



# Convention on the Rights of the Child

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

### Summary record of the 1402nd meeting

Held at the Palais Wilson, Geneva, on Tuesday, 26 May 2009, at 3 p.m.

*Chairperson:* Ms. Lee

## Contents

Consideration of reports of States parties (*continued*)

*Third and fourth periodic reports of France on the implementation of the  
Convention on the Rights of the Child (continued)*

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*The meeting was called to order at 3 p.m.*

**Consideration of reports of States parties** (agenda item 6) *(continued)*

*Third and fourth periodic reports of France on the implementation of the Convention on the Rights of the Child* (continued) (CRC/C/FRA/4; HRI/CORE/1/Add.17/Rev.1; list of issues (CRC/C/FRA/Q/4); written replies of the State party to the list of issues (CRC/C/FRA/Q/4/Add.1)) (continued)

1. *At the invitation of the Chairperson, the members of the delegation of France resumed their places at the Committee table.*
2. **Ms. Varmah** asked for information on measures taken to prevent children from dropping out of school. Noting the influence of the media in shaping children's personality and behaviour, and underscoring the State's responsibility to broadcast high-quality television programmes without scenes of violence at hours when children watched television, she asked what measures had been taken to prohibit violence on television at certain hours and to ban the sale of violent video games to children.
3. Lastly, she wished to know whether steps had been taken to help traveller children and Roma children who did not have access to education and who lived in precarious situations.
4. **Ms. Aidoo** observed that, despite efforts made in the area of adolescent health, problems such as eating disorders, alcohol and drug consumption, at-risk sexual behaviour, early pregnancies and suicides persisted in metropolitan France and in the overseas territories. The Committee was deeply concerned by that situation and endorsed the conclusions of the Committee on Economic, Social and Cultural Rights, which had voiced concern in 2008 over the high rate of suicide among young people. Would the delegation kindly indicate whether the second national strategy for action against suicide, which was to have been defined in 2007, had been implemented, whether it had been effective and whether it promoted social and educational measures rather than hospitalization and medication for young people. It would also be interesting to know whether research had been conducted with a view to understanding the underlying causes of youth suicide, what measures had been taken to reduce the number of suicides and the consumption of alcohol and drugs among children and how the effectiveness of those preventive actions was assessed.
5. It would be useful to know whether the adolescent centres had yielded positive results and whether they had the necessary human resources; it appeared that they lacked child psychiatrists and qualified staff.
6. Given the large number of runaway children, she asked what the State party was doing to address that problem and whether the system of "abduction alert" worked. She would also like to know what measures had been taken to inform children of the existence of the helpline set up for them. In that regard, she wondered whether children knew the number, whether they used it and whether the service had adequate resources.
7. **Mr. Filali** wished to know why the State party, which had ratified the Convention on the Rights of the Child, had applied only 11 of its 54 articles. He wished to know in particular whether an ad hoc administrator was appointed as soon as a minor was placed in a holding area and whether, at the end of the period of time accorded to a minor for regularizing his situation, the minor could be returned to his country of origin without verification of the circumstances to which he would return. He also wished to know whether holding areas were considered to be places of deprivation of liberty, whether the Controller General had access to such places and whether he produced reports on that subject.

8. He was concerned by the police's attitude towards young people; according to reports, the police sometimes used force, and parents in illegal situations had sometimes been arrested in the vicinity of schools, which had negative consequences for the children.

9. **Ms. Ortiz** said that 80 per cent of adoptions were intercountry adoptions and, of them, 60 per cent were made in countries that were not party to the Hague Convention. She noted with concern that, contrary to the Committee's recommendations, many adoptions were direct adoptions, which meant that adequate monitoring and, consequently, respect for the rights of the child were not ensured. She would appreciate in that regard additional information on the many adoptions that had been made in Viet Nam in recent years, despite the fact that the procedures used did not adequately protect the rights of the child. She would also appreciate more information on the role of volunteers in French embassies abroad who were responsible for adoption issues.

10. It would also be useful to know whether studies had been conducted on reasons for the high adoption demand and whether measures were planned to meet that demand without recourse to intercountry adoption but instead by promoting national adoption.

11. **The Chairperson** requested clarifications concerning the lack of places in day-care centres in face of the increased birth rate, and the absence of measures to ensure application of children's rights provisions contained in European instruments relating to refugees, protection of minorities and human trafficking. Would the delegation kindly provide information on measures taken to promote breastfeeding, recommended during the first six months of life in order to prevent obesity later on, and indicate whether the International Code of Marketing of Breast-milk Substitutes was respected.

12. **Ms. Morano** (France) said that France had wished to put into practice a humane and responsible family immigration policy. Family reunification was a right. Since 2007, foreigners wishing to bring their family to France had to show proof of decent living conditions and adequate resources. Foreigners wishing to settle in France signed an "admission and integration contract", which concerned, inter alia, knowledge of the French language. In 2008, 17,800 persons had been admitted under the family reunification scheme, and the status of 15,000 persons had been normalized by virtue of their residence on French territory.

13. Clear instructions had been given to prevent persons in illegal situations from being interrogated at school entrances or in the vicinity of schools in order to avoid any negative psychological consequences for the children.

14. Placement in administrative holding centres was an exceptional measure and not a form of imprisonment. Administrative holding centres had been fitted out with bedrooms, kitchens, living rooms and television rooms in order to provide decent living conditions for the families staying there. Such conditions were moreover a prerequisite to placing families in those centres, and were monitored by a judge. Children were not separated from their family. That being the case, France accorded priority to the system of house arrest.

15. Unaccompanied minors could not be placed in administrative holding centres. Upon arrival at the airport, they were placed in a holding area and received assistance from the Red Cross and legal aid provided by an ad hoc administrator. France hoped that 100 per cent of minors could benefit from such assistance. Under the responsibility of the Ministry of Immigration, an inter-ministerial working group had been set up to examine those issues.

16. Every minor needed protection and the French State guaranteed that protection. In that regard, associations provided excellent support and guidance to unaccompanied minors. In 2002, a drop-in orientation centre had opened in Paris for minors seeking asylum. To date, 3,000 cases had been processed.

17. **Ms. Ortiz** was concerned about the fact that in the holding areas, children between 13 and 18 were treated as adults and did not receive the assistance provided to minors.

18. **Ms. Morano** (France) said that unaccompanied foreign minors placed in holding areas received legal, medical and humanitarian assistance and were aided by an ad hoc administrator, designated without delay by the public prosecutor, and who secured their representation in all judicial or administrative procedures. At Charles de Gaulle Airport, minors under 13 years of age were lodged in a hotel under the care of a nurse pending the installation of special accommodations where they would be under the protection of the Red Cross. Minors over 13 years of age were placed in holding areas for persons whose cases were pending (ZAPI), where they received special treatment, provided in particular by the Red Cross.

19. **Mr. Kotrane** (Rapporteur for France) said that, according to his information, some children were not assigned ad hoc administrators. There was, therefore, a significant gap between what was provided for in the texts, including the law on the protection of minors, and what happened in practice. He asked whether unaccompanied minors who arrived without papers on French territory were entitled to a clear day before being returned to their country and what the State party did to ensure that children who had been returned to their country had adequate conditions upon arrival.

20. **Ms. Doublet** (France) said that, while adults were granted a clear day only on specific request, minors were automatically entitled to one. While that distinction was not made under the law, the instructions on that matter were very clear and strictly applied. It was true that the French Government had had difficulty ensuring the effective representation of unaccompanied foreign minors arriving in France without papers. Today, approximately 90 per cent of them were assisted by an ad hoc administrator and the goal was to reach 100 per cent effective representation. In addition, the Airport and Border Police ensured that, when a minor was sent back to his or her country, a member of the family was there to meet them.

21. **Mr. Zermatten**, pointing out that bone testing was not considered to be reliable, asked what method the State party used to determine if a young unaccompanied foreigner was older or younger than 13 years, or older or younger than 18 years.

22. **Ms. Morano** (France) replied that bone testing was the method used. However, when the test failed to provide a precise age determination, which was frequently the case with subjects between 16 and 18 years old, the age selected was always that which was most advantageous to the young person concerned.

23. **Ms. Doublet** (France) said that bone testing was a back-up procedure used only when doubt existed regarding the authenticity of the identity papers of the person concerned. Its sole purpose was to differentiate between young people over and under 18 years of age. The data obtained were cross-indexed with other factors such as pubescent development and growth. The French authorities were nevertheless very interested in any scientific advances that might yield more reliable testing procedures and in the recommendations on that subject by the Children's Ombudsman.

24. **Mr. Kotrane** (Rapporteur for France), recalling that the Committee, in its general comment No. 6 (2005) on the treatment of unaccompanied children and separated children outside their country of origin, had given examples of countries that gave the benefit of the doubt to young people in case of persistent uncertainty about their age, asked what could prevent France from applying those good practices.

25. **Ms. Morano** (France) said that France was faced with very substantial demands for immigration and was obliged to define the conditions under which residence on its territory

was authorized. That being the case, it observed rigorous ethical principles, in particular in its treatment of minors.

26. She pointed out that in France minors were not brought before courts for adults. The country had set up 38 closed educational centres, with a capacity of 413 places. By 2010, there would be 48 of those centres, with a capacity of 529 places. The supervision ratio was two specialized educators per young person; ties with the family were maintained and organized by judges. Thirty-two per cent of young people who had left the centres had gone back to school, 27 per cent had begun pre-apprenticeships and 25 per cent had entered vocational training programmes.

27. **Mr. Allonsius** (France) said that a draft reform of the Order of 2 February 1945 on juvenile delinquency, and a draft juvenile criminal justice code were in preparation. The aim was to set a minimum age for criminal responsibility that was in line with certain of the Committee's recommendations and the provisions of general comment No. 10 (2007) on children's rights in juvenile justice. To that end, the Ministry of Justice was conducting a series of consultations with the Children's Ombudsman, professional associations of judges and union representatives. At the current stage of the debate, the minimum age would be set at 13 years. Discussion had also been held on measures applicable to minors under 13 years of age who were not criminally responsible. Currently, the age was fixed on a case-by-case basis depending on the facts and, above all, on the personality of the minor and his or her capacity for judgement, which was evaluated by means of psychiatric and psychological examinations. When the capacity for judgement was demonstrated and legal action was brought, the minor was automatically entitled to legal assistance.

28. The Order of 2 February 1945 had been the subject of over 30 reforms. The current reform provided in particular for a terminological revision, since terms such as "admonition", which corresponded to the least severe educational measure, were understood by hardly 8 per cent of minors. There was also a desire to reaffirm parental involvement at every stage in the legal process and in the child's education, and a desire to create a "single personality file" for minors, in which all the information could be kept (alternatives to legal action, educational assistance measures, penal procedures and so forth). The main principle was the primacy of education, together with the principle of adaptation to the personality of the minor. The juvenile judge's dual civil and penal competence had not been called into question since it enabled the judge to have a better understanding of the minor's personality, family and socio-educational environment, and resulted in better circulation of information and easier passage between the procedures.

29. **Mr. Filali** said that the Act of 10 August 2007, which disallowed a reduction of penalties for recidivist minors aged between 16 and 18, appeared to him to contravene the Convention and the spirit of the Order of 2 February 1945, the thrust of which was much more educational than repressive.

30. **Ms. Morano** (France) explained that, faced with a growing number of minors who were repeat offenders, France had been obliged to modify its legislation.

31. **Mr. Allonsius** (France) said that, between 2002 and 2006, the number of convictions of minors for offences and the number of offences against the person committed by minors had doubled. The age of the first act of delinquency had decreased. The Act of 10 August 2007 had taken account of the founding principles of the Order of 2 February 1945: it had modified the regime of diminished responsibility but left the juvenile courts free to order, as a principal measure, an educational measure or sanction. The penalty incurred was equal to half that applied to adults, and the minimum penalty was not applied where assurances of successful resettlement and reintegration existed. For minors reoffending a second time, the minimum penalty could be disallowed where such assurances were exceptional. Those minors were always tried in a juvenile court, the

president of which was a professional juvenile judge, and the two advisers of which were not judges by profession but had a professional interest in minors.

32. **Ms. Villarán de la Puente** requested additional information on the number of socio-educational measures that had been ordered by the courts. She pointed out that in other countries, that type of measure had been remarkably successful and had made it possible to reduce recidivism significantly.

33. **Mr. Allonsius** (France) replied that the French criminal justice system placed great emphasis on educational measures and pointed out that sentences pronounced in application of the Act of 10 August 2007 represented less than 0.5 per cent of all convictions in the case of minors.

34. **Ms. Morano** (France) said that the tradition of corporal punishment in France had disappeared long ago and that French legislation in that field was adequate and needed no modification.

35. **The Chairperson** asked whether, in the framework of the campaign for a general ban on corporal punishment launched by the Council of Europe, the State party planned to declare corporal punishment inflicted on children illegal.

36. **Mr. Citarella** (Rapporteur for France) said that to his knowledge, France had no laws proscribing corporal punishment within the family, at school or in childcare institutions.

37. **Ms. Morano** (France) said that France had comprehensive legislation on the subject of violence against children and was not planning to amend its legislation in response to the Council of Europe's campaign, and in particular to prohibit spanking. The Criminal Code sanctioned all acts of violence against minors, even the least serious, by a person having authority over them. Acts of violence were regarded as more serious if committed against minors under 15 years of age by a person in authority, or in a habitual manner. The applicable penalties were 5 to 10 years' imprisonment and €75,000 to €150,000 in fines. France stressed the need to combine educational and penal responses in that area.

38. **Ms. Filali** said that the aim of the Convention was to prohibit all forms of brutality, which included spanking. It appeared to him that French legislation mainly targeted more serious brutality, which could leave traces discernable upon medical examination.

39. **Mr. Kotrane** (Rapporteur for France) said that the aim of the Convention was to ensure that all societies understood that it was forbidden to inflict humiliating punishment on children, even if such punishment did not constitute an offence of voluntary assault, and to help parents take more responsibility for their children.

40. **Ms. Morano** (France) said that all forms of brutality and ill-treatment, even psychological, were provided for under French law.

41. **Ms. Herczog** said that it was above all important to agree on the meaning of the term "corporal punishment". It was in general very difficult to persuade the public to accept a total ban on corporal punishment of children. Nevertheless, the example of the Nordic countries, and Sweden in particular, showed that it was possible to enforce such a ban through education.

42. **Ms. Morano** (France) said that France was against all forms of corporal punishment and needed, not to amend its legislation, but instead to do a better job of assisting parents in the education of their children. Such efforts were being carried out through the networks for hearing, supporting and assisting parents (REAAP).

43. The Supreme Audio-Visual Council (CSA) ensured child protection with regard to television and radio and verified, in particular, that the programmes broadcast provided an

indication of the recommended viewing age. A working group had been entrusted with the task of improving information about risks run by video-games users, as the Pan European Game Information system (PEGI) had proved insufficient.

44. The draft adoption reform was part of an overall plan and aimed to give greater visibility to the number of approvals granted in France each year. Approvals were valid for five years and under the reform, families that were candidates for adoption would have to confirm annually their desire to adopt or the approval would no longer be valid. With a view to improving adoption arrangements and facilitating intercountry adoption, the President of the Republic had decided to create an inter-ministerial adoption committee, coordinated by the Ministry of the Family. French Agency for Adoption procedures would be streamlined and the Agency would soon be able to handle adoptions in countries that had not signed the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption by cooperating with embassies and existing networks in those countries, while applying rigorous ethical principles. At the national level, it was planned to hold adoption guidance and advice consultations — in order to provide better support to adoptive parents and adopted children — and to hold information meetings in the *départements*.

45. The French authorities also planned to encourage national adoption, in particular by promoting the adoption of children in court-ordered placements (who currently numbered 23,000), some of whom had only very tenuous links with their family. Those children spent, on average, six years of their life in successive host families. According to statistics, 42 per cent of persons who were or had been homeless had had contact with child protection services. Children vitally needed a stable family structure in order to build their identity. To that end, article 350 of the Civil Code would be amended to enable the public prosecutor's office to assume jurisdiction in the case of those children. Moreover, with a view to facilitating the adoption of "special needs" children (older children or children suffering from illness or disability), Ms. Morano had ordered a modification of the information system to facilitate the adoption of children in care in order to make it more precise.

46. **Ms. Ortiz** was surprised that so many adoptions took place in countries that had not signed the Hague Convention and that two-thirds of those adoptions were direct adoptions, which was not authorized under the Hague Convention. Moreover, by authorizing the French Adoption Agency to handle adoptions in countries that had not signed the Hague Convention, the State party was not following the Committee's recommendations which were to reduce the number of direct adoptions and promote adoptions within the framework of the Hague Convention.

47. **Mr. Zermatten** wished to draw the delegation's attention to the fact that children in court-ordered placements, for whom the State party hoped to make adoption possible, had parents and that every child had the right not to be separated from his or her parents and to maintain long-lasting relations with both parents, even if those relations were not extremely close.

48. **Ms. Morano** (France) said that France was concerned above all with preserving the interest of the child and that the social services department was currently involved in drawing up a matrix of persistent parental neglect in order to build a future for children who had been abandoned.

*The meeting was suspended at 4.40 p.m. and resumed at 4.55 p.m.*

49. **Ms. Tissier** (France) said that the fact that a French official in a French embassy abroad was in charge of adoption matters gave adoptive parents and the French authorities the assurance of having reliable information on the child to be adopted and on local circumstances. Moreover, the fact that the official in question was identified by local

authorities as being in charge of adoption might make it easier to initiate dialogue on the Hague Convention.

50. **Ms. Ortiz** said that it was not appropriate to designate in French embassies abroad a person responsible for adoption in the framework of international cooperation because that would amount to creating a third method of adoption. That method would then exist alongside of private adoption procedures and the mechanisms established under the Hague Convention, the only ones which, in the Committee's view, could provide all the requisite legal guarantees at every stage of the adoption procedure.

51. **Ms. Tissier** (France) said that since those different methods already existed, the French Government had deemed it useful to supervise them. Furthermore, adoption — whether national or intercountry, whether the adopted child came from a country that had ratified the Hague Convention or not — was governed by strict laws. All adoptive parents had first to obtain an approval from the competent social services, no matter which method of adoption they had chosen. Lastly, all adoption procedures were examined by a judge who ensured respect for all legal guarantees.

52. **Ms. Neulat Billard** (France) said that, in order to combat violence in schools, France had developed specific tools for monitoring violence, including the software application SIVIS (School Security Information and Monitoring System), which had been introduced into a certain number of target schools. The software enabled data to be collected on serious acts committed in those schools, uncivil conduct which disturbed academic life and other acts of violence to which teachers and pupils were subjected daily. The resulting data had demonstrated that the most serious acts always took place in the same schools, which made it possible to target remedial action more effectively.

53. To supplement the data on that subject, the Government was conducting a “survey on victimization in the schools”, under which, rather than interviewing school principals, pupils and teachers were asked to describe how they were affected by violence. The project was being run on a pilot basis in one *académie* and, based on the results, it might be extended to other *académies* so that the phenomenon could be better understood at the national level.

54. The French Government was convinced that the campaign against violence in schools must be waged through prevention, the combat against academic failure and the guarantee of equality of opportunity for all. It had consequently promulgated Decree No. 830 of 11 July 2006 on the core knowledge and skills every pupil must have acquired by the end of their compulsory education. Among those skills were social and civic skills, ability to take responsibility, understanding of the notion of law, openness to dialogue, respect for other people's ideas, and citizenship skills.

55. The education policy of the Ministry of Education placed emphasis on diversification of academic courses and programmes, which could be very different depending on the pupil. The combat against illiteracy was another fundamental thrust of that policy, since 15 per cent of pupils entering secondary school did not have a perfect mastery of reading or reading comprehension, a factor which also engendered a great deal of violence. Promotion of self-esteem, conflict management and prevention of cigarette, alcohol and drug use — in particular, cannabis — represented other aspects of government policy aimed at curbing violence in schools. The compulsory medical examination prior to entry into primary school provided, moreover, an occasion for early identification of children likely to present behaviour problems and to become violent.

56. Because absenteeism was the first warning sign that a child was having difficulties, it was vital to identify unjustified absences as rapidly as possible in order to initiate dialogue with the parents and, if necessary, to call in a social worker. Other mechanisms had been developed to assist children who had entered a phase of school rejection and



social marginalization, such as the “bridge facility” which enabled a child to be temporarily withdrawn from school and placed in a small group run by specialized educators. The “exclusion-inclusion” scheme offered pupils who had been expelled following a disciplinary hearing the possibility of reform while remaining in school. Assistance with homework, and athletic and cultural activities were also available when classes ended at 4 p.m. for children whose parents could not care for them. Academic and extracurricular activities were also offered on holidays and during school vacation periods.

57. Under partnership agreements between the Ministry of Education, the Ministry of the Interior and the Ministry of Justice, *gendarmes* and police officers were intervening in the schools with a view to preventing drug use and racketeering. School principals were being asked to set up a violence prevention plan based on their “security assessment”, namely the degree of violence in their school.

58. To prevent school dropouts, 215 high-risk neighbourhoods had been identified in the framework of urban policy, and the aim was to reduce by 10 per cent in three years the number of pupils dropping out of school. To that end, efforts would be made to provide better guidance to pupils, in order to avoid frustration and, consequently, the violence to which it often gave rise.

59. **Mr. Krappmann** asked to what extent all those programmes had been implemented in the field and whether outcome assessment studies existed on the basis of which it could be determined which tools were the most effective.

60. **Mr. Citarella** (Rapporteur for France) asked whether human rights in general, and the rights of the child in particular, were taught in school.

61. **Mr. Filali** wished to know precisely what role police officers and *gendarmes* played in the schools and whether they were required to put children regarded as “deviant” on file.

62. **Ms. Neulat Billard** (France) said that, as part of the core knowledge and skills programme, children received an education in human rights and rights of the child, in particular in the civics classes taught in primary and middle school. In secondary school, that subject was part of the civics, legal and social curriculum. Children and young people were also reminded of those issues on Universal Children’s Day, celebrated on 20 November of each year, Human Rights Day, celebrated on 10 December, and the International Day against Racism and Xenophobia, celebrated on 21 March. In addition, the René Cassin Human Rights Prize was awarded each year for human rights work and action in secondary schools, and education weeks against racism aimed to involve children and young people in the struggle against racism throughout the year.

63. Police officers and *gendarmes* played a preventive role in the schools. Their goal was to initiate dialogue with young people and ensure that schools were peaceful enough for effective learning. They were absolutely never required to put pupils on file.

64. The aims of the preschool and primary school pupil database (*base élèves 1er degré*) were to facilitate the administrative and educational management of preschool and primary school pupils and to pilot primary school teaching at the regional education authority and national levels. The launching of the database had given rise to such controversy that following various consultations, in particular with parents’ associations, many items of personal data had been withdrawn from it, including the nationality and family situation of pupils, the occupation and social category of parents, absenteeism and the existence of special educational needs. Hardly any personal data remained except the pupil’s identity, and the database, which was very useful in ensuring respect for compulsory education, no longer gave rise to problems.

65. **Ms. Mauras Perez**, noting that the unemployment rate had begun to rise again and that predictions concerning economic growth were worrying, wished to know what the

State party was doing to ensure that the number of children and adolescents who suffered from poverty did not increase, given that the poverty rate among that population group was already higher than that for children and adolescents in most other industrialized countries, and that the State party had implemented neither a global children's policy nor a national, departmental or territorial action plan in that regard.

66. **Ms. Herczog**, while welcoming the fact that personal data had been withdrawn from the preschool and primary school pupil database, said that data collected with regard to particularly vulnerable population groups were often useful in evaluating policies that had been implemented and improving the circumstances of such groups. It was particularly important for monitoring cases of juvenile delinquency or identifying population groups that were more likely than others to drop out of school.

67. **Ms. Lianois** (France) said that the social policy budget had not been affected by the crisis because the French Government had made the combat against poverty and social inequality a priority. In that framework, an agreement had been concluded with the National Family Allowances Office (CNAF), under which funding for services in kind, namely various types of childcare services, would be increased by 7.5 per cent. Child benefits also continued to be paid to families in need, and there was no reduction in the funds earmarked for social policy under the draft budget for 2010. France was currently preparing a *revenu de solidarité active* (RSA) scheme to combat poverty more effectively. Persons who would benefit from it were mainly those currently receiving the minimum-income allowance (RMI) or the single-parent benefit (API) as well as workers who earned salaries but lived below the poverty line. According to the estimates, RSA would enable 70,000 people to cross that line.

68. It was planned in future to diversify childcare arrangements and to share them among childcare institutions, welfare assistants and other types of services for individuals. No studies had been done on the negative consequences of the long days French parents obliged their children to spend in childcare. In contrast, chief education inspectors had concluded that sending children to nursery school at the age of 2 years was very beneficial for socialization and language learning. France was also endeavouring to promote a new form of childcare, the "discovery garden", in order to satisfy children's curiosity about the world and help parents to reconcile professional and family life.

69. According to law, it was possible for breastfeeding mothers to arrange their working hours in order to have one hour a day to feed their child. Companies employing more than 100 persons were obliged to provide breastfeeding mothers with a space for that purpose on company premises.

70. Adolescents in difficulty were cared for by and could speak with various types of professionals in the adolescent facilities that had been set up in 77 *départements*, usually within health establishments. That was why young people who used those facilities were often still in hospital, in many cases following a suicide attempt. The adolescent health five-year plan, announced in 2008 by the Ministry of Health, aimed to curb at-risk behaviour by encouraging adolescents in difficulty to practice an athletic activity in order to feel better.

71. **Ms. Aidoo** said that adolescent health should be one of the French Government's priorities and wished to know whether the problems facing adolescents had been studied, whether from a social, cultural, sociological or even psychological perspective, which would enable the State party to target its policies and strategies more effectively. Were existing prevention measures adequate?

72. **Ms. Herczog** wished to know whether there was data on children placed in public facilities, given that placements were not examined regularly by the State party and that children from the same family were not always sent to the same establishment.

73. **Ms. Tissier** (France) said that various studies had been conducted on adolescent behaviour, in the areas of education and addiction, among others. The question then arose as to whether there were enough, or not enough, of such studies, whether their results were used effectively and whether they could be improved.

74. The social services in charge of children in placement were interested above all in maintaining ties between those children and their family. The circumstances leading to the placement of a child were most of the time so complex that it was a matter of re-establishing, rather than maintaining, family ties.

75. **Mr. Malon** (France) said that, according to the national missing persons file kept by the police and *gendarmerie* services in France, the number of runaway minors had risen from 33,000 in 2002 to 42,000 in 2006, and to 47,000 in 2008. In 2008, one third of those young runaways had run away from home while two-thirds of them had run away from a placement facility; in contrast, in 2002, an equal number had run away from home and from care facilities. The increase in the number of children running away from placement facilities could be explained by the fact that the directors of those establishments had been instructed to report any disappearance immediately whereas in the past they had been instructed to wait 24 to 48 hours before doing so. Similarly, *gendarmeries* and police departments were now required to register such disappearances in the missing persons file as soon as it was reported.

76. The reason that the number of minors found was higher than the number of minors reported missing in 2008 was that police departments and *gendarmeries* had found in that same year young people reported missing in previous years. Those who were never found represented a tiny minority and frequently came from immigrant families, including Romas, who often changed identities and countries.

77. The “abduction alert” plan launched in 2006 involved asking the public for information when the investigation provided reason to believe that such a procedure might be successful and that the child would be found more easily in that way. The plan had been put into action eight times since its inception and in each case the missing child had been found safe and sound.

78. **Mr. Kotrane** (Rapporteur for France) welcomed the constructive and fruitful debate begun with the French delegation and said that the concluding observations that the Committee would make at the end of its consideration of the third and fourth periodic reports of the State party would reflect the progress France had made in various domains. The Committee would, moreover, be encouraging the State party to ensure better nationwide dissemination of the concluding observations and to use the occasion of the twentieth anniversary of the Convention on the Rights of the Child to launch a national debate on the different themes that it addressed.

79. It was unfortunate that many laws were in the process of being prepared and had not yet been completed, in particular with regard to unaccompanied children and juvenile justice. France, the country of human rights, could not afford to lose ground.

80. **Mr. Citarella** (Rapporteur for France) invited the State party to draw up a global and comprehensive child policy. He regretted that the documents provided had not made it possible to get a clear idea of how the Convention was being implemented in the overseas territories and that the discussion had centred exclusively on metropolitan France. He invited the State party to provide more information, in its next periodic report, on juvenile justice and education, and to review its legislation on immigration policy, unaccompanied children and minorities.

81. **Ms. Tissier** (France) said that it did not make sense to criticize France for declaring only 11 of the 54 articles of the Convention to be “directly applicable” by national courts,

especially because that figure — which stood at five during consideration of the previous report — was increasing. The courts could only declare very precise provisions of an international instrument to be directly applicable and an international treaty could not be declared directly applicable as a whole. Moreover, the various articles had to be invoked before the courts so that they could make a ruling on them, which was not necessarily the case for all the articles of the Convention. It was probably only a matter of time before the other articles of the Convention were declared directly applicable.

82. France was not yet ready to withdraw its reservation to article 30 of the Convention because the French Government and civil society organizations had still not come to an agreement on the question of prohibition of the concept of minorities. National debate on that matter was currently under way.

83. She deplored the misunderstanding between France and the Committee with regard to information on the overseas territories. France considered that it had met the demands of the Committee by providing it, in annex, with a supplementary report of 80 pages on that matter, which did not however seem to satisfy it. In future, it would be best if the Committee could explain more precisely what kind of information it expected from the French Government.

84. Lastly, the reason why the report was not critical enough was, specifically, because numerous projects were under way in many fields and, more generally, because a more critical assessment of the national policies, programmes and action plans that had been implemented could only be made with time.

85. **The Chairperson** said that the Committee would have appreciated information on the overseas territories which provided a better overview of the specific application of the Convention in those territories, and that the information she had was inconsistent and scattered.

86. The French delegation withdrew.

*The meeting rose at 6.05 p.m.*

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