal Code. This overarching notion, which clearly includes national security, justifies

the implementation of surveillance measures in other areas, as well. The **French** constitutional court considered this aim precise enough and declared it in conformity with the constitution. (p. 26)

“In **France**, a National Intelligence Council, chaired by the president of the republic, is in charge of ensuring the strategic guidance of the intelligence services and establishing the planning of their human and technical resources. The council comprises the prime minister, relevant ministers, the heads of the specialised intelligence services and the National Intelligence coordinator, who is the president of the republic’s advisor and is responsible for coordinating the activities of the intelligence services and ensuring their cooperation.” (p. 32)

“In **France**, the law on intelligence set up the National Commission on the Control of Intelligence Techniques (Commission nationale de contrôle des techniques de renseignement, CNCTR), which replaced the current National Commission on the Control of Security Interception (Commission nationale de contrôle des interceptions de sécurité). The law strengthened the powers of the new commission, which comprises nine members: two members of the National Assembly, two senators, two members of the Council of State, two judges of the Court of Cassation and one member with technical skills in electronic communications. They are nominated for six years, apart from the members of parliament, whose mandate is linked to their seat in parliament. The CNCTR is provided with the human, technical and budgetary means needed to accomplish its missions. A secretary general and staff members assist its work. Commission members and staff member have access to secret documents. The CNCTR’s work is secret.

The CNCTR ensures that surveillance measures are carried out lawfully in France. It particularly assesses whether prescribed procedures are followed, and whether these respect the right to privacy and the principle of proportionality. Should the CNCTR consider a surveillance measure to be carried out unlawfully, it can recommend to the prime minister, the relevant minister and the intelligence service that the surveillance be interrupted and the collected data destroyed. The prime minister must immediately inform the CNCTR about how the recommendation was followed up. If the recommendation is not followed appropriately, the CNCTR can bring the case before the Council of State. Interestingly, the commission can consult and answer the questions of the Electronic Communications and Posts Regulatory Authority. The law does not mention any links to the French data protection authority (CNIL).” (p. 46)

“In France and in Luxembourg, the prime minister authorises the surveillance of communications. [...] In France, the CNCTR gives a non-binding opinion (avis) to the Prime Minister either within 24 or 72 hours.” (pp. 52 – 53)

“In addition to the supervisory role, the [Data Protection Authorities] (DPAs) of 13 Member States have the power to hear complaints and issue binding decisions on personal data processing by intelligence services. In three Member States, however, the power to access files and premises is limited. In particular, these investigatory powers are limited in **France**, Germany and Ireland, if national/state security would be threatened or the files are processed for the purpose of safeguarding state security (Ireland). In five Member States, access is accompanied by enhanced requirements, e.g. the presence of the DPA head (Cyprus, Germany, Greece) or a member of the DPA who has been a member of the Council of State, the Court of Cassation or the Court of Auditors (**France**), or an officer duly authorised in writing (Germany).” (p. 74)

Guardianship systems for children deprived of parental care in the European Union (October 2015)

<http://fra.europa.eu/en/publication/2015/guardianship-children-deprived-parental-care>

“Across EU Member States, the term ‘guardian’ is used to describe a variety of persons with different mandates and functions. Other terms are also used to describe the persons exercising guardianship duties. [...]”

The mandate and duration of the term of appointment also differs. The mandate can either be broad, covering all aspects related to guardianship, or be limited and determined upon appointment by the competent authority. In the latter case, the duties assigned and the duration of the appointment depend on the particular situation of the child, often on his or her migration status, or on the particular legal procedures that the child is involved in. In **France** for example, in cases of foreign children the law provides for the appointment of an ad hoc administrator (*administrateur ad hoc*). The duration of the appointment but also the specific tasks assigned to him or her are decided upon appointment by the competent judicial authorities.” (p. 22)

“In some Member States, despite the existence of a legal framework envisaging the appointment of guardian, in practice a guardian is rarely or never appointed. In **France**, for instance, an ‘ad hoc administrator’ (*administrateur ad hoc*) is appointed to support foreign children who are unaccompanied (*mineurs étrangers isolés*), who are either in ‘waiting zones’ (and considered by **France** as not having entered its state territory yet) or seeking asylum (once it is considered they have entered **French** territory). Unaccompanied children are also entitled to a guardian (*tutelle pour mineurs*) under civil law. The guardian has to be appointed by the judge upon request by the legal representative, the public prosecutor, the minor him/herself, or by the judge him/herself (Civil Code, Article 389-3). Guardianship may be ensured by the child protection service of the local authority (*Aide sociale à l’enfance*, Conseil Général) when there is no other adequate solution (*tutelle vacante* – Article 411 of the Civil Code). In practice, a guardian is often not appointed.” (p. 34)

“In **France**, ad hoc administrators must have legal knowledge, notably on the law on foreigners (*droit des étrangers*), and must also have a good understanding of the psychology of minors. There is a distinct list of accredited persons for the appointment of ad hoc administrators for non-national children who are unaccompanied to ensure that the appointees have the necessary expertise to perform their duties. Nevertheless, pre-conditions are set in general terms, which means that the accreditation process lacks in harmonisation. As a result, persons who receive accreditation and are registered in the list of accredited persons, for ad hoc administrators do not always have the desired competencies.” (p. 40)

Freedom to conduct a business: exploring the dimensions of a fundamental right (August 2015)

<http://fra.europa.eu/en/publication/2015/freedom-conduct-business-exploring-dimensions-fundamental-right>

Gambling monopolies

“The legislature in **France** established an online gambling system under exclusive state control. An independent administrative authority was created and charged with accrediting new operators, monitoring their adherence to obligations and participating in the fight against illegal operators. In light of the risks arising from the illegal online gambling market, the Constitutional Council held that these measures constituted a proportionate balance between the freedom to conduct a business and the protection of public order.” (p. 32)

“Migrants face many obstacles to the freedom to conduct a business, from securing financial capital for starting up a business, through problems with the recognition of qualifications, language barriers, lack of social networks and social capital to support business sustainability and growth, to limited knowledge of legal requirements and regulatory procedures, and in many cases cultural differences and discrimination. In some countries, such as **France**, there are also restrictions on the types of businesses foreign nationals are allowed to open or run, such as licensed premises, gaming establishments or casinos, private monitoring, security or transportation of funds, insurance or stock trading.” (p. 42)

“Women in many Member States are still confronted by prejudice, as they tend to be under-represented in decision-making processes and in the highest-level company management positions. In **France**, despite increasing numbers of female managers and senior staff in recent years, a study commissioned by the Economic, Social and Environmental Council on Eurolist A companies showed that only 7 % of decision making posts in management positions were held by women and only 10 % of board members of CAC 40 companies were women.¹⁷⁵ The glass ceiling in business hinders women from becoming partners in firms, indirectly impacting the freedom to conduct a business.” (p. 44)

“Research conducted on female entrepreneurs cited a variety of reasons explaining why women tend to shy away from entrepreneurial activities. One reason is the challenge of balancing work and family life. In a study conducted in **France**, 70 % of women entrepreneurs interviewed indicated difficulties in reconciling family and personal life, 19 % found it difficult to access markets and customers, and 16 % found it difficult to obtain financing.¹⁸³ This is partly connected to age, and the fact that many women who start businesses are of childbearing age.” (p. 45)

“In **France**, companies with more than 20 employees must employ a workforce including at least 6 % of workers who have a disability. To do so, they receive financial support from the state. This law, however, does not address issues of equality in access to training, independence and funding.” (p. 47)

Severe labour exploitation: workers moving within or into the European Union (June 2015)

<http://fra.europa.eu/en/publication/2015/severe-labour-exploitation-workers-moving-within-or-european-union>

“In **France**, a few patterns were noted relating to children being exploited. Children can be viewed by exploiters as interesting persons to ‘invest in’ for long-term exploitation – including for the forced committing of criminal offences. One interviewee claimed that victims of domestic exploitation are often abused as children on arriving in **France**. This is confirmed by a number of **French** case studies submitted as part of the research. Experts also identified specific gaps in victim support services concerning children, in terms of effective placement solutions and social and educational support. Interviewees also reported a lack of efficient responses within child welfare services, and a lack of adapted placement structures for migrant child victims of exploitation. There is reportedly a more general lack of programmes and space to create a relationship of trust with children, which is needed to ensure their protection and make them understand its importance. A solution under consideration is regionally coordinated follow-up on cases of exploited children, with placements in different regions, which would create the appropriate physical distance from exploiters or networks.” (p. 41)

FRA Selected Case Study: Labour exploitation of a child

“A girl was brought from Mali to **France** in 1997, when her age was, according to different sources, 11 or 15 years. For eight and a half years she worked for a family of two parents and four children, every day from 7:00 until 22:00 or 23:00, carrying out multiple tasks: babysitting, housework, cooking, ironing, and washing the car. She did not have an employment contract, was not paid and has never gone to school in France. She shared her room with a child.

When the NGO Comité contre l’esclavage moderne learned of her situation in 2006, they alerted the police.

The Paris Court of Appeal made its decision in 2010. It sentenced both perpetrators to 24 months’ imprisonment (suspended) and to the payment of €63,000 for financial damage and €30,000 for moral damage. The Bobigny Labour Court passed its ruling in 2012. It recognised the existence of an employment contract from September 1997 until May 2006 and ordered the couple to pay the victim a total of €119,464.53 for unpaid work and holidays and €33,943.35 in damages. It also ordered that documents confirming the victim’s employment be issued and that her payslips be submitted.” (p. 41)

“In some cases, priority is given only to certain types of exploitation. In **France**, priority issues – including ‘illegal’ work and work of undocumented migrants – and sectoral priorities, such as hotels, restaurants and construction, often determine where monitoring bodies carry out inspections.” (pp. 65 – 66)

“In **France**, a joint inspection by the labour inspectorate and the police, under the umbrella of the local anti-fraud committee, identified a case of exploitation of Polish seasonal workers housed in ‘living conditions incompatible with human dignity’, which resulted in court proceedings, although at the time of writing it was not clear what charges would be brought.” (p. 69)

“While the prospects of an offender being effectively made to compensate an exploited worker and pay out-standing wages are often not promising, state compensation funds are in general not available to victims of non-violent crime. Many of the case studies highlight the difficulties victims encounter in claiming compensation from offenders, for instance when the company that employed them goes into liquidation. This under- lines the importance of state compensation funds in cases of severe labour exploitation.

In addition, such funds are still often not accessible to victims with an irregular migration status. **France** has recently lifted the requirement of a regular migration status for eligibility to compensation under the state compensation fund administered by the Commission for the Compensation of Victims (CIVI). It remains to be seen how this will be applied and what impact it will have on exploited workers who have moved within or into the EU in terms of their access to state compensation in **France**.” (pp. 83 – 84)