



# Convention on the Rights of the Child

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## Committee on the Rights of the Child Fifty-second session

### Summary record of the 1401st meeting

Held at the Palais Wilson, Geneva, on Tuesday, 26 May 2009, at 10 a.m.

*Chairperson:* Ms. Lee

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*Third and fourth periodic reports of France*

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*The meeting was called to order at 10.05 p.m.*

### **Consideration of reports submitted by States parties**

*Third and fourth periodic reports of France (CRC/C/FRA/4; core document (HRI/CORE/Add.17/Rev.1); list of issues (CRC/C/FRA/Q/4); written replies from the State party to the list of issues (CRC/C/FRA/Q/4/Add.1))*

1. *At the invitation of the Chairperson the delegation of France took places at the Committee table.*
2. **Ms. Morano** (France), speaking in her capacity as Secretary of State for the Family, said that France, along with 10 other European Union States, had recently introduced an international hotline number — 116 000 — on the occasion of International Missing Children's Day, on 15 May 2009.
3. With the Act of 5 March 2007, France now had an important Child Protection Act ensuring implementation at the national level of the legal framework it had endorsed in signing the Convention. The Act had two main objectives: to develop the prevention of ill-treatment; to improve the mechanism for the early warning and detection of risks run by children. Under the Act, 70 departmental early warning and reporting units were responsible for collecting, evaluating and processing information on children at risk. Thanks to the units, the Government had a comprehensive overview of children at risk and detailed and reliable information on the experiences of children who suffered ill-treatment, which would help to improve detection, care and prevention.
4. In addition, the Act provided that all persons involved in child protection and all professionals who were in contact with children (members of the judiciary, police officers, sports teachers, etc.) would receive information on child protection as part of their training.
5. Major progress had been made in the area of coordination between the State, the departments and associations. As a result of the decentralization acts, child protection in France had become the responsibility of the departments, which had allocated around 5.8 million euros to it in 2008. The State retained its role of providing strategic guidance and remained responsible for judicial measures.
6. The Children's Ombudsman, an independent body established by the Act of 6 March 2000, also played a central role. Its mission was to protect and promote the rights of the child as defined by the law and the Convention. It should be noted that the Children's Ombudsman had been consulted in connection with the preparation of the periodic report.
7. The associations and NGOs which were consulted regularly by the Secretary of State for the Family as part of the national follow-up committee on the implementation of the Act of 5 March 2007, also played a fundamental role in the area of child protection.
8. Child protection was contingent upon protection of the family environment. It was part of a comprehensive family policy aimed at consolidating the role of the family in the education of children. It was part and parcel of broader action covering a whole range of family matters, such as adoption procedures, assistance with parenting and reconciling professional and family life.
9. The President of the Republic had decided to introduce sweeping reforms in the area of adoption. An Internet website had been created to provide reliable information for potential adoptive parents. In addition, an inter-ministerial adoption committee had been set up to define adoption policy and to ensure coordination among all actors involved. Families would also be provided with greater assistance at all stages of the adoption process. Lastly, a bill to allow the public prosecutor's office and social services to play a more active role in

identifying cases of neglect, to streamline approval procedures and to reinvigorate the French Adoption Agency had been submitted to Parliament.

10. In the area of parenting, the Government supported hundreds of associations which were combating on a permanent and daily basis all forms of violence in the family environment under the parenting assistance and support networks (REAAP) and family info points (FIP), to which it had allocated almost 7 million euros in 2009. Some 6,000 support activities had been carried out in 2008 and 600,000 parents had benefited from them. In response to the two main current concerns — the intensification of family conflicts and an increase in child abductions, including international abductions — the Government was considering ways of stepping up support for parents who separated, and in particular mediation services. A free hotline for children at risk (119) would be established towards the end of summer 2009 for parents who felt that they were unable to cope. The hotline which would be set up by the National Monitoring Service for Children at Risk (ONED) should help to establish a link with families in distress and to avoid certain situations, for example when parents separated, ending badly for the children and family as a whole.

11. As far as the control of child pornography was concerned, French law criminalized both the production and use of child pornography (including on the Internet), rape, sexual assault, trafficking in and the corruption of minors. Under article 227-27-1 of the Criminal Code, French law also applied to offences under articles 227-23 et seq. committed abroad. New and more appropriate powers had been given to the police to identify offences committed using the Internet. Police officers could use a pseudonym during exchanges over the Internet. The penalties for sexual offences against minors were particularly severe: the offences of procuring or trafficking involving minors were punishable by 10 years' imprisonment and a fine of 1.5 million euros. In all cases, the young age of the victim was an aggravating circumstance.

12. The Government was also placing emphasis on prevention and information, in cooperation with professionals, the voluntary sector and NGOs. Action was being taken on four fronts: improving the performance of parental control software; raising public awareness of child protection over the Internet; blocking access to child pornography sites; creating conditions for European coordination.

13. Furthermore, the Government was striving to reconcile family and professional life. France, which had the highest birth rate in the European Union and a high employment rate among women needed to create an additional 200,000 childcare places. Measures had been adopted to group child minders and to allow them to look after up to four children. The Government would also diversify types of childcare to adapt it to professional and geographical constraints. Under the agreement on objectives and management between the State and the National Family Allowances Office, the State allocated almost 1.3 billion euros for the development of childcare places, in the case in point through the creation of 100,000 additional crèche places.

14. In conclusion, she stressed that the Government had made the promotion of the rights of the child, wherever necessary, a priority. It would pay due attention to the Committee's recommendations and make sure that the Convention was fully and properly applied so that France continued to be considered the fatherland of human rights, as well as the fatherland of the rights of the child.

15. **Mr. Citarella** (Country Rapporteur) thanked the French delegation for the very full and very interesting report it had presented — one year late — and new data it had provided in addition to that contained in the report and the written replies, which meant that there was ample information on legislative developments in the State party and on the policy pursued by the Government to implement the Convention. He nonetheless deplored the fact that the periodic report, drafted in compliance with the Committee's guidelines, made no

mention of the overseas territories. From the information contained in annex I, it was neither possible to compare the situation of children in the overseas territories with that of children on mainland France, nor to verify whether the principle of non-discrimination was upheld, nor to determine possible disparities in the exercise of the rights enshrined in the Convention. Furthermore, it was regrettable that the report had not been drafted with the assistance of civil society and had not been submitted to NGOs once finalized.

16. He noted with concern that only 11 of the 54 principles or rules contained in the Convention were directly applicable. He invited France to ensure that the Convention could be directly invoked before the courts.

17. Noting that considerable progress had been made towards the full implementation of the Convention, particularly with the adoption of Act No. 308 of 5 March 2007, he observed that France did not take sufficient account of the comments and recommendations that the Committee had made on several occasions when considering France's different reports. In particular, he was concerned that the recommendation regarding the withdrawal of the reservation to article 30 and the recommendation regarding juvenile justice had remained dead letter. He would like France to start taking the Committee's recommendations into account.

18. **Mr. Kotrane** (Country Rapporteur) said that the presence of a large delegation showed the State party's willingness to continue a frank and fruitful dialogue with the Committee, and underlined that French children lived in a country where their health and education were guaranteed, their voice was increasingly heard and their rights in general upheld, thanks to a well-established French tradition, which placed human rights in general and the rights of the child in particular at the forefront of politics and society.

19. Since the examination of the second periodic report, the Committee had noted that progress had been made in several areas; above all considerable work had been done in the legislative area in response to some of the Committee's previous recommendations. For example, Order No. 2005-759 of 4 July 2005 on the reform of filiation had abolished the distinction between legitimate and natural filiation; Act No. 2006-399 of 4 April 2006 had amended article 144 of the Civil Code, by establishing 18 years as the age of marriage for women and men. During the reporting period, the State party had also ratified new international instruments, including the International Convention for the Protection of All Persons from Enforced Disappearance (2008) and the Second Optional Protocol to the International Covenant on Civil and Political Rights (2007).

20. The Committee also noted measures adopted in the light of the Committee's previous recommendations to strengthen coordination and follow-up mechanisms, including the role of the ministerial office for the family, which was now under the supervision of the Ministry of Labour, Social Relations and Solidarity; the possibility for parents, medical and social services and members of parliament to refer matters to the Children's Ombudsman; enhancing the legal status of the National Consultative Commission for Human Rights; the Government's obligation to submit every three years to Parliament the report provided for under article 44 (b) of the Convention; the establishment, on 16 January 2009, of the High Commissioner for Youth, responsible for pursuing a coherent policy for young persons aged between 16 and 26.

21. He regretted, however, that according to NGOs, the report submitted by France in 2007 was not available on any ministerial site and had not been officially disseminated in any form. He asked what measures were envisaged to raise public awareness of the report and the Committee's concluding observations following consideration of the present report, and to launch a major national debate on the human rights situation in France, as the NGOs suggested. He also asked whether France was considering the establishment of a national body, with adequate resources, responsible for overseeing the implementation of the

Convention, including in the overseas departments and territories. He would also like to know what measures had been envisaged to introduce compulsory training for teachers and all professionals working with children.

22. Furthermore, it would be useful to have information on the progress of the national plan of action recommended during the special session of the General Assembly in 2001 for follow-up to the World Summit for Children, and on compliance with the Government's obligation to submit the report provided for under article 44 (b) of the Convention to Parliament every three years. The delegation might also wish to indicate whether France was considering setting up a parliamentary commission on the rights of the child and a registration committee to monitor the compliance of national legislation with the Convention, to adopt legislation making it mandatory for the Children's Ombudsman to issue an opinion on all bills concerning minors, and to take steps to give effect to the proposal to issue every three years, in a single document, all information showing the impact of policies relating to minors. Lastly, any additional information on the follow-up given to the Varinard Committee proposals aimed at reforming juvenile justice, particularly with regard to the minimum age of criminal responsibility, would be most welcome.

23. **Ms. Aidoo** said that the presence of a multisectoral high-level delegation illustrated France's interest in children, and that the report demonstrated its willingness and capacity, in terms of financial and human resources, to promote human rights. She was nevertheless concerned by the absence of a truly comprehensive policy or strategy for the implementation of the Convention, which would complement family policy by making children real subjects of law, thereby facilitating coordination, horizontally between the different ministries, and vertically between central Government and departments, including the overseas departments and territories. The State party had certainly done a remarkable job in the area of the protection of the rights of the child, particularly with the adoption of the Act of 5 March 2007; but it had not laid sufficient emphasis on children's right to life (the suicide rate among adolescents was particularly high) or on the development or participation of children.

24. While commending France on the introduction of initial and in-service training on the rights of the child for all professionals dealing with children and on the efforts it was making to protect children from Internet abuse, she regretted the fact that the dissemination of the Convention was so limited, even in educational establishments. Citing a study by the United Nations Children's Fund dating from 2007, which had found that two thirds of adults and three quarters of children aged between 15 and 18 were unaware of the Convention, she said that in the twentieth anniversary year of the Convention, France should have the means and the capacity to disseminate the instrument widely, among both children and adults, in metropolitan France as well as in the overseas departments and territories.

25. Mr. Pollar said that the question of international cooperation had barely been touched upon in the State party's report. He would like the delegation to indicate what results France had obtained in the Security Council on matters relating to children - an area in which it was very active - and how, when it had held the presidency of the European Union, France had influenced European Union policy on the protection of the rights of the child in the framework of international cooperation, particularly with developing countries.

26. Recalling that France had committed itself to allocating 0.8 per cent of the gross national income to international development assistance, he asked whether it had translated that political commitment into action or whether it was in the process of doing so.

27. Regarding the minimum for age for recruitment into the army or enrolment in a military academy, established by Act No. 2005-270 of March 2005 as 17 and 16 respectively, he wished to know whether the State party considered that those provisions

were in conformity with the principles of the Convention. He also asked for more detailed information on the suspension of conscription and on the fact that the Act allowed for the reintroduction of conscription at any time.

28. Lastly, he enquired whether the decision handed down by a French court concerning the allocation of family allowances to foreigners who were legally resident in France had been enforced.

29. **Mr. Filali** said that the apparent selective applicability of the Convention posed a problem and he would like to know what measures the authorities were taking to remedy the situation. He would also like to know more about the proposal to establish offices for the rights of the child, which had been rejected by the Senate, and what progress had been made on the matter.

30. He asked the State party to give its opinion on the question of bilateral agreements to combat child abduction and to explain what guidelines it recommended on the matter. It might also wish to indicate what specific measures had been taken to promote the application of legislation providing that parents should associate children in decisions which concerned them.

31. Regarding the question of violence against children, he observed that the National Ethics and Security Committee had denounced certain forms of conduct during police custody that were an affront to the dignity of the child: what exactly was the situation and what steps was the State taking to protect children against such conduct? The periodic report seemed to contradict the findings of the Committee, which reported a high rate of suicide in prisons, a lack of coordination among professionals and a failure to evaluate suicide risks.

32. **Mr. Zermatten** expressed surprise that the report furnished little information on the general measures of implementation of the Convention, and specifically collective information on children's living conditions, the family environment and on the many poor children. Considering that it revealed the absence of a general policy on the family, he suggested that the situation should be remedied by launching, on the occasion of the twentieth anniversary of the Convention, a comprehensive study of children and the family.

33. The question of the higher interest of the child, which was very much emphasized in the report, raised problems of actual implementation, since the principle implied that the State intended to take account of that interest in all its legislation and decisions, which did not seem to be the case. Regarding children's right to be heard, enshrined in article 12 of the Convention, he expressed surprise that under French legislation it was up to the children themselves to ask to be heard; he requested the State party to establish mechanisms for taking testimony from children, as recommended by the Convention.

34. **Mr. Krappmann** requested clarification of paragraphs 183 to 197 of the periodic report, concerning taking the views of children into account, which seemed ambivalent to him. He asked whether children were sufficiently well informed of their rights and in particular those recognized under article 12.

35. **Ms. Villarán de la Puente**, referring to the conclusions of a report from Réseau national des militants collectifs d'établissements, syndicats et associations pour l'information et le soutien aux jeunes scolarisés étrangers sans papiers (National network of collective activists from organizations, trade unions and associations providing information and support to undocumented schoolchildren), said that the immigration policy in France was in accordance with the Convention, but its implementation violated children's fundamental rights. The practice of holding children, which, although less frequent, was still current, posed serious problems vis-à-vis the requirements of article 37 of the Convention. The arrest of minors who were mistaken for adults, police inquiries in schools,

returning children to their countries of origin, and cases of deprivation of liberty of adults and children in holding centres or in administrative detention were some of the concrete facts that emerged from the report. She noted that, according to the same report, in 2007, 242 children — 80 per cent of whom were under 10 — had been placed in detention centres. She would like to know what policies had been implemented, in compliance with the Convention, so as to ensure that children were not separated from their parents during immigration procedures, were not deprived of their liberty and felt safe at school. Which public authorities were responsible for such matters? On what legal grounds did the French authorities base themselves in order to uphold the rights of children whose parents did not have documents?

36. **Ms. Ortiz** wondered how France guaranteed the right to identity of children born of a mother who wished to remain anonymous or as a result of donor-assisted conception. Since according to article 8 of the Convention, where a child was illegally deprived of some of the elements of his or her identity, the State must remedy the situation as swiftly as possible by re-establishing his or her identity, she would like to know what efforts France was making to guarantee the rights relating to identity.

*The meeting was suspended at 11.35 a.m. and resumed at 12.05 p.m.*

37. **The Chairperson**, while noting with satisfaction that the State party's report was very thorough and contained ample information, said she regretted that it was not more self-critical and analytical. She was concerned about the question of the overseas territories, particularly with regard to the right to identity and the right to education.

38. **Ms. Morano** (France) said that the report took account of comments made by the Children's Ombudsman and the National Consultative Commission for Human Rights. Concerning the applicability of the Convention, she underlined that 11 of the 54 articles contained in the instrument were directly applicable under domestic legislation, which represented considerable progress. Regarding the question of the overseas territories, it was the first time that France had submitted a report covering the situation in those territories; the French authorities did not draw a distinction between metropolitan France and the overseas territories, although they did take their specific features into account. Since 2000, efforts had been made to remedy the shortcomings of the civil status registration system in Mayotte.

39. Concerning the dissemination and promotion of the Convention, she said that the text of the Convention could be consulted on the websites of several ministries; children learned about it at primary, junior and senior secondary schools and trainee teachers as part of their university syllabus. She would like the twentieth anniversary of the Convention to be an opportunity to make the provisions and goals of the Convention better known and she intended to bring the matter to the attention of the ministries concerned. The global action strategy for children was not solely the responsibility of the Ministry for the Family, it was part of a comprehensive approach that involved several ministries.

40. Regarding the lack of information mentioned by several Committee members, she said that an act establishing centres to detect ill-treatment among children had been promulgated. It should enable the collection of more reliable and fuller information on such matters. The opinion of the Children's Ombudsman was merely advisory, but had been taken duly into account when preparing the draft bill on parental authority and the right of third parties, which emphasized the higher interest of the child — a concern at the centre of discussions when framing various legal instruments relating to children.

41. As far as the age of recruitment into the armed forces was concerned, she said that the provisions of French law were in conformity with the Convention and the Optional Protocol on the Involvement of Children in Armed Conflict. In practice, no minor took part in operations abroad.

42. As for international aid, she recalled that during its presidency of the Council of the European Union, France had reaffirmed its commitment to official development assistance until 2015.

43. Lastly, she recalled that, under the Hague Convention, France had concluded 81 international agreements to combat child abduction, including 15 bilateral agreements. It intended to conclude such agreements with other countries.

44. **Ms. Maurás Pérez** said that she would like to know how France intended to ensure that the fall in the GNP for 2009 and 2010 would not have repercussions on investments for child protection. While noting with satisfaction that the resources allocated to the education sector had increased, she regretted that it was not the case for health and housing. Referring to the 2007 report of the National Consultative Commission for Human Rights, she observed that, owing to the lack of resources allocated for the protection of mother and child, children tended to be considered as persons in care and not as in need of development. She was aware that it was difficult to define clearly the budgetary allocations for children and, endorsing the comments of Ms. Aidoo and Mr. Zermatten, said that it would be advisable to devise a comprehensive policy for children so that achievements and areas where improvements would be welcome could be clearly identified.

45. **Mr. Kotrane** (Country Rapporteur) said that the clarifications provided in the report on the question of birth registration and on the right of the child to know his or her origins were welcome.

46. Noting that France allowed individual adoption arrangements abroad, he asked whether the State party intended to take steps to monitor those arrangements and to involve State bodies in the process and whether it intended to crack down on cases of adoption for financial gain, like cases of the sale of children, as recommended by the Committee.

47. In reading the report he had noticed that the payment of family allowances was still contingent on legal residence; he would like to know whether the State party intended to remedy the situation. He noted with satisfaction that the State party had made efforts to resolve the problem of unaccompanied children, but echoing concerns expressed by many NGOs on the subject, he asked whether legal aid was granted ex officio to all asylum-seekers and what the situation was with regard to children. He was concerned by the abolition in 2003 of the “calendar day” rule and wished to know what steps the State intended to take to prevent children being returned directly to their countries of origin and to guarantee them the assistance of an ad hoc administrator. He requested the State party to adopt specific measures to assist those children on the run and to follow up on the Act of 2007 on the reform of child protection with implementing decrees.

48. **Mr. Citarella** (Country Rapporteur) said that referring in matters of juvenile justice French law treated young persons aged 16 and 17 in the same way as adults, which was contrary to the Convention. He would like to know whether France intended to remedy the problem. Moreover, applying the criterion of the capacity for discernment in order to establish the age of criminal responsibility posed problems, since it relied on the judge’s assessment and could sometimes be arbitrary.

49. **Ms. Al-Asmar** asked for more detailed information on the plan of action to combat school violence and would like to know whether the services and programmes to promote the education and development of young children were also targeted at refugee children. Were such services provided in the children’s mother tongue or in French only? Were they part of a global plan of action for families and children? The delegation should also explain whether the State had undertaken research to determine the reasons why the school dropout rate was higher among foreign students.



50. **Mr. Krappmann** said that he would like additional information on the emphasis laid on human rights education in the school curriculum. He wished to know whether children who had dropped out of school were given a second chance to continue their studies and whether youth unemployment schemes existed. He asked whether the State intended to adopt legislation prohibiting corporal punishment and to promote the use of alternative disciplinary measures.
51. Referring to the question of the confidentiality of information contained in the database on young schoolchildren, which was known as the pupil database, he wished to know whether it was true that parents were sometimes unaware that their child had been registered in the database. Some clarifications in that regard would be welcome.
52. Lastly, the question of the expulsion of pupils wearing dress that clearly indicated their religious affiliation, which had been raised during the consideration of the previous report, also warranted further comment.
53. **Mr. Gurán** said that the number of people obtaining approval for adoption remained higher than the number of children adopted, despite the plan of action drawn up by the inter-ministerial committee established in 2008. Noting that children adopted came from countries that had not necessarily ratified the Hague Convention, he asked whether the State party treated all children in the same way, before and after adoption. Lastly, he would like to know what were the figures for national adoption and whether children of foreign origin living in France found adoptive parents easily.
54. **Mr. Pollar** asked whether there were coordination and follow-up mechanisms aimed at preventing sexual exploitation, a reliable data collection system showing developments in the number of offences committed and a special police unit to combat the problem.
55. The delegation should indicate whether France had an arms exports policy and ensured that small arms did not fall into the hands of children, and whether French peacekeeping troops were made aware of protection measures targeted at children.
56. Lastly, it would be useful to know what steps were taken to identify children arriving in French territory from areas of armed conflict.
57. **Mr. Puras** said that he would like to know more about arrangements made to ensure the integration of severely disabled children in schools and about services for children of preschool age. He asked whether, with reforms under way in the health sector, France was certain that it could maintain its health-care system, which was one of the best in the world.
58. **Ms. Herczog** said that she would like additional information on the psychological and social interview conducted during the fourth month of pregnancy. In particular, she would like to know whether the people who conducted those interviews had proper training, whether the interviews were geared towards the culture of the women concerned, what type of information was registered and for whom it was intended. She also wished to know the consequences for women of the decision that social workers should monitor children during the first six years of their life and what links there were between the social services and childcare facilities and kindergartens.
59. She asked whether the Government supported the breastfeeding policy outlined in a new European Union directive, in which case it should encourage women to take maternity leave, not for six weeks, but for six months. Lastly, she enquired what proportion of men took paternity leave.
60. **Mr. Zermatten** asked whether the establishment in 2003 of secure training centres and specialized detention centres with the aim of clearing specialized units in prisons had yielded positive results, whether the staff looking after children in those centres were prison

guards or educators and whether the children were allowed to keep in touch with their parents.

61. He also wished to know whether the French Government planned to recast the Order of 2 February 1945 on young offenders, which had been redrafted several times. It would also be useful to have information on the work of local magistrates.

62. With regard to ordinary criminal justice, the delegation should indicate whether arrangements had been made to protect child victims and should clarify what training was received by judges and other specialists who were competent to hear the views of children.

63. He asked whether in administrative detention centres — a form of deprivation of liberty — children were held with adults and whether the appointment of an ad hoc administrator was guaranteed, since, according to some information received, only one third of children benefited from such assistance.

64. He would like more information on the right to family reunification and the methods used to determine the age of unaccompanied minors. He also asked who was responsible for such children once they entered French territory and whether they were treated differently depending on where they arrived.

*The meeting rose at 1 p.m.*