



Convention on the Rights of the Child

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Committee on the Rights of the Child

List of issues prior to submission of the sixth periodic report of France*

1. The State party is requested to submit in writing the information requested below (21,200 words maximum), if possible before 15 February 2022. The replies should take into consideration the Committee's previous recommendations contained in its concluding observations¹ adopted on 29 January 2016. The Committee may take up all aspects of children's rights set out in the Convention and the Optional Protocols thereto during the dialogue with the State party.

I. New developments

2. The Committee requests the State party to provide:

(a) Information on the adoption or reform of laws, policies and programmes and any other type of measures taken, such as the creation or reform of institutions, that are significant for the implementation of the Convention, the Optional Protocol thereto on the involvement of children in armed conflict and the Optional Protocol thereto on the sale of children, child prostitution and child pornography;

(b) Information, as appropriate, on measures taken to ensure the protection of the rights of children in the context of the COVID-19 pandemic and to mitigate the adverse impacts of the pandemic, in view of the statement of the Committee of 8 April 2020 on the effects of the COVID-19 pandemic on children;

(c) Any other information that the State party considers relevant in this regard and that is not covered in the replies to the questions below, including information on opportunities and challenges faced.

3. The Committee also requests the State party to provide information on how a child rights-based approach is integrated into the planning, implementation and monitoring of measures for achieving the Sustainable Development Goals, including with regard to the participation of children and data collection, and how such measures promote the realization of children's rights under the Convention and the Optional Protocols thereto.

* Adopted by the pre-sessional working group intersessionally on 29 October 2020.

¹ CRC/C/FRA/CO/5.



II. Rights under the Convention and the Optional Protocols thereto

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

Reservations

4. Please provide information on any steps taken to review the State party's reservation to article 30, and its interpretative declarations in relation to articles 6 and 40, of the Convention.

Legislation

5. Please provide information on the existence of a child-rights impact assessment procedure for all new legislation adopted at the national and subnational levels. Please also indicate how the State party promotes the remedies offered under the Optional Protocol on a communications procedure among childcare professionals and among children themselves.

Comprehensive policy, strategy and coordination

6. Please provide information on: (a) the measures taken to develop a comprehensive policy and strategy covering all areas of children's rights under the Convention; (b) the mechanism for the monitoring and evaluation of such a policy and strategy, as well as its main findings; and (c) how the State party ensures that sufficient resources are allocated to implementing public policies in favour of children, while ensuring equality throughout metropolitan France and the overseas territories, to improving interministerial coordination, and to harmonizing policies relating to the rights of the child at national and local levels.

Allocation of resources

7. Please explain how the national child protection strategy (2020–2022) aligns with other plans and strategies in progress, many of which also concern children (such as the strategy to prevent and combat poverty). Please also provide information on: (a) plans to increase the resources and budgets allocated to prevention and child protection services; (b) sources of funding, given that the 2019 budget bill did not provide for additional resources for child protection; and (c) measures taken to establish a system that enables the identification of budget allocations to and expenditure on children by specific ministries so as to guarantee an objective assessment of the adequacy and effectiveness of public expenditure on children.

Data collection

8. Please inform the Committee about the efforts made to improve data collection to ensure that it covers all areas of the Convention. In particular, please provide information on the concrete measures taken to develop an integrated system for examining the situation of children in the State party through a comprehensive analysis of the data that are currently collected by different entities. Please also provide information on the measures taken to improve the collection and analysis of data on children under the age of 5 and children in contact with the child justice system, including child victims and witnesses of violence.

Independent monitoring

9. Please update the Committee on the measures taken or envisaged to provide the office of the Defender of Rights with additional resources to ensure its ability to fulfil its mandate to defend and promote children's rights, in particular concerning the monitoring of the Convention.

Children's rights and the business sector

10. Regarding 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, please explain what the State party is doing to promote their implementation as regards ensuring respect for children's rights. Please also indicate the measures taken to establish the criminal liability of parent companies for violations of human rights, in particular the rights of the child, committed by their subsidiaries abroad.

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

Non-discrimination

11. Please provide information on: (a) the regulatory measures that the State party intends to take to ensure equal access to sports, leisure activities and culture for all children, in particular children with disabilities; (b) public expenses linked to sports and cultural activities, disaggregated by gender; and (c) measures taken to ensure respect for the principle of non-discrimination in the procedures that use algorithms for assigning students to higher education institutions.

Best interests of the child

12. Please inform the Committee about the measures taken to ensure that the best interests of the child are a primary consideration when drafting, adopting and reviewing legislation and policies that have an impact on the enjoyment of children's rights. Please provide information on the development, and dissemination to all relevant professionals, of policies, procedures, criteria and guidance to determine and consistently apply the best interests of the child as a primary consideration in programmes and in administrative and judicial proceedings concerning children.

Right to life, survival and development

13. With reference to the Committee's previous concluding observations,² please provide information on measures taken to stop the phenomenon of child deaths resulting from child abuse. Please inform the Committee about initiatives that will oblige all judges to systematically raise the issue of revocation of parental authority when parents are convicted of a serious offence against one or more of their children, and initiatives to stipulate expressly in law that the best interests of the child must take precedence over all other considerations in such decisions.

Respect for the views of the child

14. Please explain how the national child protection strategy (2020–2022) will be implemented in practice, in particular with regard to the objective of ensuring respect for the child's opinion in all the procedures that concern her or him. Please also: (a) provide information about the rules and procedures adopted by the judicial and administrative authorities to guarantee the right of children to be heard in any decision affecting them, including in civil and criminal courts, migration and asylum-seeking processes and institutionalization contexts; (b) provide information about measures in place to guarantee the right to be heard, particularly with regard to children in institutions and foster care; and (c) indicate whether all relevant professionals, particularly teachers and child rights representatives, are provided with training on the right of the child to be heard.

C. Civil rights and freedoms (arts. 7–8 and 13–17)

Birth registration and nationality

15. Please inform the Committee about concrete measures envisaged by the State party to ensure that children born of surrogacy abroad are recognized as having full parentage in accordance with the case law of the European Court of Human Rights. Please also indicate whether the State party is considering ratifying the European Convention on Nationality and

² CRC/C/FRA/CO/5, para. 28.

the Council of Europe Convention on the Avoidance of Statelessness in Relation to State Succession.

Right to know and to be cared for by one's parents, and right to identity

16. Please provide information on the steps taken to identify the root causes of child abandonment at birth, and to develop and implement a comprehensive strategy to address these root causes. Please provide information on the progress and content of the bill relating to bioethics, in particular regarding the right of children to know their origins. Please indicate any planned measures to ensure that children born through gestational surrogacy abroad can obtain full legal recognition of the parent-child relationship.

Right to privacy

17. In view of the Law for a Digital Republic of 7 October 2016, which provides for a right to be forgotten specific to children, an accelerated procedure for the exercise of this right and the erasure, as soon as possible, of problematic data, please indicate how children are made aware of the right to be forgotten, and how the effectiveness of the procedures put in place to fulfil this right can be assessed. Please inform the Committee about progress on the legislative proposal dated 17 December 2019 on the regulation of commercial use of images of children online, and provide information on any other plans to update or draft legislation concerning children's activity online.

Access to appropriate information

18. Please provide information on measures the State party intends to take to effectively protect children from access to inappropriate content, in particular sexualized images of children or food marketing in the media, including in advertising relayed through various digital media.

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

Torture and other cruel or degrading treatment or punishment

19. In relation to children with autism, please provide information on controls in place in specialized establishments to end the use of ineffective and abusive treatment, to prevent its recurrence, and to encourage good practices. Please indicate the strategies implemented to reduce their placement in specialized institutions.

Freedom of the child from all forms of violence

20. Please comment on the results of the previous interministerial plan for mobilization to combat violence against children (2017–2019). In light of the new interministerial plan in the same area (2020–2022), please inform the Committee about the creation of a national database on all cases of violence against children, the development of guidelines, protocols and referral mechanisms tailored to child victims and child witnesses of violence, and the holding of awareness-raising and education programmes to empower children to protect themselves and other children from violence.

Sexual exploitation and abuse

21. Please provide information on:

(a) The investigation and prosecution of cases of sexual abuse by clergy members, and punishment imposed on perpetrators; information on the statute of limitations in such cases; redress, including compensation and rehabilitation; and the steps taken to protect children from sexual abuse by clergy members;

(b) The measures taken to protect children from online sexual exploitation and abuse;

(c) The measures taken to establish child-friendly and multisectoral reporting and intervention mechanisms to address cases of sexual exploitation and abuse.

Sexual violence in the Central African Republic

22. Please provide information on the follow-up to the Committee's recommendations regarding the allegations that French soldiers have committed acts of violence and sexual exploitation against children in the Central African Republic.³ In particular, please provide information on: (a) mechanisms put in place to gather information on acts of abuse committed against children in the context of external operations, on possible prosecutions and on the follow-up of complaints; (b) investigations and prosecution of alleged perpetrators; (c) measures for providing care and support to child victims, compensation and other forms of reparation; and (d) preventive measures to ensure ongoing respect for and protection of children's rights.

Harmful practices

23. Please provide information about the extent and type of harmful practices to which children are exposed, and inform the Committee about the measures taken to:

- (a) Prevent and combat the practice of female genital mutilation;
- (b) Ensure that no intersex child is subjected to unnecessary surgery or treatment; to ensure that the child's free, prior and informed consent is obtained for necessary interventions; and to educate medical and psychological professionals on the negative consequences of unnecessary medical interventions on intersex children.

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

Family environment

24. In view of the law of 14 March 2016 on the protection of the child, which improved and supplemented the measures provided for in the law on the protection of the child of 2007, and the new national child protection strategy (2020–2022), please provide information on plans for the governance of child protection and related operational arrangements.

Children deprived of a family environment

25. Please provide information on measures taken towards deinstitutionalization, and to guarantee the safety of children and respect for their rights in institutions. Please indicate how the State party plans to tackle disruptions in the placement of children in foster families, and how it will ensure that parental assistance measures ordered by courts to protect children at risk are implemented as quickly as possible.

F. Children with disabilities (art. 23)

26. In view of the measures taken in 2019 in favour of inclusive schools, please indicate how the State intends to strengthen its actions so that children with disabilities can enjoy the same opportunities as other children, particularly in relation to education. Please provide information on: (a) training for teachers and education professionals in inclusive education and individualized support; (b) the creation of inclusive and accessible environments; and (c) measures envisaged to counter stereotypes associated with disability and to combat discrimination against children with disabilities.

27. Please provide information on the measures taken to: (a) ensure that the good practice recommendations and diagnostic recommendations that the national health authority issued in 2012 and 2018, respectively, are binding on professionals working with children with autism, and that only therapies and educational programmes in accordance with those recommendations be authorized and reimbursed; (b) ensure that children with autism are not subjected to forced institutional or administrative placements; and (c) ensure inclusive

³ Ibid., para. 46.

education of children with autism in the State party and avoid their placement in neighbouring countries' institutions.

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

Health and health services

28. Please provide information on:

(a) The follow-up given and resources allocated to the parliamentary report denouncing the major crisis in the area of maternal and child protection;

(b) The concrete results of the implementation of the health-care pathway for children receiving support from children's social assistance services;

(c) Mental health services for children, including those under judicial protection.

Adolescent health

29. Please provide an assessment of the implementation of the public policy on sexuality education, and its impact with regard to better identification of sexual violence, in particular by children themselves.

Standard of living

30. Please indicate any planned measures and time frames for evaluating the strategy to prevent and combat poverty (2018–2022), as well as measures to improve the standard of living of families raising children. Please indicate measures taken to ensure that children do not end up living on the streets.

H. Education, leisure and cultural activities (arts. 28–31)

Education, including vocational training and guidance

31. Please provide information on: (a) measures taken to reduce non-completion and repetition rates and to develop vocational education and vocational training for children who have left school without a diploma; (b) measures taken to reduce inequalities and promote social diversity; and (c) assessments of the application of measures to combat bullying at school, in particular on the various protocols available to school principals.

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

Refugee, asylum-seeking and migrant children

32. Please provide information on: (a) human, technical and financial resources allocated to the support and protection of, and legal representation and social assistance for, unaccompanied migrant children; (b) measures, in particular legal measures, taken to avoid the placement of unaccompanied migrant children in "waiting zones" at airports or hotels, or other administrative detention facilities, to provide adequate alternatives to deprivation of liberty, and to apply the principle of non-refoulement; and (c) measures taken to guarantee the right of all children, including children living in refugee camps, to be registered and to benefit from adequate health and educational services.

Children in the child justice system

33. Regarding the current reform of the criminal justice system for children, please indicate whether consistency and harmonization between civil and penal provisions is envisaged, for example on the concept of "discernment". Please indicate whether the reform will preserve the educational and rehabilitative aspects of the system. Please also indicate what measures have been taken to reduce the imprisonment of children and to encourage the implementation of alternatives to imprisonment, in particular measures to resolve the

particular problems arising in the detention of girls, and whether there are plans to implement any solutions to ensure that girls can be imprisoned in places dedicated to children.

J. Optional Protocol on the sale of children, child prostitution and child pornography

34. Please inform the Committee about the measures taken to implement its previous recommendations,⁴ including efforts to:

(a) Provide a definition of “sexual exploitation of children in prostitution” and “sale of children” in the penal law and ensure that children are explicitly protected against child pornography and child prostitution;

(b) Review legislation to ensure the identification and protection of child victims of sexual exploitation, and shift the burden of proof onto the alleged perpetrators;

(c) Strengthen the provision of free legal aid and psychological, medical and social support for child victims of offences prohibited under the Optional Protocol;

(d) Include trafficking in human beings in the initial and continuing training of all child protection professionals;

(e) Include provisions for the liability of legal persons in the Penal Code and to ensure the legal accountability of business enterprises operating in or managed from the State party, especially in the tourism industry.

K. Optional Protocol on the involvement of children in armed conflict

35. Please inform the Committee about the measures taken to implement its previous recommendations,⁵ including on progress made in:

(a) Criminalizing the recruitment and involvement of children in hostilities by the armed forces and non-State armed groups;

(b) Establishing a mechanism for the early identification of children, including asylum-seeking and refugee children, who may have been involved in armed conflict abroad, and to provide physical and psychological recovery and social integration services;

(c) Informing the Committee on measures that have been or will be taken in order to repatriate children held in camps in the north of the Syrian Arab Republic and to ensure their physical and psychological well-being.

III. Statistical information and data

36. The statistical information and data provided by the State party should cover the period since the consideration of its previous reports on the implementation of the Convention and the Optional Protocols thereto. The data should be disaggregated by age, sex, ethnic origin, national origin, type of disability, geographic location and socioeconomic status.

37. The provision of tables presenting trends over the reporting period is recommended, and explanations of or comments on significant changes that have taken place over the reporting period should also be provided.

⁴ CRC/C/FRA/CO/5.

⁵ CRC/C/OPAC/FRA/CO/1.

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

38. Please provide information on the budget lines regarding children and social sectors, indicating the amount allocated to each budget line and its proportion in terms of the total national budget.

B. Definition of the child (art. 1)

39. Please provide data, disaggregated as described in paragraph 36 above, on the number and proportion of children under 18 years of age living in the State party.

C. General principles (arts. 2–3, 6 and 12)

40. Please provide data, disaggregated as described in paragraph 36 above, on cases of discrimination affecting children, prosecutions brought before the courts under legislation governing non-discrimination and the sanctions imposed on perpetrators.

41. Please provide data, disaggregated as described in paragraph 36 above, on the number of children who attempted or died by suicide.

D. Civil rights and freedoms (arts. 7–8 and 13–17)

42. Please provide data, disaggregated as described in paragraph 36 above, on the number of stateless children.

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

43. Please provide data, disaggregated as described in paragraph 36 above, on:

(a) The number of cases of violence against children, including corporal punishment, reported to the authorities, investigated and prosecuted, and the sanctions imposed on perpetrators, disaggregated by type of offence;

(b) The number and type of protective measures provided for child victims of violence.

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

44. Please provide data, disaggregated as described in paragraph 36 above, on the number and proportion of families and children receiving economic and other types of support services.

45. Please provide data, disaggregated as described in paragraph 36 above, on:

(a) The number of children in institutional care and average number of days of stay;

(b) The number of children in family- and community-based care.

G. Children with disabilities (art. 23)

46. Please provide data, disaggregated as described in paragraph 36 above, on:

(a) The number of children with disabilities;

(b) The number of children with disabilities living with their families and living in family- and community-based care;

(c) The number of children with disabilities in inclusive education and in separate schools;

(d) The number of reported cases of torture, inhuman or degrading treatment and neglect of, and sexual violence against, children with disabilities placed in institutions, the number of investigations and prosecutions carried out, and the sentences imposed on perpetrators.

H. Basic health and welfare (arts. 6, 18 (3), 24, 26, 27 (1–3) and 33)

47. Please provide data, disaggregated as described in paragraph 36 above, on:

(a) The number and proportion of children with health insurance;

(b) The number of paediatric and mental health services and professionals specialized in young children and adolescents, also disaggregated by region.

48. Please provide data, disaggregated as described in paragraph 36 above, on:

(a) The number of adolescent mothers;

(b) The number of children with drug and alcohol abuse problems;

(c) The number of sexual and reproductive health services available to adolescents, also disaggregated by region.

49. Please provide data, disaggregated as described in paragraph 36 above, on the number and proportion of children living under the poverty line and in extreme poverty.

I. Education, leisure and cultural activities (arts. 28–31)

50. Please provide data, disaggregated as described in paragraph 36 above, on:

(a) The number and proportion of children aged between 16 and 18 years not attending school;

(b) The number and proportion of children who have dropped out of school;

(c) The number of children in segregated classes in regular schools;

(d) The number and proportion of children accessing early childhood education and the average number of years of attendance;

(e) The number of children in public and private, including religious, schools.

J. Special protection measures (arts. 22, 30, 32–33, 35–36, 37 (b)–(d) and 38–40)

51. Please provide data, disaggregated as described in paragraph 36 above, and by country of origin and accompanied or unaccompanied status, on:

(a) The number of asylum-seeking and refugee children;

(b) The number of children in situations of migration;

(c) The number of asylum-seeking and refugee children and children in situations of migration who have been detained, including in waiting zones;

(d) The number of asylum-seeking and refugee children and children in situations of migration attending school and with access to health care.

52. Please provide data, disaggregated as described in paragraph 36 above, and by type of violation reported, on:

(a) The number of reported cases of trafficking in children, and the number of children involved;

(b) The number of such children who have been provided with access to rehabilitation programmes;

(c) The number and percentage of such cases that have resulted in sanctions, with information on the country of origin of the perpetrator and the nature of the penalties imposed.

53. Please provide data, disaggregated as described in paragraph 36 above, and by type of crime, on:

(a) The number of children being held in pretrial detention, such as in police cells, as well as the number of children in prison, and the average length of stay in detention facilities;

(b) The number of children referred to diversion and non-custodial sentencing options.

K. Optional Protocol on the sale of children, child prostitution and child pornography

54. Please provide data, disaggregated as described in paragraph 36 above, on:

(a) The number of reported cases of the sale of children, child prostitution and child pornography;

(b) The number of such cases that have been investigated, prosecuted and sanctioned;

(c) The number of child victims of such crimes who have been provided with recovery assistance or compensation.

L. Optional Protocol on the involvement of children in armed conflict

55. Please provide data, disaggregated as described in paragraph 36 above, on:

(a) The number of asylum-seeking and refugee children entering the State party from areas where children may have been recruited or used in hostilities;

(b) The number of such children who benefit from physical and psychological recovery and social reintegration measures.
