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**Committee on the Rights of the Child****Concluding observations on the combined sixth and seventh reports of France\*****I. Introduction**

1. The Committee considered the combined sixth and seventh periodic reports of France (CRC/C/FRA/6-7) at its 2702<sup>nd</sup> and 2703<sup>rd</sup> meetings (see CRC/C/SR.2702 and 2703), held on 9 and 10 May 2023, and adopted the present concluding observations at its 2728<sup>th</sup> meeting, held on 26<sup>th</sup> May 2023.

2. The Committee welcomes the submission of the combined sixth and seventh periodic reports of the State party,<sup>1</sup> under the simplified reporting procedure, which allowed for a better understanding of the situation of children's rights in the State party. The Committee expresses appreciation for the constructive dialogue held with the high-level and multisectoral delegation of the State party.

**II. Follow-up measures taken and progress achieved by the State party**

3. The Committee welcomes the progress achieved by the State party in various areas, including the legislative, institutional and policy measures adopted to implement the Convention and the Optional Protocols thereto, in particular the creation of the post of the Secretary of State for children, the adoption of a new Pact for Childhood in 2019 and the adoption of a number of strategies and plans of actions in various areas concerning children's rights.

**III. Main areas of concern and recommendations**

4. The Committee reminds the State party of the indivisibility and interdependence of all the rights enshrined in the Convention and emphasizes the importance of all the recommendations contained in the present concluding observations. The Committee would like to draw the State party's attention to the recommendations concerning the following areas, in respect of which urgent measures must be taken: abuse and neglect (para.26), sexual exploitation and abuse (para. 28), children deprived of a family environment (para.33), children with disabilities (para. 36), standard of living (para. 42) and asylum seeking and migrant children (para. 45).

5. **The Committee recommends that the State party ensure the realization of children's rights in accordance with the Convention, the Optional Protocol on the**

\* Adopted by the Committee at its ninety-third session (8 – 26 May 2023).

<sup>1</sup> CRC/C/FRA/QPR/6-7

involvement of children in armed conflict and the Optional Protocol on the sale of children, child prostitution and child pornography throughout the process of implementing the 2030 Agenda for Sustainable Development. It also urges the State party to ensure the meaningful participation of children in the design and implementation of policies and programmes aimed at achieving all 17 Sustainable Development Goals as far as they concern children.

## **A. General measures of implementation (arts. 4, 42 and 44 (6))**

### **Reservations**

6. The Committee, in line with its previous recommendations, encourages the State party to consider withdrawing its reservation to article 30 of the Convention, and its declaration in relation to article 40 of the Convention.

### **Legislation**

7. Welcoming the decision of the State party to assess the impact of draft laws and regulations on youth and the establishment of a delegation for the rights of the child in the National Assembly, the Committee recommends that the State party systematically implement the impact assessment on youth and undertake an impact assessment of its draft legislation on children. It also recommends that the State party support the legislative proposal establishing a delegation for the rights of the child in the Senate.

### **Comprehensive policy and strategy**

8. The Committee notes that the State party has adopted a number of policies, strategies and plans of actions in a number of areas, including the National Child Protection Strategy (2020–2022), the “First 1,000 Days” strategy and the inter-ministerial Mobilization Plan to Combat Violence against Children (2020–2022) as part of its Pact for Childhood. In this regard the Committee recommends that the State party:

- (a) Carry out an evaluation of the implementation of its strategies and plans;
- (b) Based on the evaluation, adopt an integrated, cross-disciplinary and comprehensive policy on children’s rights that encompasses all areas covered by the Convention;
- (c) On the basis of the policy, develop a strategy with the necessary elements for its application, which is supported by sufficient human, technical and financial resources.

### **Coordination**

9. While welcoming the establishment of the post of State Secretary for children, the Committee recommends that the State party ensure effective coordination of its activities in the area of children’s rights, in particular through effective inter-ministerial coordination of the implementation of its policies and plans throughout metropolitan France and the overseas territories, as well as at the national and local levels.

### **Allocation of resources**

10. While noting the large public investment of the State party on child protection and with reference to its general comment No. 19 (2016) on public budgeting for the realization of children’s rights, the Committee recommends that the State party:

- (a) Increase the budget allocated to the social sectors, including on prevention, and to children in disadvantaged situations, such as Roma children; migrant children, including asylum-seeking and refugee children; and children in French Guiana, Mayotte and other overseas departments and territories. In this regard,

the State party should consider the creation of a national fund for the equalisation of child welfare expenditure, enabling the alignment of needs and resources for child welfare;

(b) Establish a budgeting process which adequately takes into account the needs of children, with clear allocations for children in the relevant sectors and agencies, specific indicators and a tracking system;

(c) Ensure effective monitoring and evaluation of the efficacy, adequacy, and equity of the distribution of resources allocated to the implementation of the Convention.

#### Data collection

11. While noting the State party's information that the INSEE and the statistical services of the ministries are the main sources of data for assessing demographics and public policies relating to children, the Committee recommends that the State party:

(a) Strengthen its data collection system by ensuring that the data covers all areas of the Convention and the Optional Protocols thereto and disaggregated by age, sex, disability, geographic location, ethnic or national origin and socioeconomic background in order to facilitate analysis on the situation of all children, particularly those in situations of vulnerability;

(b) Ensure that the data and indicators are systematically collected and shared among the ministries concerned and other relevant regional and local authorities and used for the formulation, monitoring and evaluation of policies, programmes and projects for the effective implementation of the Convention.

#### Independent monitoring

12. The Committee recommends that the State party continue its efforts to increase human, technical and financial resources allocated to the office of the Defender of Rights, in particular in relation to its activities on the protection and promotion of the rights of children and to increase the visibility of its work throughout the territory of the State party. The Committee also recommends that the State party continue to consult both the Defender of Rights and the National Consultative Commission on Human Rights in its work concerning children and take their views into due consideration.

#### Dissemination, awareness-raising and training

13. While noting the recent creation of the programme of youth rights ambassadors (JADE), the Committee reiterates its previous recommendations to the State party.<sup>2</sup> The Committee also recommends that the State party:

(a) Raise awareness of the public and children about the Convention and Optional protocol on a communications procedure and its mechanisms throughout metropolitan France and the overseas territories;

(b) Strengthen training of professionals working with or for children on the provisions of the Convention and the Optional Protocol, including on trafficking in children for all child protection professionals.

#### International cooperation

14. The Committee welcomes the Act No. 2021-1031 of 4 August 2021 on Solidarity in Development and the Reduction of Global Inequalities, which contributes to the promotion of children's rights in its work in other countries and recommends that it take adequate measure for its implementation. In this regard, the Committee takes into account the political leadership and financial support that the State party accords to international initiatives and recommends that the State party:

<sup>2</sup> CRC/C/FRA/CO/5, para.20

- (a) Continue to prioritize and implement children's rights in its international policy, both in terms of development and humanitarian action, but also, in its bilateral and multilateral diplomatic agreements;
- (b) Increase the development budget to at least 0.7% of the GDP;
- (c) Undertake a child rights impact assessment of its international development policy.

#### Children's rights and the business sector

15. While welcoming the Law No. 2017-399 of 27 March 2017, on the duty of vigilance of parent companies and contracting companies, and the national action plan for the implementation of the Guiding Principles on Business and Human Rights, adopted on 26 April 2017 and with reference to its general comment No. 16 (2013) on the impact of the business sector on children's rights, the Committee recommends that the State party strengthen its measures to implement the law and the national action plan and ensure that the business sector operating in and from the State party complies with international and national human rights, labour, environment and other standards, particularly with regard to child rights standards.

## B. General principles (arts. 2, 3, 6 and 12)

#### Non-discrimination

16. The Committee recalls its previous recommendations<sup>3</sup> and urges the State party to strengthen its efforts to foster a culture of equality, tolerance and mutual respect, to prevent and combat persistent discrimination and to ensure that all cases of discrimination against children in all sectors of society are effectively addressed. The Committee also recommends that the State party take specific measures to combat discrimination against children in marginalized and disadvantaged situations, in particular children living in squats, and informal living places, Roma children, children with disabilities, LGBTI children, asylum seeking, refugee and migrant children and children belonging to racial, ethnic and religious minorities.

#### Best interests of the child

17. While welcoming the recognition by the Court of Cassation of the direct applicability of article 3 (1) of the Convention and with reference to its general comment No 14 (2013) on the right of the child to have their best interests taken as a primary consideration, the Committee recommends once again that the State party strengthen its efforts to ensure that this right is appropriately integrated and consistently interpreted and applied in all legislative, administrative and judicial proceedings and decisions as well as in all policies, programmes and projects that are relevant to and have an impact on children. In this regard, the State party is encouraged to develop procedures and criteria to provide guidance to all relevant persons in authority for determining the best interests of the child in every area as a primary consideration.

#### Right to life, survival and development

18. The Committee recommends the State party continue to take measures to implement its Mobilization Plan to Combat Violence against Children (2020–2022) and the Act No. 2019-1480 of 28 December 2019 on Combating Domestic Violence, in order to prevent child deaths resulting from child abuse.

#### Respect for the views of the child

19. With reference to its general comment No. 12 (2009) on the right of the child to be heard, the Committee recommends that the State party:

<sup>3</sup> CRC/C/FRA/CO/5, para.24

(a) Take measures to ensure the effective implementation of its legislation and policy recognizing the right of the child to be heard in relevant legal proceedings, in particular the national child protection strategy (2020–2022), the circular of 19 April 2017 on the judicial protection of the child and the Child Protection Act, No. 2022-140 of 7 February 2022, including by establishing systems and/or procedures for social workers and courts to comply with this right;

(b) Ensure the consistent use of "Melanie Rooms" and continue to extend the Unités d'Accueil Pédiatrique Enfants en Danger, which provide comprehensive systems for hearing and caring for child victims and increase the public funding allocated to these initiatives;

(c) Conduct regular in-depth continuing education of professionals working with and for children, including in the justice system, on the right of the child to be heard, and awareness raising programs for the general public;

(d) Promote meaningful and empowered participation of all children within the family, communities and schools and increase involvement of children in the monitoring, implementation and evaluation of public decisions, policies and plans that affect them;

(e) While noting the positive practice of the regular exchanges between delegations of children with the Prime Minister, strengthen children's bodies such as children's councils, the Children's Parliament, Youth Policy Council, the children's college of the High Council for Family, Childhood and Age and ensure that they are provided with a meaningful mandate and adequate human, technical and financial resources, in order to facilitate children's effective engagement with national legislative processes on issues that affect them.

## C. Civil rights and freedoms (arts. 7, 8, and 13-17)

### Birth registration, nationality and right to identity

20. Taking note of target 16.9 of the Sustainable Development Goals on providing legal identity for all, including birth registration, the Committee recommends that the State party:

(a) Continue its efforts of improving registration of births in the Overseas Territories;

(b) Ensure that children born through assisted reproduction technologies have access to information about their origins below the age of 18, when they make such a request;

(c) Re-consider the exceptional regime in accessing nationality for children in Mayotte and consider ratifying the 1997 European Convention on Nationality and the 2009 Council of Europe Convention on the avoidance of statelessness in relation to State succession.

### Right to privacy

21. While noting that the Act for a Digital Republic, No. 2016-1321 of 7 October 2016, establishes children's "right to be forgotten" at the request of a person concerned, the Committee recommends that the State party raise awareness of the public, in particular children, of the "right to be forgotten" on internet and monitor the implementation of the right. The Committee also notes the Act No. 2020-1266 of 19 October 2020, aimed at regulating the commercial exploitation of images of children under 16 years of age on online platforms, and recommends that the State party strengthen its implementation and digital education in schools by integrating it into the curriculum and training teachers on the use of new technologies. Furthermore, the Committee recommends that the State party ensure that the implementation of the Law of 2 March 2022, aimed at strengthening parental control over access to Internet, fully respects the children's rights to privacy.

#### Access to appropriate information

22. While noting the State party's information about the signing of a protocol of commitment on parental control between the Government and broadcasting and communication companies, the Committee recommends that the State party strengthen implementation of Articles 227-24 of the Penal Code and sanction sites for providing pornographic content with declaration of age only and block sites and networks offering pornographic content without checking the age of users. It also recommends that the State party ensure the availability of and access to adequate and age-appropriate information on matters related to children's rights and services available.

### D. Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39)

#### Cruel or degrading treatment or punishment

23. With reference to its general comment No. 13 (2011) on the right of the child to freedom from all forms of violence, and taking note of target 16.2 of the Sustainable Development Goals on ending all forms of violence against children, the Committee urges the State party to:

(a) Continue its efforts to end violence against children with intellectual and psychosocial disabilities and establish monitoring of psychiatric services provided to children with disabilities and include it into the next National Autism Strategy, which expired in 2022;

(b) Strengthen measures to ensure that unaccompanied children in transit, in particular in Calais, are not subjected to cruel and degrading living conditions, the destruction of their shelters, the use of disproportionate police force and lack of protection measures.

#### Corporal punishment

24. While welcoming Law n° 2019-721 of 10 July 2019 prohibiting "ordinary educational violence", which amended article 371-1 of the Civil Code to include that parental authority is exercised without any physical or psychological violence, the Committee recommends that the ban be extended to its overseas territories, in particular in St Pierre et Miquelon. The Committee also recommends that the State party implement the ban in all settings, including in the home, schools and promote positive, participatory and non-violent forms of childrearing and discipline.

#### Abuse and neglect

25. The Committee notes the Plan to Combat Violence against Children (2020–2022), but regrets that this and previous plans have not been evaluated on the basis of data and more research on domestic violence against children. The Committee is seriously concerned about the reported increase in domestic violence against children, including young children, during lockdown due to the COVID-19 related pandemic and late and ineffective measures taken to prevent such violence due to lack of coordination and communication among responsible bodies.

26. With reference to its general comment No. 13 (2011) on the right of the child to freedom from all forms of violence and taking note of target 16.2 of the Sustainable Development Goals, the Committee urges the State party to:

(a) Carry out an evaluation of plans to combat violence against children, which should inform the development and adoption of the new plan of action, including collection of data on all cases of domestic violence against children, and undertaking a comprehensive assessment of the extent, causes and nature of such violence;

(b) Further strengthen awareness-raising and education programmes — including campaigns — with the involvement of children, in order to streamline and

**report cases of violence against children, including on the use of the 119 national child protection hotline;**

**(c) Ensure the increase of human, technical and financial resources for the prevention of violence, clearly define competencies among various actors involved in child protection with varying degrees of overlapping mandates and ensure effective coordination and communication among them.**

#### **Sexual exploitation and abuse**

27. The Committee notes the Act No. 2021-478 of 21 April 2021 on the Protection of Children against Sexual Felonies and Misdemeanours and Incest, which introduces a mechanism for extending statutes of limitations in order to deal with acts committed by a single perpetrator against several victims, and the establishment and the work carried out by the Independent Commission on incest and sexual violence against children (CIVISE) and a commission to investigate sexual abuse of children by the French Catholic Church. However, the Committee remains seriously concerned about reports of:

(a) Disproportionately low number of convictions for cases of sexual abuse perpetrated by members of the religious personnel of the Catholic Church when compared to the reports of the large scale of abuse and few awards of compensation to the victims;

(b) Lack of a child-friendly and multi-sectoral approach in the investigations of child sexual abuse, including in the circle of trust such as religious personnel of the Catholic Church;

(c) Limited statute of limitations given the fact that some of the crimes were committed decades ago;

(d) Limited measures to combat online sexual exploitation and abuse of children;

(e) Lack of overall data on cases of child sexual abuse.

28. **The Committee urges the State party to:**

(a) **Continue its efforts to ensure that all cases of sexual abuse of all children under 18 years of age are reported, investigated and prosecuted, including abuses perpetrated by those in the circle of trust, such as personnel of the Catholic Church;**

(b) **Apply a child-friendly and multisectoral approach in the investigation of child sexual abuse, including by avoiding re-traumatisation of victims by ensuring evidence based forensic interviewing and appropriate trauma focussed therapy;**

(c) **Continue to ensure that audio-visual recordings are consistently accepted as evidence in court hearings and consider an arrangement in which cross-examination can take place without delay during the pre-trial stage so that child victims do not need to give their testimony in court;**

(d) **Ensure appropriate remedies and support for children who are victims of sexual abuse, and that they are provided with adequate compensation;**

(e) **Strengthen measures of protection for children above the age of 15 years who are or at risk of becoming victims of sexual exploitation;**

(f) **Implement the findings of the independent commission on sexual abuse in the Church (*Commission indépendante sur les abus sexuels dans l'Église*), and the independent national body for recognition and reparation (*Instance nationale indépendante de reconnaissance et de réparation*) established by religious institutions and if necessary, establish a State-led independent inquiry into the violations;**

(g) **Eliminate the statute of limitation for reporting a crime of sexual abuse of children;**

(h) **Strengthen its efforts to detect, investigate and combat online sexual exploitation and abuse of children;**

(i) **Ensure collection of data on all cases of child sexual abuse and exploitation.**

### Sexual abuse by members of the French military

29. The Committee is concerned about the slow pace and lack of follow-up to allegations of sexual abuse and exploitation made against French soldiers operating abroad and regrets the insufficient information provided on the outcome of the procedures initiated after such allegations in the Central African Republic, which were dismissed. The Committee recommends that the State party ensure that the ongoing investigation which opened in 2016 is concluded without further delay. The Committee also recommends that the State party provide continuous support to child victims, including psychosocial support, monetary compensation or other reparations and strengthen preventive measures to ensure that the rights of children are respected and protected.

### Harmful practices

30. While noting the National Action Plan to Eradicate Female Genital Mutilation (2019–2022), the Committee refers to its joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child on harmful practices (2014), takes note of target 5.3 of the SDGs, and recommends that the State party:

(a) Continue its efforts to eliminate female genital mutilation by evaluating the implementation of the national plan, and by continuing to increase awareness among girls at risk, communities, medical professionals, social workers, police officers, gendarmes, and magistrates;

(b) Provide adequate social, medical and psychological services, counselling and support to intersex children and their families and ensure that children's consent is sought, to the greatest extent possible, in decision-making about their treatment and care, and that no child is subjected to unnecessary surgery or treatment;

(c) Educate and train medical and psychological professionals on the range of sexual, and related biological and physical diversity and on the consequences of unnecessary surgical and other medical interventions for intersex children.

## E. Family environment and alternative care (arts. 5, 9-11, 18 (1) and (2), 20-21, 25 and 27 (4))

### Family environment

31. The Committee notes the national strategy to support parenthood for 2018-2022 and recommends that the State party:

(a) Take measures to evaluate its implementation and strengthen the coordination and visibility of parenting support systems, throughout its territory;

(b) Continue to increase funding for early intervention and support to families in difficult situations, in particular single-parent families, isolated families or families living in precarious situations, including through appropriate training for social workers, judges and other relevant professionals;

(c) Replace the term "parental authority" with "parental responsibility" or a similar term, in line with children's rights, in its legislation and policies.

### Children deprived of a family environment

32. The Committee regrets the insufficient measures taken towards deinstitutionalization, and to guarantee the safety of children and respect for their rights in institutions. The Committee is also seriously concerned about the following:

(a) Decisions about placement of children are taken without prior participation of families;



(b) Placement of children in foster families is disruptive, and changes in foster families are frequent, disregarding children's attachment to foster parents;

(c) Execution of court decisions for protection of children living in precarious situations is excessively delayed;

(d) Reports of cases of violence against and ill-treatment and neglect of children in institutions, particularly young children;

(e) "Projects for the child" as envisaged under the law of 14 March 2016 are not deployed in some parts of the State party.

**33. Drawing the State party's attention to the Guidelines for the Alternative Care of Children (see General Assembly resolution 64/142, annex), the Committee urges the State party to:**

(a) **Ensure that court decisions concerning the protection of children living in precarious and dangerous situations are executed immediately in order to prevent irreversible impacts on children's physical and mental health;**

(b) **Elaborate adequate safeguards and clear criteria, based on the needs as well as the best interests of the child, for determining whether children should be placed in alternative care, with considerations for their emotional attachments;**

(c) **Facilitate family-based care for children wherever possible, and strengthen a system of foster care for children who cannot stay with their families;**

(d) **Ensure that the National Observatory for Child Protection and the Departmental Observatories for Child Protection collect updated data and continuously publish time limits for the execution of judicial decisions by departments;**

(e) **Ensure periodic review of the placement of children in foster care and institutions, and monitor the quality of care therein, including by providing child-friendly accessible channels for reporting, monitoring and remedying maltreatment of children;**

(f) **Carry out prompt and effective investigations into all allegations of violence against and ill-treatment and neglect of children in institutions, with a special focus on young children, and bring those responsible to justice;**

(g) **Extend the "project for the child" as envisaged under the law of 14 March 2016 throughout the territory of the State party.**

#### **Intercountry adoption**

**34. Taking note of recent studies and research, in particular the Historical Study on Illicit Intercountry Adoption Practices in France, the Committee recommends that the State party:**

(a) **Ensure that the principle of the best interests of the child is the paramount consideration in intercountry adoptions and to prevent the abduction, sale and trafficking of children;**

(b) **Ensure that all children, including those who were adopted long time ago, are provided with assistance in accessing information about their origins.**

## **F. Children with disabilities (art. 23)**

35. The Committee notes the Act No. 2019-791 of 26 July 2019 on Trusted Schools, which provides for strengthened inclusive education for children with disabilities, and the Cap école inclusive (Towards an Inclusive School) platform, which has been online since the start of the 2019/20 academic year. Nevertheless, despite the increase in the number of children with disabilities in mainstream schools, the Committee remains seriously concerned that:

- (a) The number of professionals to support and accompany children with disabilities in their education in schools remain insufficient;
- (b) Despite the recent freeze, a number of children continue to receive assistance in neighbouring countries;
- (c) Children with disabilities continue to suffer from discrimination, including in education due to the insufficient reasonable accommodation, in particular in overseas territories and rural areas;
- (d) Children with disabilities, in particular children with autistic spectrum disorders, continue to be institutionalized;
- (e) Early diagnosis of children with disabilities, especially those with autistic spectrum disorders, remains insufficient.

36. **With reference to its general comment No. 9 (2006) on the rights of children with disabilities, the Committee urges the State party to adopt a human rights-based approach to disability, set up a comprehensive strategy for the inclusion of children with disabilities and:**

- (a) **Strengthen the training and increase the number of specialized teachers and professionals in integrated classes providing individual support and all due attention to children with learning difficulties, including through extension of the Cap Ecole Inclusive platform throughout the State party's territories;**
- (b) **Take measures to promote and provide for inclusion of children with disabilities in all areas of life, and improve accessibility of inclusive schools, in particular in overseas territories and in rural areas;**
- (c) **Take measures to decrease placement of children with disabilities in institutions and ensure regular monitoring of such institutions;**
- (d) **Take immediate measures to ensure that children with disabilities, in particular children with autistic spectrum disorders, have access to health care, including early detection and intervention programmes.**

## **G. Basic health and welfare (arts. 6, 18 (3), 24, 26, 27 (1)-(3) and 33)**

### **Health and health services**

37. **While noting the "First 1,000 Days" plan covering pre-natal and post-natal care for maternal and child protection, the Committee refers to its general comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health, takes note of target 3.1 and 3.2 of the Sustainable Development Goals, and recommends that the State party:**

- (a) **Implement the "First 1,000 Days" plan based on realistic and attainable goals;**
- (b) **Put in place appropriate support so that children born into the most disadvantaged families benefit from a conducive and secure environment, both physically and emotionally;**
- (c) **Increase efforts to reduce existing disparities in access to health-care services for children and mothers in the overseas departments and territories;**
- (d) **Address deficiencies in resources and medical staff, services and structures, particularly at school and in maternal and child welfare protection centres, and consider the specific needs of children, especially children living in the overseas departments and territories, and in informal settlements.**

### **Mental health**

38. **Taking note of target 3.4 of the Sustainable Development Goals, the Committee recommends that the State party:**

(a) Draw up an inventory of the epidemiological situation related to the mental health among children in France and develop a national strategy for the mental health of the child, with a specific focus on children in vulnerable situations, including children in judicial and youth protection system;

(b) Develop safeguards for the hospitalisation of children in mental health establishments, prohibit their placement in isolation rooms and in adult units of mental health establishments, develop outpatient services and multi-purpose child psychiatric centres and increase the number and resources of paediatric and child psychiatric units;

(c) Undertake a situational analysis to identify and map out causative factors for suicide particularly among adolescents and ensure effective prevention services including mental health services;

(d) Continue strengthening its measures to address insomnia among children;

(e) Increase the number of professionals working in the area of mental health of children, such as child psychiatrist, psychologists and others.

#### **Adolescent health**

39. With reference to its general comment No. 4 (2003) on adolescent health and general comment No. 20 (2016) on the implementation of the rights of the child during adolescence, the Committee notes the National Strategy for Sexual Health for 2017-2030 and recommends that the State party strengthen the implementation of the national strategy and its law of 4 July 2001 providing for sexual and reproductive health education in schools. The Committee also recommends that the State party ensure regular monitoring and evaluation of the frequency and quality of such education throughout its territories.

#### **Impact of climate change on the rights of the child**

40. The Committee draws attention to target 13.5 of the Sustainable Development Goals and recommends that the State party adopt and implement more ambitious mitigation targets as well as increase children's awareness and preparedness for climate change and natural disasters by incorporating it into the school curriculum and teachers' training programmes, especially in its overseas territories that are particularly vulnerable to consequences of climate change. The Committee also recommends that the State party take into account children's views in developing policies or programmes addressing the issues of climate change and disaster risk management.

#### **Standard of living**

41. The Committee takes note of the National Strategy to Prevent and Reduce Poverty 2018–2022, but regrets the insufficient information on the impact of the strategy on reducing poverty, in particular among children. The Committee also notes the Housing First and Homelessness plan for 2018-2022, but remains concerned about:

(a) The situation of an increasing number of children and families living in poverty, who were also worst affected by the COVID-19 pandemic, particularly children in families headed by single parents, children living in shantytowns and children living in "emergency accommodation" for long periods of time;

(b) The large gaps in the standard of living between the metropolitan France and overseas territories, in particular Mayotte;

(c) Limited access to safe drinking water and water pollution with chlordecone in some parts of the overseas territories, in particular in Guadeloupe, contributing to the public health emergency;

(d) Limited assistance to families with children with chronic illnesses who live in poverty.

42. The Committee draws attention to target 1.3 of the Sustainable Development Goals and recommends that the State party:

(a) Eradicate child poverty throughout its territory and allocate the necessary human, technical and financial resources to programmes to support those children and families in most need of support, particularly children and families affected by Covid-19 pandemic who are living in poverty, children in families headed by single parents or living in shantytowns, children in the overseas departments and territories and unaccompanied migrant children;

(b) Increase the number of social housing units intended for the most precarious families and develop transitional structures - from accommodation to housing - suitable for welcoming families with children;

(c) Adopt a multi-year programme for housing and accommodation with a specific focus on children and families;

(d) Provide children both in metropolitan France and overseas territories with adequate standards of living, in particular for children in Mayotte and urgently supply the population of Guadeloupe with drinking water pending the effective and complete repair of the water and sanitation systems and grant redress and compensation to all children harmed, in particular children affected by chlordecone contamination;

(e) Provide necessary assistance to families with children living with chronic illnesses, including by guaranteeing paid leave and financial assistance to parents caring for such children.

## H. Education, leisure and cultural activities (arts. 28, 29, 30 and 31)

### Education, including vocational training and guidance

43. While noting the measures taken by the State party to reduce the dropout rates and combat bullying in schools, and taking note of target 4.1 of the Sustainable Development Goals, the Committee recommends that the State party:

(a) Improve accessibility and the quality of education for children in disadvantaged and marginalized situations, including Roma children, unaccompanied migrant children, children living in precarious housing, who face numerous difficulties with regard to enrolling in ordinary schools and accessing school canteens;

(b) Take necessary measures to improve school enrolment and attendance in overseas territories of the State party, in particular Mayotte and French Guiana;

(c) Prevent dropout rates and absenteeism among children above 15 years of age, mostly foreign children, in French Guiana, including by providing courses adapted to needs and aspirations in isolated territories and providing adequate accommodation for those in need of boarding;

(d) Regulate the functioning of ad-hoc schools and monitor the quality and content of education therein;

(e) Develop and promote quality vocational training to enhance the skills of children and young people, especially those who drop out of school;

(f) Ensure that the school administration and professionals working in schools do not share the personal data of children and their families to any third party;

(g) Strengthen efforts to train education professionals on the identification and conduct to be adopted in the event of bullying at school and cyberbullying, and the distribution of tools to promote the prevention of such circumstances.

## I. Special protection measures (arts. 22, 30, 32-33, 35-36, 37 (b)-(d), 38, 39 and 40)

### Asylum-seeking and migrant children

44. The Committee regrets that despite its previous recommendations, the situation of asylum seeking and migrant children remains unchanged. It remains seriously concerned that the State party does not sufficiently consider the best interests of the child as a guiding principle in all initial assessment processes and subsequent arrangements. In particular, the Committee is deeply concerned about:

(a) The continuous detention of families with children and unaccompanied children in waiting zones in airports, and other administrative detention facilities with poor conditions that are not adapted for children and without judicial or administrative oversight;

(b) Arbitrary age assessment practices with continuous use of bone tests, despite the significant margin of error as confirmed by the Constitutional Council of the State party and the discretionary application of “manifest minority”;

(c) Inadequate access by unaccompanied children to child protection structures, legal representation, psychological support, social assistance, health and education, as well as shelter, especially in the Pas de Calais and Nord departments;

(d) Reported detention of unaccompanied children with adults, and reports of their removal, on the basis of an administrative decision.

45. **With reference to its General Comment No. 6 (2005) on treatment of unaccompanied and separated children outside their country of origin, and joint general comments No. 3 and No. 4 (2017) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families / No. 22 and No. 23 (2017) of the Committee on the Rights of the Child on the human rights of children in the context of international migration, the Committee urges the State party to immediately:**

(a) **Put an end to the detention of children on immigration grounds, including in waiting zones, with a view to eradicating this practice. The obligation to not deprive the child of liberty extends to the child's parents and requires that the authorities opt for non-custodial solutions for the whole family;**

(b) **Ensure that all alternatives to the detention of children be associated with strict safeguards and subject to effective external and independent monitoring;**

(c) **Align the age assessment procedure with the principle of presumption of minority and give the person the opportunity to challenge the outcome through a judicial procedure. While this process is underway, the young person should be given the benefit of the doubt and treated as a child - and therefore kept within a child protection system;**

(d) **Put an end to the use of bone tests as a method to determine the age of children, using instead other methods that are proven to be more accurate, including by recognition and reconstitution of civil status documents;**

(e) **Increase outreach activities, especially in Pas de Calais and Nord departments to provide information and guidance for unaccompanied children, and provide shelter and adapt their child welfare services to meet the specific needs of the region;**

(f) **Guarantee sufficient human, technical and financial resources throughout its jurisdiction to specialist and child-specific support, protection, legal representation, social assistance, and educational and vocational training of unaccompanied migrant children and build the capacities of law enforcement officials in this regard;**

(g) **Ensure that the best interests of the child are a primary consideration in all decisions and agreements in relation to asylum-seeking or migrant children.**

**Children in armed conflict**

46. The Committee welcomes the repatriation of a significant number of children from camps in the Syrian Arab Republic and recommends that the State party strengthen efforts to repatriate the remaining French children who continue to be held in camps and detention facilities in the Syrian Arab Republic as soon as possible and continue to provide returnees with appropriate rehabilitation and reintegration services.

**Administration of child justice**

47. While noting the new Juvenile Criminal Justice Code of 2021 and with reference to its general comment No. 24 (2019) on children's rights in the child justice system, the Committee urges the State party to bring its child justice system fully into line with the Convention and other relevant standards. In particular, the Committee urges the State party to:

(a) Raise the minimum age of criminal responsibility to at least 14 years and ensure that no child below that age is held responsible in a criminal law process in line with its general comment No.24;

(b) Ensure that all persons below the age of 18 years, including those above 16 years of age, are dealt by the specialized children's court and by specially trained judges;

(c) Promote non-judicial measures, such as diversion, mediation and counselling, for children accused of criminal offences and, wherever possible, the use of non-custodial sentences for children, such as probation or community service;

(d) Ensure that detention is used as a measure of last resort and for the shortest possible period of time and that it is reviewed on a regular basis with a view to its withdrawal;

(e) For the few situations where deprivation of liberty is justified as a measure of last resort, whether it is a pre-trial detention or as a sanction, ensure that children, in particular girls, are not detained in the same penitentiary institutions as adults and that detention conditions are appropriate for children and compliant with international standards;

(f) Limit the use of pre-trial detention on children and include a time limit;

(g) Systematically identify acts of violence, including through mechanisms for reporting violence that are easily accessible to children deprived of their liberty, and put in place tools and policies to reduce violence in places of deprivation of liberty;

(h) Ensure that the Government's report on the application of the 2021 Juvenile Criminal Justice Code due in September 2023, includes an assessment and analysis of the impact of the code on the rehabilitation, care and education of children, on the incarceration rate of children, and reconsider the possibility of merging all its legislation concerning children into a comprehensive children's code.

**Follow up to the Committee's previous concluding observations on the Optional Protocol on the sale of children, child prostitution and child pornography**

48. The Committee welcomes the launch of the First National Plan to Combat Child Prostitution on 15 November 2021, and with reference to its 2019 Guidelines on the implementation of the Optional Protocol, it recommends that the State party:

(a) Ensure that the national legislation includes a definition of "sale of children";

(b) Accelerate the establishment of the National Victim Identification and Referral Mechanism for victims, including online victims, of offences under the Optional Protocol;

(c) Ensure effective implementation of the Law No. 2017-399 of 27 March 2017, on the duty of vigilance of parent companies and contracting companies, with regard to offences under the Optional Protocol, and include provisions for liability of legal persons.

Follow up to the Committee's previous concluding observations on the Optional Protocol on children in armed conflict

49. The Committee notes the information provided by the State party that the conscription or enlistment of children into the armed forces or armed groups or their use to participate actively in hostilities is punishable by 20 years' imprisonment, including for the voluntary enrolment of children under the age of 15. The Committee recommends that the State party formally raise the age of all recruitment into the armed forces, with a view to withdrawing its declaration in this regard. It also recommends that the State party establish extraterritorial jurisdiction over crimes prohibited by the Optional Protocol.

## **J. Ratification of international human rights instruments**

50. The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

## **K. Cooperation with regional bodies**

51. The Committee recommends that the State party continue its cooperation with the Council of Europe on the implementation of the Convention and other human rights instruments, both in the State party and in other Council of Europe member States.

## **V. Implementation and reporting**

### **A. Follow-up and dissemination**

52. The Committee recommends that the State party take all appropriate measures to ensure that the recommendations contained in the present concluding observations are fully implemented. The Committee also recommends that the combined sixth and seventh periodic reports and the present concluding observations be made widely available in the languages of the country.

### **B. National Mechanism for Reporting and Follow-up**

53. The Committee recommends that the State party strengthen its standing government structure to coordinate and prepare reports to and engage with international and regional human rights mechanisms, and to coordinate and track national follow-up to and implementation of treaty obligations and the recommendations and decisions emanating from the mechanisms. The Committee emphasizes that such a structure should be adequately and continuously supported by dedicated staff and should have the capacity to consult systematically with the *Commission nationale consultative des droits de l'homme* and civil society.

### **C. Next report**

54. The Committee will establish and communicate the due date for the combined eighth and ninth periodic reports of the State party in line with a future predictable reporting calendar on the basis of an eight-year review cycle and following the adoption of a list of issues and questions prior to reporting, if applicable, for the State party. The report should not exceed 21,200 words. In the event that a report exceeding the

**established word limit is submitted, the State party will be asked to shorten the report. If the State party is not in a position to review and resubmit the report, translation thereof for the purposes of consideration by the Committee cannot be guaranteed.**

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