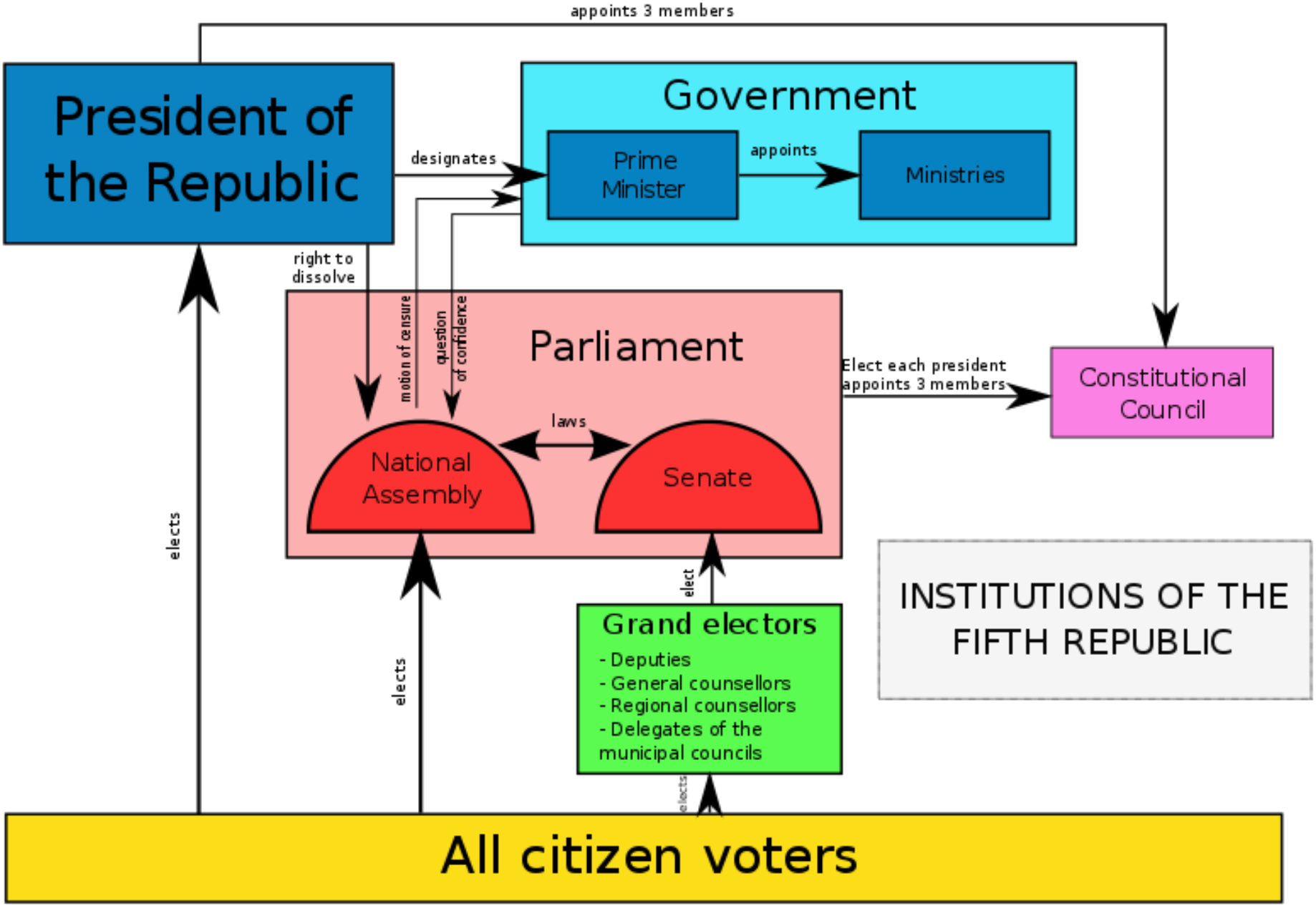
POWER IN FRANCE


appoints 3 members
President of the Republic
Government
designates
Prime Minister
appoints
Ministries
right to dissolve
motion of censure
question of confidence
Parliament
Elect each president
appoints 3 members
Constitutional Council
laws
National Assembly
Senate
elects
elect
Grand electors
- Deputies
- General counsellors
- Regional counsellors
- Delegates of the municipal councils
INSTITUTIONS OF THE FIFTH REPUBLIC
elects
All citizen voters

France is a REPUBLIC

It’s currently the 5th republic

In a republic there are 3 separate powers:

-Executive : it belongs to the president and the government
-Legislative: It belongs to the Assemblée Nationale and the Senate
-Judiciary: It belongs to judges who are public servants

COMMON POINTS AND DIFFERENCES WITH THE AMERICAN SYSTEM

Common points

The president is elected for two consecutive terms maximum(2008) but can be re-elected after a 5-year break
The president is elected by the French citizens
France never had a female president
The legislative power belongs to 2 chambers : the Assemblée Nationale (577 constituencies= members) and Le Sénat (160 000 voters, numbers varies according to the department's population: 348 members)
The justice system is independent
The Conseil Constitutionnel does a part of your Supreme Court's job

Differences

The president's term lasts 5 years (quiquennat) (since 2000)

The Assemblée Nationale is elected for 5 years and the Senate for 6 years (but half is renewed after 3 years)

The Assemblée Nationale is more powerful than the Senate (« shuttle » system)

The French president has more power than the American president

When a president dies or resign during his term there is another election (ex: 1974)

Impeachement is not really possible (art 68)

It's possible to have a president and a prime minister being from different political parties: COHABITATION

The president's powers

Article 5: he has a role of national arbitration

-Article 16 he can take full power "under serious and immediate threat"(just once in April 61 during 5 months)

-Call a referendum article 11 and it can be invoked without the PM counter signature (No need to resign!)

-Appoints three out of nine members of the constitutional council (like your supreme court) and can refer any bill to it. (Mitterrand placed some of its friends: Badinter)

-Article 8: appoints the PM

-Article 12 dissolve parliament: twice De Gaulle in 68 and Chirac in 97

The president's powers

-Article 9: he chairs the council of ministers and there can ask for "reconsiderations" of laws passed by the Parliament. He can summon extraordinary sessions if necessary. He fixes the agenda and timetable of the council of ministers

-He appoints prefects

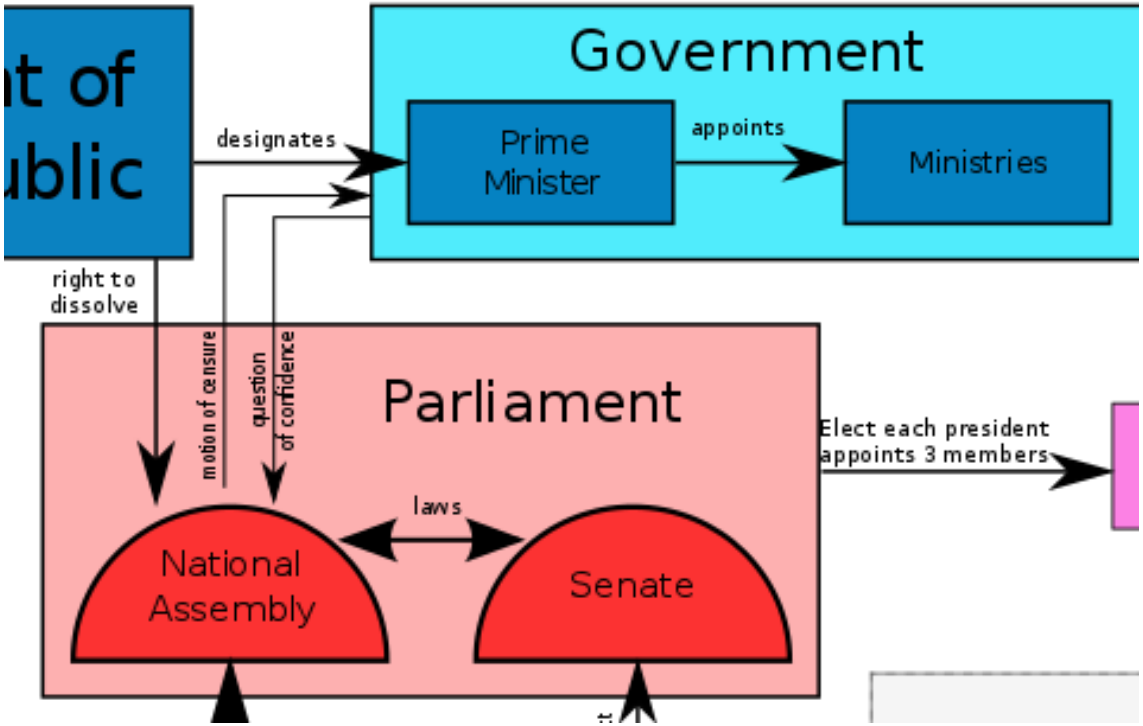
-He is head of the armies and can use the nuclear force

-He has the power of mercy

-Chief negotiator of treaties (Sarkozy and the European constitution 2009): he has power over foreign policy (De Gaulle's national independence).

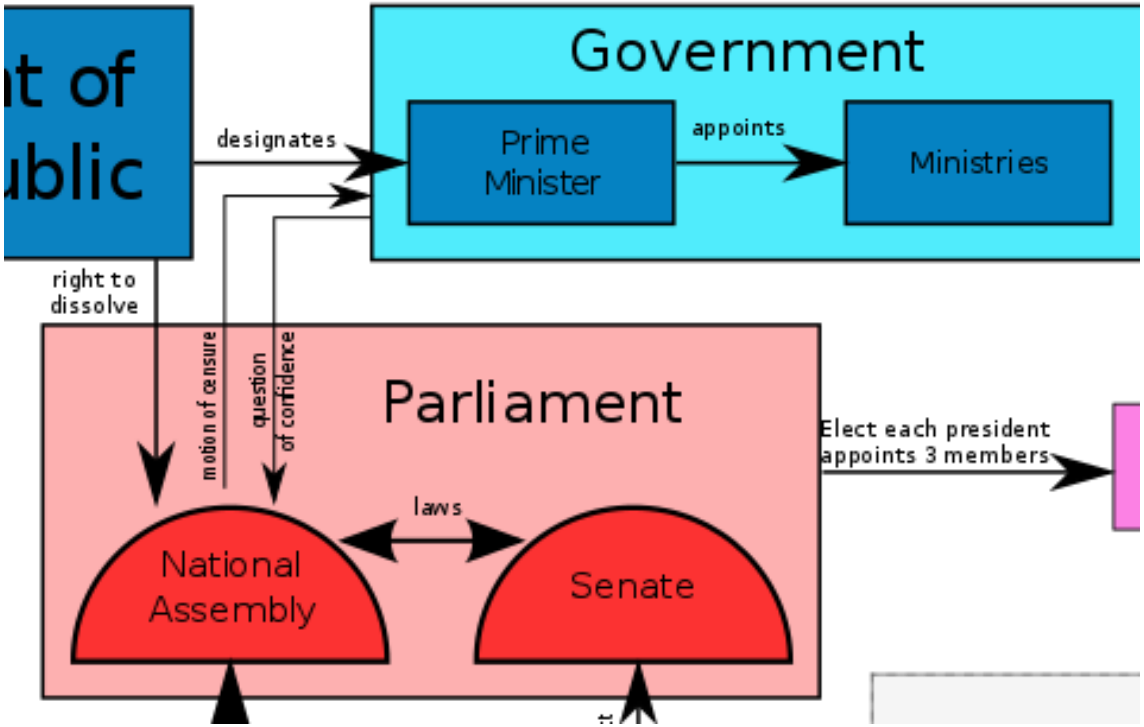
RELATIONS BETWEEN THE EXECUTIVE AND THE LEGISLATIVE

-49.3: blocked vote or “question of confidence” 2022 pension system



RELATIONS BETWEEN THE EXECUTIVE AND THE LEGISLATIVE

-The government can be voted out of office carried by a majority of deputies (motion de censure)



DECENTRALIZATION

1982: the governement and the president gave powers and funds to « collectivités territoriales »
There are three types

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There are three types

La commune, communauté de communes, communauté d'agglomération:

They are in charge of

-nursery and primary schools

-elections

-censuses (état civil)

- recycling, waste management, street cleaning, water system

- help the needy (free restaurant in Primary schools for the needy)

-local transports (in Pau IDELIS bus system)

-sports facilities and libraries

-Social housing

Le conseil départemental « departmental council »

It’s in charge of

-middle schools (« collèges »)
- school transport/ buses
-fire departement
-departemental and national roads
- special needs people

Le conseil régional : « regional council »

It’s in charge of

-adult vocational training
- high schools
-student housing
- natural parcs
-regional transports and highways

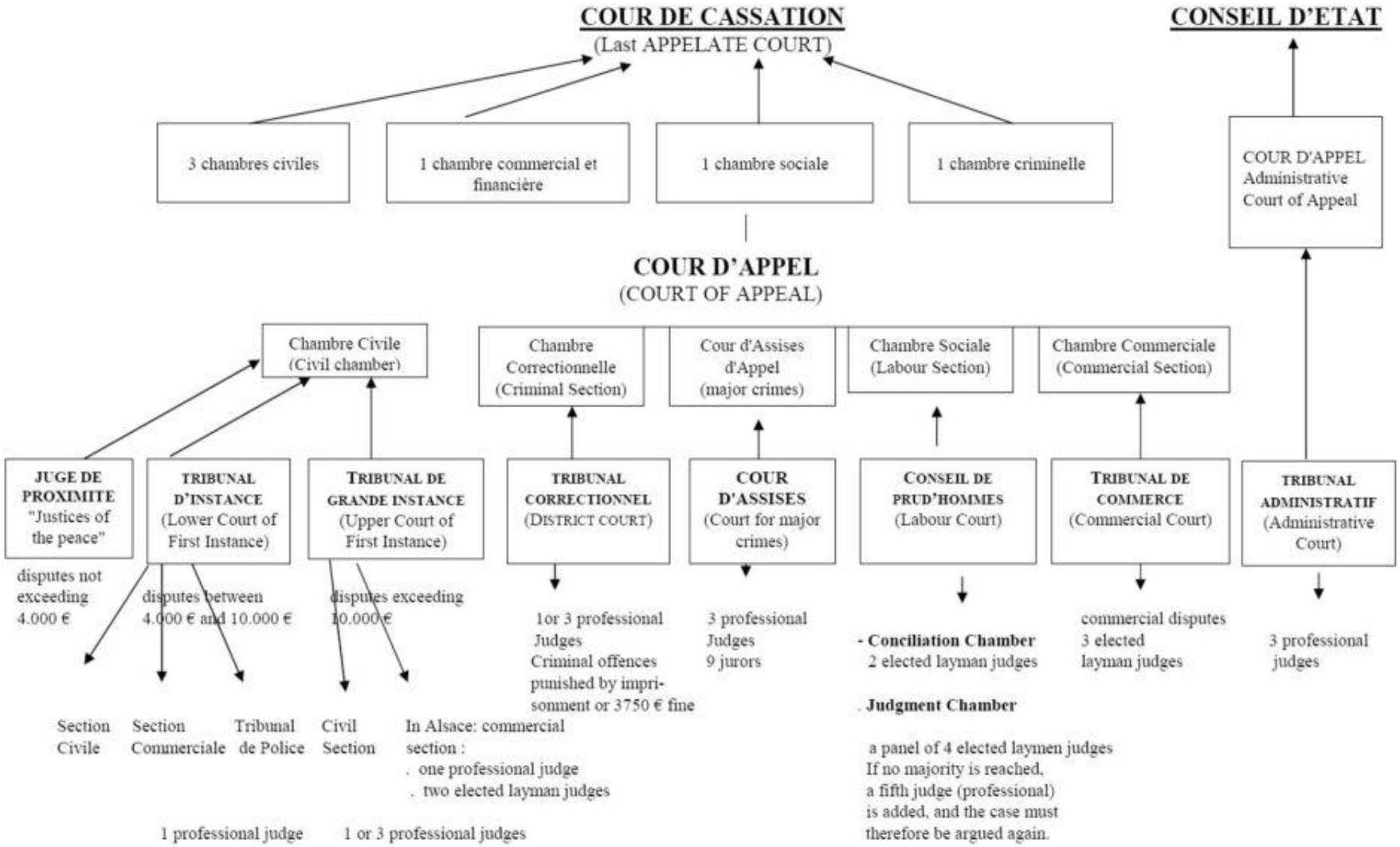
Decentralized powers: TO SUM UP

COMMUNE	DEPARTEMENT	REGION
Conseil municipal elected for 6 years	Conseil general -1O1 departements 6 year	Conseil Régional-13 regions -6 years
-Social support (social housing) -Transportation -Primary schools -Libraries, swimming pools, sports facilities -Urban planning (permit) -Police municipales (local police which comes on top of the national police forces)	-Departemental roads -Social support to special needs people, seniors, -vaccination campaigns -Middle schools -School buses	-Highways -High schools -Natural parks like the one in the Pyrénées here -Public works: ex: tourism
Funds -Taxe foncière: a tax house/apartment owners pay -State -Parking fines	Funds -Part of communes ' local taxes -State	Funds -Part of communes' local taxes -State

Justice

It’s a complex system of **Civil courts and Penal courts.**
French judges are called «magistrats » and they are **public servants**

FRENCH JUDICIAL SYSTEM



DIFFERENCES BETWEEN THE FRENCH JUDICIAL SYSTEM AND THE AMERICAN JUDICIAL SYSTEM

In France some differences

- no release on bail

-no life imprisonement: max is 30 years without parole. Life imprisonment is only used for pedophiles, terrorists and serial killers . However, judges can sometimes oppose a release on parole if the person is seen as too dangerous

-Death penalty has been abolished in 1981: we guillotined people until then. Last one to be guillotined ios 1977

-It's rare someone under 18 years old is sent in jail. (Mesure Educative Judiciaire)

-There are no juvenile centers for offenders under 18

-Someone under 13 is considered as iresponsible whioch means he/she cannnot be judged and usually walks free : parents can have to pay a fine and the kids may have to go into a « special school » were they are watched.

Some common points

- probation is used as well(it's called « prison avec sursit »)

-time without parole is possible (it's called une « période de sûreté »)

- protective custody (la « détention préventive ») is often used and can last many years until the trial starts. It's a paradox as the French law states « someone is innocent until he/she proved guilty)

- a public defender (it's called « un avocat commis d'office ») is appointed for the poorest

-you are allowed to defend yourself.

-French magistrates have NO gavel and WE DO NOT SWEAR ON THE BIBLE (because of our secularism: laïcité)

FOR THE FINAL IN THIS LESSON YOU MUST REMEMBER

-The executive power belongs to the president **AND** the Prime minister.

-The Prime minister is **NOT** elected but appointed by the president. He/she must belong to the party which holds a majority in the Assemblée Nationale

-The legislative power belongs to the Parliament , which is composed of 2 chambers: The National Assembly **AND** the Senate.

-When passing laws, the final vote is in the National Assembly composed of 577 deputies and elected for 5 years in the « Legislative elections »

FOR THE FINAL IN THIS LESSON YOU MUST REMEMBER

-The governement (PM and mibnisters) can enforce a law without passing It in the Parliament: Iot's called the « blocked vote »

-BUT if the deputies think it's a bad law, they can vote and overthrow the governement: the law is cancelled and the president must appoint another prime minister: It's called « voter une motion de censure= censorship)

-When the president and the Prime minister are from different parties, it's called COHABITATION
It can only happen today if the president dissolves the National assembly. It happened in 1997

FOR THE FINAL IN THIS LESSON YOU MUST REMEMBER

-When the president dies or resigns, a new election is organized. The president of the Senate takes over as a provisional president.

-Try to remember **3 of the president's power**

-About local powers remember the names of the 3 COLLECTIVITES TERRITORIALES: Communes, departments and regions.

They have been implemented with the 1982 DECENTRALIZATION ACT

For each try to give 1 power: the most simple is to refer to education: the commune deals with nursery and primary schools, the department deals with middle schools and the region deals with high schools. (but you can choose something else)

FOR THE FINAL IN THIS LESSON YOU MUST REMEMBER

About justice:

-try to remember **2 common points and 2 differences with the US system**

- Death penalty is abolished (1981)

-Life imprisonment does not really exists: the max is 30 years without parole

-Judges are public servants but they are independent for their decisions

-Who was Robert Badinter and what was he known for? He was attorney who stood up for abolishing death penalty

-When did homosexuality stop being an offense before the law? In 1981, thanks to Badinter

FOR THE FINAL IN THIS LESSON YOU MUST REMEMBER

About justice:

-What was the Outreau trial about? It was about a so-called pedophile ring . But the two couples who orhanized It lied about how many people paid to abuse their kids and 10 people were kept in jail while being innoncent.

-What weaknesses within the FFrench judicialsystem did It reveal?

Children were « manipulated » during their interview by policemen who guided their answers. Prszeumption of innoncence was not respected. The judge in ch rge was ytoung and unexperienced.