



# Convention on the Rights of the Child

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Committee on the Rights of the Child

## Combined sixth and seventh periodic reports submitted by France under article 44 of the Convention, due in 2021<sup>\*</sup>, <sup>\*\*</sup>

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\* The present document is being issued without formal editing.

\*\* The annexes to the present report may be accessed from the web page of the Committee.



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## I. New developments

### Reply to the questions raised in paragraph 2 (a) of the list of issues prior to submission of the combined sixth and seventh periodic reports of France (CRC/C/FRA/QPR/6-7)

1. Since 2017, the Government has been working to strengthen the effectiveness of the public child protection policy. To this end, in January 2019 a Secretary of State for Child Protection was appointed to work under the Minister of Solidarity and Health. The Secretary of State is responsible for coordinating this public policy at the national level and works in conjunction with the Interministerial Delegation to Prevent and Reduce Poverty among Children and Young People, created in October 2017. The Secretary of State's responsibilities were expanded to include children and families in July 2020.
2. In June 2019, a new Pact for Childhood was adopted following a national consultation and work involving numerous government ministries. It is built on three pillars: combating all forms of violence against children; acting upstream to better support families; and guaranteeing the fundamental rights of protected children (see question 6 (a)).
3. As a complement to the Pact for Childhood, several plans of action have been launched: the Inclusive School Strategy (2019–2022); the National Strategy to Prevent and Reduce Poverty (2018–2022); the National Sexual Health Strategy (2017–2030); the National Autism Strategy (2018–2022); the Second National Plan to Combat Human Trafficking (2019–2021); the First National Action Plan to Eradicate Female Genital Mutilation (June 2019); and the First National Plan to Combat Child Prostitution (November 2021). The country's humanitarian strategy (2018–2022) recalls the commitment to strengthen the protection of children in armed conflict, consistent with the promotion of the Paris Principles and the Paris Commitments.
4. To support families, a development track for a child's first 1,000 days has been established, the length of paternity leave has been doubled to 28 days and a National Support Strategy for Parenting (2018–2022) has been adopted. Act No. 2022-219 of 21 February 2022, which was passed in order to reform adoption procedures, opened adoption up to unmarried couples and extended adoption to more children, with enhanced safeguards.
5. Regarding the protection of children specifically against violence, a three-year Mobilization Plan to Combat Violence against Children (2020–2022), following up on a plan begun in 2017 for three years, was launched in November 2019. It focuses on prevention, facilitation to make it easier for people to speak up, protection and support for young people, as well as repression of perpetrators. Several related national consultations have been held in parallel with this plan. These have included a national round table on marital violence (November 2019), a national convention for the prevention of sexual violence in sport (February 2020) and an interministerial working group to prevent and combat sexual violence in the family (July 2021).
6. The legislative framework had also been strengthened.
  - The statute of limitations has been extended to 30 years for sexual crimes committed against minors (Act No. 2018-703 of 3 August 2018 Strengthening the Fight against Sexual and Gender-based Violence)
  - The principle according to which "parental authority shall be exercised without physical or psychological violence" has been enshrined in the Civil Code (Act No. 2019-721 of 10 July 2019 on the Prohibition of Violence in Education)
  - The protection of children from exposure to pornographic content has been extended (Act No. 2020-936 of 30 July 2020 for the Protection of Victims of Marital Violence)
  - The commercial exploitation of children's images has been prohibited (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)
  - Act No. 2021-478 of 21 April 2021, aimed at protecting minors from sexual crimes and incest, reinforced this process, notably by establishing new offences that removed the possibility of invoking consent for sexual relations between an adult and a minor

under 15 years of age, or, in certain cases of incest, between an adult and a minor. It also provided more stringent penalties for certain sexual offences against minors and introduced a longer period for the statute of limitations under certain conditions. The creation of an independent commission on incest and sexual violence against children was announced by the President on 23 January 2021 and the commission was inaugurated on 11 March 2021 by Secretary of State Adrien Taquet. Its main cross-cutting theme is the collection of victims' testimonies

- Parental control over Internet access has been strengthened with the adoption of Act No. 2022-300 of 2 March 2022

7. Lastly, to better protect the most vulnerable children, France has adopted a National Child Protection Strategy (2020–2022) and redefined national and regional governance of child protection (Act No. 2016-297 of 14 March 2016 on Child Protection). The Child Protection Act, No. 2022-140 of 7 February 2022, includes many provisions to improve the situation of children who are either placed in care or are awaiting placement, to better protect children against violence and to better guide the child protection policy.

### **Reply to the questions raised in paragraph 2 (b) of the list of issues**

8. A plan for the continuation of the national 119 “Child in Danger” helpline has been set in motion, and additional resources have been allocated for this purpose as from March 2020. New mechanisms have been put in place, including a service to receive reports in writing and an alert system in pharmacies. A national awareness campaign, #EnfanceEnDanger, has also been conducted. A real-time survey of the operation of the child welfare services was conducted in the spring of 2020 by the Ministry of Solidarity and Health to assess the impact on children of the pandemic and of lockdown measures.

9. During the pandemic, administrative and judicial procedures relating to children were ensured as previously. Judges and prosecutors were able to conduct hearings via videoconferencing, and child protection professionals were given priority status. Children under protective measures in the care of the child welfare services who reached the age of majority during the health emergency benefited from an extension of their placement and care orders.

10. The authorities kept the schools open as long as possible. As a last resort, schools were closed during the first wave, but a plan to maintain education activities was set in motion. The French Ministry of National Education has developed specific awareness-raising tools for children on the coronavirus disease (COVID-19). They have been made available in various formats (including with the use of computer graphics, educational platforms, books and games).

11. Parenting support services were able to continue, and a variety of resources were made available to parents. A publication entitled “Guide for Parents in Lockdown”, published in March 2020, addresses issues of domestic violence and cyberbullying of children, which worsened during the periods of confinement. A programme entitled “My Leisure Activities at Home”, developed by the Caisse nationale des allocations familiales (National Family Allowance Fund) (CNAF), offers ideas for activities and provides a full range of useful information for children. A specific toll-free number was set up in April 2020 to support parents in distress.

12. Targeted measures have been taken to address the needs of the poorest families. The scope of the free school breakfast programme, implemented since September 2019, was extended in March 2021. The Urgence Premiers Pas (First Steps Emergency) project was launched as a partnership between the Break Poverty Foundation and the Agence du Don en Nature (Gifts in Kind Agency) with the objective of distributing essential goods kits to parents with children in highly vulnerable circumstances, from birth to 3 years of age.

13. Specific measures have been taken to support children with disabilities. In schools closed for health reasons, teaching was ensured by distributing useful educational materials on the Cap école inclusive platform. To facilitate lip reading, schools, local inclusive education units and all classes with hearing-impaired students were given priority in

receiving windowed masks. Information materials were distributed to children with cognitive disabilities in Easy Read format.

14. At the international level, the French Development Agency (Afd) has redirected some of its funding to the education sector to support the government response plans and has been chosen to be the grant agent for the Global Partnership for Education (GPE) emergency funds in Burkina Faso, the Niger and Senegal. GPE, in which France is one of the main donors, mobilized nearly \$500 million in emergency funds to support partner countries that faced school closures as a result of the pandemic.

15. France encouraged the global coordination of actors engaged in education in order to overcome the education crisis through the Global Education Coalition set up by the United Nations Educational, Scientific and Cultural Organization (UNESCO) under the Sustainable Development Goal 4 Education 2030 High-level Steering Committee. In order to ensure the continuity of education activities during the pandemic, the ImaginEcole project was launched. It was implemented by UNESCO and Réseau Canopé, a French public agency, with financial support from France, and in partnership with the Conference of Ministers of Education of States and Governments of la Francophonie and the International Organization of la Francophonie (OIF). The project targets 10 French-speaking African countries as a priority.

#### **Reply to the questions raised in paragraph 3 of the list of issues**

16. France presented a comprehensive national review of implementation of the 2030 Agenda to the high level political forum on sustainable development in 2016. It conducted progress reviews in 2017, 2018 and 2019 and adopted a road map in September 2019 to achieve the sustainable development goals with an interrelated and cross-cutting perspective, integrating the rights of the child.

17. With regard to the achievement of the specific targets of the sustainable development goals, France holds the chairmanship of the Global Coordinating Group of Alliance 8.7, a global, multi-stakeholder partnership to eradicate child labour, forced labour, human trafficking and modern slavery. In this capacity, in 2019 it made a voluntary contribution of €2 million to the International Labour Organization (ILO), the organization that provides the secretariat for the Alliance. In November 2021, France, a pathfinder country of Alliance 8.7, launched a National Acceleration Strategy to eliminate child labour, forced labour, human trafficking and modern slavery by 2030, in partnership with the relevant administrations, business networks, the French social partners, non-governmental organizations (NGOs) and associations active in the field, and with European and international organizations.

18. In January 2020, France also became a pathfinder country in the Global Partnership to End Violence against Children, an ambitious international coalition working to achieve sustainable development goal 16.2,<sup>1</sup> thus demonstrating its strong political will and engagement in the work of the Global Partnership.

19. Lastly, Act No. 2021-1031 of 4 August 2021 on Solidarity in Development and the Reduction of Global Inequalities contributes to the promotion of human rights and the rights of the child in the work done by France in other countries.

## **II. Rights under the Convention and the Optional Protocols**

#### **Reply to the questions raised in paragraph 4 of the list of issues**

20. France maintains its reservation to article 30, as the reasons for its filing have not changed. Under article 1 of the Constitution, France is to “ensure the equality of all citizens before the law, whatever their origin, race or religion”.

21. France maintains its declaration relating to article 6, reaffirming that the proclamation of an inherent right to life must not be interpreted as prohibiting voluntary interruption of pregnancy under the conditions provided by law.

<sup>1</sup> End abuse, exploitation, trafficking and all forms of violence against and torture of children.

22. Since the adoption of Act No. 2000-516 of 15 June 2000, the declaration relating to article 40 no longer concerns only minor offences under the jurisdiction of police courts. The Act strengthened the protection of the presumption of innocence and the rights of victims and introduced an appeal in criminal matters.

23. This declaration is similar to the one filed by France in respect of article 14 (5) of the International Covenant on Civil and Political Rights.

**Reply to the questions raised in paragraph 5 of the list of issues**

24. In France, since 2009, before bills have been considered, a report explaining the reasons for their adoption and an impact assessment have had to be issued. France supports the remedies offered by the Optional Protocol on a communications procedure as part of its action to promote the Convention and raise awareness of it.

**Reply to the questions raised in paragraph 6 (a) of the list of issues**

25. The Pact for Childhood, mentioned above, is built on three pillars: the first of which is the “First 1,000 Days” strategy, which targets the key points in a child’s development (from the fourth month of pregnancy to the child’s second birthday), to better support parents and foster equality of opportunity; the second is based on the interministerial Mobilization Plan to Combat Violence against Children (2020–2022), which includes 22 measures (see question 20); and the third is based on the National Child Protection Strategy (2020–2022), for children benefiting from protective measures, to strengthen the prevention of violence, normalize the life paths of such children, listen more intently to their voices and promote their integration into society.

**Reply to the questions raised in paragraph 6 (b) of the list of issues**

26. Under the National Child Protection Strategy, the State has contracts with the departments to develop indicators for evaluating public action. The Strategy’s monitoring committee, which met on 19 June and 27 November 2020, took stock of the progress made through the Strategy’s measures. The interministerial Mobilization Plan to Combat Violence against Children has led to significant progress in making the 119 hotline mentioned above more accessible and responsive, in strengthening punishment of the use of child pornography and in reinforcing monitoring in sports environments. The 22 measures that are part of the plan are regularly monitored.

27. The statistical services of the ministries concerned collect data, which is supplemented by data from public institutions (the National Institute of Statistics and Economic Studies (INSEE) and the National Institute for Demographic Research (INED)), as well as by the opinions issued by the Defender of Rights and the National Advisory Commission on Human Rights (the national human rights institution). Every year, the National Child Protection Observatory submits a report to the Parliament and the Government presenting the figures on child protection for the previous year.

**Reply to the questions raised in paragraph 6 (c) of the list of issues**

28. The State budget is presented with a breakdown of appropriations as missions, programmes and actions, according to the purposes of the expenditures. Funds allocated for children are distributed across the various programmes that have an impact on this category of the population. Resources are distributed equitably throughout the country, including in the overseas territories, with exceptional contributions paid to the departments receiving the largest number of unaccompanied minors (see question 7 of the report).

29. Several ministries are involved in the implementation of the Convention at the national level: the Ministry of Solidarity and Health (Directorate General for Social Cohesion), the Ministry of National Education, Youth and Sports and the Ministry of Justice. Coordination of activities related to the implementation of the Convention at the international level is carried out by the General Secretariat of the Ministry for Europe and Foreign Affairs, pursuant to Decree No. 2017-634 of 25 April 2017. As policies related to children involve a number of ministries, their overall coordination is carried out under the authority of the Prime Minister.

30. The creation in 2015 of a Council for Children and Adolescents, when the High Council for the Family, Children and the Elderly was set up, reporting to the Prime Minister, is the Government's response to the Committee's request to set up a body to guarantee a comprehensive, coherent and ambitious strategy for children. Article 69 of Act No. 2015-1778 of 28 December 2015 establishes that this Council is to draw up proposals for the priority objectives of public policies for children, including "with regard to respect for the country's international commitments, in particular under the Convention on the Rights of the Child" and that it "issues opinions on any draft laws or ordinances concerning them, and may ensure follow-up".

31. The Secretary of State for Children and Families is responsible for coordination at the national level, in conjunction with the Interministerial Delegation to Prevent and Reduce Poverty among Children and Young People. Fundamental rights such as the right to education, the right to the judicial authority's protection and the right to be heard are guaranteed by the State. The rights related to social benefits are exercised indirectly with social security organizations such as the Caisse nationale d'allocations familiales (CNAF). Local child protection policies are the responsibility of the child welfare services, which are managed by the respective departmental councils.

#### **Reply to the questions raised in paragraph 7 of the list of issues**

32. Complementary to the Pact for Childhood are other cross-cutting strategies: the National Strategy to Prevent and Reduce Poverty (2018–2022); the National Support Strategy for Parenting (2020–2022); the National Health Strategy (2018–2022), which is broken down into thematic strategies (sexual health, mental health); the Sport and Health Strategy (2019–2024); the National Strategy on Autism (2018–2022); and the Inclusive School Strategy (2019–2022). The First National Action Plan to Eradicate Female Genital Mutilation, of June 2019, and the Second National Plan to Combat Human Trafficking (2019–2021) also include measures related to children.

#### **Reply to the questions raised in paragraph 7 (a) of the list of issues**

33. Every year, €8 billion are invested in child protection. These allocations have increased in recent years to meet the needs of the most vulnerable children. The National Child Protection Strategy (2020–2022) makes provision for an additional €80 million for the French departments. Additional funding was allocated for health screening that became mandatory for children in protective custody under the 2020 social security (health insurance) budget; nearly €10 million was invested to facilitate their access to care. In the 2021 Budget Act, €120 million was dedicated to this strategy, an increase over the level in 2020. In addition, €5 million was earmarked for measures under the Plan to Combat Violence against Children and the "First 1,000 Days" plan.

34. The State also made provision for additional resources, through the 2020 Budget Act, in the area of justice, to train 70 new judges and 100 court clerks to ensure juvenile justice reform. France has also increased its resources for the care of unaccompanied minors.

35. Lastly, the funding for the shelter, assessment and referral system was reformed by a decree issued on 28 June 2019. The State's compensation for the expenses incurred by the departments in assessing and providing shelter to unaccompanied minors has increased from €1,250 to €1,940 per young person. In 2018, the State made an exceptional contribution to cover child welfare expenses for departments that received additional numbers of unaccompanied minors (€12,000 per additional young person). This exceptional contribution was then renewed in 2019 and 2020 (€6,000 per additional young person).

#### **Reply to the questions raised in paragraph 7 (b) of the list of issues**

36. The 2020 and 2021 Budget Acts provided additional resources for child protection (see question 7 (a)).

#### **Reply to the questions raised in paragraph 7 (c) of the list of issues**

37. Cross-cutting policy documents (see annex) on youth policy (in the 2021 Budget Act) address issues related to children. They take into account a population ranging from the age

of 3 (first schooling) to 30 (the limit applied by European programmes), with a core age range of 6 to 25 years. They present the strategy for the cross-cutting policy (main themes, objectives and performance indicators); a detailed presentation of the State's financial engagement to the cross-cutting policy over three years (2019 to 2021); and a presentation of how each budget programme contributes to the cross-cutting policy.

#### **Reply to the questions raised in paragraph 8 of the list of issues**

38. INSEE and the statistical services of the ministries are the main sources of data for assessing demographics and public policies relating to children.

39. INSEE is in charge of collecting civil status data on children's characteristics from the population census and information on their standard of living, housing, poverty and living conditions. The statistical service of the Ministry of Solidarity and Health, the Directorate for Research, Studies, Evaluation and Statistics (DREES), conducts annual, five-yearly and ad hoc surveys to collect data on children's health, custodial and childcare arrangements, care for children with disabilities, child welfare measures and social benefits. The Ministry of National Education and its statistical services regularly produce studies related to childhood, schooling, intellectual and cognitive development, sports and access to third places. The Ministry of Culture conducts surveys on the cultural practices of children. The Ministry of the Interior records and describes the profiles of victims of offences and persons implicated in the judicial activities carried out by the police and the gendarmerie. This makes it possible to produce statistics on victims of violence by age, including during childhood, along with the results of victimization surveys relating to attacks in the past two years. Every year, the Ministry of Justice publishes data on juvenile justice, covering delinquency, minors in danger and the activities of the juvenile courts.

40. The French public health institute, Santé publique France, and the National Institute of Health and Medical Research, along with numerous university institutes, collect data on children's health and the prevalence of disability, prevention and behaviours placing children at risk. The French Monitoring Centre for Drugs and Drug Addiction analyses drug use from the age of 11. The Caisse nationale de l'assurance maladie (National Health Insurance Fund) (CNAM) and the Caisse nationale d'allocations familiale (National Family Allowance Fund) (CNAF) have an information system that makes it possible to analyse the situation of children, including children receiving care and children or families receiving benefits. The Directorate for the Protection of Young People in the Judicial System also has a research service on juvenile justice. Twice a year, the Interministerial Task Force on Accommodation and Access to Housing takes stock of the number of unsuitable housing units and specifies the number of minors in them.

41. Lastly, the National Institute for Demographic Research (INED) produces a large number of studies and databases on children: a French longitudinal study since childhood (with the help of the National Institute of Health and Medical Research), a longitudinal study on the autonomy of young people after placement and a survey on violence and gender relations.

42. Moreover, Decree No. 2016-1966 of 28 December 2016 revised the policy for sharing individual information, in pseudonymized form, with departmental child protection observatories and the National Child Protection Observatory on the beneficiaries of child welfare support or social assistance for children. Such data constitute a longitudinal, individual, and national system for the observation of child welfare (OLINPE).

43. DREES has carried out an innovative initiative to gather, on a single statistics portal, a large amount of information on children's living conditions at the level of the communes. The resulting visualization provides a better understanding of the living conditions of children.

44. The decree of 28 December 2016 called for the transmission of information in an anonymous format to the departmental child protection observatories and the National Child Protection Observatory, which established the OLINPE system. The system provides objective indicators that are essential for guiding, steering and evaluating public policy on child protection at the national and departmental levels.



**Reply to the questions raised in paragraph 9 of the list of issues**

45. The Defender of Rights has a team of 225 officials, 536 authorized officers and 872 contact points throughout metropolitan France and overseas. In 2020, under programme 307, “Protection of rights and freedoms”, the Defender of Rights received funding amounting to €21,945,718.<sup>2</sup> Such funding has been increasing in recent years.

**Reply to the questions raised in paragraph 10 of the list of issues**

46. Act No. 2017-399 of 27 March 2017 on the Duty of Vigilance of Parent Companies and Contracting Companies applies to companies and groups that employ more than 5,000 employees in France, or more than 10,000 in France and abroad, for two consecutive years. They must establish, publish, observe and evaluate a compliance plan. The aim of the plan is to identify risks and prevent serious violations of human rights and fundamental freedoms and of the health and safety of persons and of the environment throughout their sphere of influence, including by their subsidiaries and subcontractors.

47. This law has proven useful in promoting and strengthening corporate social responsibility and has made France a pioneer in this field. The companies concerned have made significant progress in taking into account major issues. Corporate commitments and “soft law” principles, and specifically those of international organizations (such as the ILO, the Organisation for Economic Co-operation and Development and the United Nations), have now become the “law” in France and in all the countries where major French groups have subsidiaries and subcontractors.

48. However, some companies still do not formally comply with all the obligations of the law. There is still room for improvement as the law gradually increases in effectiveness. It is therefore necessary to strengthen and harmonize practices, in particular through sectoral, shared strategies, to transform an obligation into a genuine opportunity for large companies based in France.

**Reply to the questions raised in paragraph 11 (a) of the list of issues**

49. The National Strategy for Sport and Disability (2020–2024) includes a section dedicated to the practice of sport by children with disabilities during school and in extracurricular and after-school activities. This includes several areas: improving access to physical education and sports classes by offering adapted activities; capacity-building and awareness raising; and developing multi-stakeholder partnerships.

**Reply to the questions raised in paragraph 11 (b) of the list of issues**

50. In 2020, the budget of the Ministry of National Education and Youth was €73.2 billion: €663.7 million was earmarked for youth and associations, and €400 million for sports activities. The Ministry of Culture dedicated €200 million in support of democratization and artistic and cultural education.

**Reply to the questions raised in paragraph 11 (c) of the list of issues**

51. The procedure for assigning students to higher education institutions is defined in Act No. 2018-166 of 8 March 2018 on Student Guidance and Success. It is organized through the Parcoursup national platform and is based on the principles of non-discrimination and equality of access. The institutions that participate in this national procedure sign a charter committing themselves to observing these principles. Each institution informs rejected candidates of the decision taken in their regard. Candidates may apply to the judicial authorities to have a decision overturned if they believe that it violates the legal principles of equality and non-discrimination.

<sup>2</sup> Amount authorized for earmarking. As transfers, amounting to €22,304,707.

**Reply to the questions raised in paragraph 12 of the list of issues**

52. The Government of France considers the best interests of the child to be a primary and determining consideration in the design, application and implementation of all administrative, judicial and political measures concerning children.

53. The Court of Cassation has recognized the direct applicability of article 3 (1) of the Convention and requires all decisions concerning parental authority to routinely and expressly refer to the best interests of the child.

54. In placement proceedings, the safeguarding of this interest is guaranteed by articles 375 ff. of the Civil Code, which govern the procedure for providing support to ensure the judicial protection of children at risk. Such assessments are individualized and take into account the development of the children concerned in their usual environment, as well as the ability of each parent to guarantee their rights and safety. They are also based on the views of the children themselves, if they are capable of forming them, in accordance with article 12 of the Convention.

55. During their basic and in-service training, the professionals concerned are informed of the principles and procedures established to ensure that the best interests of the child are a primary consideration. Practical guides for professionals are also published by the Ministry of Justice.

56. Act No. 2021-218 of 26 February 2021 on the Legislative Part of the Juvenile Criminal Justice Code provides that, in children's best interests, the establishment of their criminal responsibility must take into account the possibility that this responsibility may be mitigated in line with their age, the need to prioritize educational over punitive measures and the specialization of courts and procedures.

57. More broadly, the best interests of the child are considered in the drafting of laws. This consideration is subject to a priori and a posteriori monitoring by three national bodies: the Defender of Rights (assisted in this context by the Children's Ombudsman), the National Child Protection Council and the National Child Protection Observatory.

58. When laws relating to children are drafted, the opinions of specialized associations that are members of the National Child Protection Council are taken into account. As part of the reform of the governance of child protection at the national level, a single agency for child protection will be established, with a children's panel to take children's interests into account.

59. The High Council for the Family, Children and the Elderly is also responsible for issuing opinions and making recommendations on the priority objectives of policies relating to children. Acting at the request of the Government or on its own initiative, the Council issues opinions on bills relating to children to ensure that the best interests of the child are a primary consideration in all circumstances. The Council includes a children's panel that regularly expresses its views on the work carried out and helps to ensure that greater consideration is given to children's views and the overall development of their rights.

**Reply to the questions raised in paragraph 13 of the list of issues**

60. The Mobilization Plan to Combat Violence against Children (2020–2022) recommends that the judicial authorities should routinely be informed if a child aged 6 years or under unexpectedly dies. This will facilitate the detection of suspicious deaths when they occur and the opening of criminal investigations.

61. Under Act No. 2019-1480 of 28 December 2019 on Combating Domestic Violence, when parents are charged with committing a felony or misdemeanour against their children with an attempt on the child's life, a violation of the child's physical integrity or a sexual offence, the court is required to rule on the partial or total removal of parental authority. The law automatically provides for the suspension of parental authority and of the right to have a child visit or stay with a parent if a felony has been committed by that person against the other parent.

62. The Government has launched a national campaign to raise awareness of shaken baby syndrome. Every year, several hundred children fall victim to shaking.

63. Under the Child Protection Act, No. 2022-140 of 7 February 2022, parents who have been deprived of parental authority because they have committed an act of violence against their spouse may not regain that authority in the event of the spouse's death. The Act also sets out a new definition of abuse that now forms part of the general principles guiding social and medico-social assistance.

**Reply to the questions raised in paragraph 14 of the list of issues**

64. The National Child Protection Strategy (2020–2022) is implemented in accordance with a multi-year contractual arrangement between the State and the departments based on common requirements, a mutual financial commitment and specific indicators for evaluating the measures taken. This has made it possible to diversify the monitoring measures used in child protection establishments, to define quality standards for the reception of children in these establishments and to establish in-depth compulsory training programmes for child protection professionals.

**Reply to the questions raised in paragraph 14 (a) of the list of issues**

65. In civil matters, children capable of forming their own views have the right to be heard in any proceedings concerning them by the judge or, when it is in their best interests and if they so request, by a professional appointed for that purpose. Children may be heard alone or with a lawyer or a person of their choosing. Judges must ensure that children have been informed of their right to be heard and to be assisted by a lawyer. They must also take a number of factors into account when making their decisions, including the feelings expressed by the child under the conditions set out in article 388-1 of the Civil Code. All the rules governing children's right to be heard are set out in the circular of 19 April 2017 on the judicial protection of the child. Children who wish to do so may, on their own initiative, apply directly to the juvenile court judge for protection. All judges receive mandatory training on the taking of statements from children.

66. The Child Protection Act, No. 2022-140 of 7 February 2022, provides for the improvement of the assistance procedure implemented before children are taken into care. It calls for greater consideration to be given to children's views. They will be heard individually by the juvenile court judge and may be represented by ad hoc administrators or defended by lawyers on a more regular basis when it is in their interests.

67. In criminal matters, children enjoy all the rights guaranteed to civil parties, including the right to be heard. Specially designed places have been established to hear child victims, including the so-called Mélanie rooms, which are located in investigating departments, and paediatric reception units for children at risk, which are located in hospitals.

68. With regard to asylum law, asylum applications are examined on an individual basis, which means that children are routinely heard in the presence of their legal representatives or an ad hoc administrator. However, it is possible for children to be heard on their own if the French Office for the Protection of Refugees and Stateless Persons considers it reasonable to believe that they may have suffered persecution or serious harm of which their family is unaware.

**Reply to the questions raised in paragraph 14 (b) of the list of issues**

69. In procedures for taking children into care, whether in an institution or a foster family, their views must be taken into account during hearings in order for the corresponding decision to be valid. Children may appeal against a placement decision if they disagree with it. They retain this right throughout the placement and throughout the time that they spend in the care of the child protection services. Depending on the circumstances, children's views will be heard by youth workers from the Youth Judicial Protection system or the child welfare services. Their views are transmitted to the judge as part of the evaluation reports. They may request a new hearing if they encounter a situation in their placement that prevents them from remaining there or if they wish to meet with their parents more regularly. In addition to interviews with youth workers, several tools for gathering children's views have been set up in institutions, including social services liaison councils, discussion groups, suggestion boxes

and communicative drawings. An individual care document is drawn up that may include information related to the child's views.

70. At the request of the Secretary of State for Children and Families, the conclusions of a study of the views of children in the child welfare system have been set out in a report entitled "A (h)auteur d'enfants" ("Children('s) Level"). The Child Protection Act, No. 2022-140 of 7 February 2022, provides for measures to prohibit the separation of siblings, to strengthen the Plan for the Child and to consolidate the preparation of children for independent living as they approach adulthood.

#### **Reply to the questions raised in paragraph 14 (c) of the list of issues**

71. Training for professionals has been strengthened following the entry into force of Act No. 2016-297 of 14 March 2016 on Child Protection. The National School for the Judicial Protection of Young Persons has developed a training module for child protection professionals that is based on knowledge of children's needs and their participation in the process. The National School for the Judiciary has set up an advanced course in juvenile justice for judges working with children.

72. In early 2020, national consultations on the judicial placement of children were initiated to take stock of placement types and methods with a view to identifying ways of improving the care provided.

#### **Reply to the questions raised in paragraph 15 of the list of issues**

73. Act No. 2021-1017 of 2 August 2021 on Bioethics provides that recognition of parentage must be assessed in relation to French law. For children born through gestational surrogacy, transcripts of foreign civil status documents are valid only for the biological parent (the second parent, known as the "intended parent", must go through an adoption procedure).

74. With regard to the prevention of statelessness, French law provides that children are granted French nationality when they are born in France to parents who are unknown, stateless or unable to pass on their nationality.

75. At the international level, the Government has developed a road map on cooperation in the area of civil status that places particular emphasis on birth registration. It supports projects aimed at enhancing access to civil status documents, particularly for women and children. In the Niger, measures taken by the French Government made it possible in 2019 to issue 7,088 identity cards and 6,600 birth certificates. In the Central African Republic, France supported the work of the Belgian NGO *Avocats sans frontières*, resulting in 64 mobile hearings that allowed 3,208 birth certificates to be issued and 1,037 vulnerable children to be registered in civil status registers through the implementation of late registration procedures. The Government is donating €1 million to the United Nations Children's fund (UNICEF) to speed up birth registration in the Democratic Republic of the Congo, Liberia and Senegal. In Liberia, the Government of France is contributing an additional €50,000 to set up two birth registration centres. It is also taking steps to raise awareness of this procedure and, in 2020, it participated in a high-level dialogue on civil registration in Africa to support the #NoNameCampaign in support of birth registration in Africa.

76. The Government of France supports a project organized by the International Organization of la Francophonie to assist children deprived of their identity in the Niger. It also supports the development of a digital guide to civil status.

#### **Reply to the questions raised in paragraph 16 of the list of issues**

77. Act No. 2021-1017 of 2 August 2021 on Bioethics sets out measures relating to embryo research and genetic testing that are strictly medical in nature.

78. The main measure provided for by this law is the introduction of medically assisted procreation for female couples and unmarried women. The law provides for the secure establishment of the parentage of children conceived by medically assisted procreation with a third party donor and establishes a framework for the medical care of children with differences in genital development.

79. Under the law, people conceived by medically assisted procreation with a third party donor may have access to non-identifying data (age, general situation at the time of the donation, physical characteristics, family and professional status, country of birth, reasons for the donation) and to the donor's identity. Such access is granted unconditionally, at the request of the child born of the donation, when he or she reaches the age of majority. The consent of third-party donors to the subsequent communication of their details to the children born of their donation is to be definitively obtained at the time of the donation and is a *sine qua non* of the donation. Third-party donors who donated their gametes or embryos before the reform came into force will be able to give a commission their consent to pass on their details to the children born of their donation.

80. The Act of 8 February 2022 on the Modernization of Adoption includes a transitional mechanism to regulate the situation of female couples who made use of medically assisted procreation abroad before the entry into force of the Act of 2 August 2021 on Bioethics and who have undergone a conflictual separation after having established an agreement to act as joint parents. The mechanism, which is valid until 2025, allows the woman who did not give birth to adopt the child concerned, including in cases where the couple has separated and the woman who gave birth has refused to make use of the transitional mechanism for joint recognition provided for in the Act on Bioethics. The judge can thus establish the second woman's parentage of the child notwithstanding the opposition of the biological mother identified on the birth certificate. Such adoption is only to be granted if there are no valid grounds for refusing it and the adoption is in the child's best interests.

#### **Reply to the questions raised in paragraph 17 of the list of issues**

81. The Act for a Digital Republic, No. 2016-1321 of 7 October 2016, establishes children's right to be forgotten. At the request of the person concerned, the entity responsible for dealing with the request is required to delete, as soon as possible, personal data collected as part of an information technology company's services if the person concerned was a minor when the personal data were collected. In the event that, within one month of the request, it has not been executed or no response has been received, the person concerned may refer the matter to the National Commission for Information Technology and Civil Liberties.

82. Act No. 2020-1266 of 19 October 2020, which is aimed at regulating the commercial exploitation of images of children under 16 years of age on online platforms, regulates such activities whether or not they are carried out as part of an employment relationship. Child "influencers", whose activities are considered to be a form of work, are now protected by the rules set out in the Labour Code. Before parents film their children or broadcast their videos, they must request individual authorization or obtain the approval of the administrative authority. Provision is made for the protection of the "grey areas" of online operations, where the activities of child influencers are not conducted as part of an employment relationship. A statement must be submitted if certain limits on the duration and number of videos, or the income made from publishing them, are exceeded. In both cases, parents are informed of the rights of the child and made aware of the consequences of publishing their children's images on the Internet. The law also requires parents to deposit a portion of the income received by their child in the Public Deposit Office until the child reaches the age of majority or is emancipated. Parents who keep the money for themselves are subject to penalties.

#### **Reply to the questions raised in paragraph 18 of the list of issues**

83. Preventing children from being exposed to Internet pornography is a priority for the Government. The public authorities have supported the signing of a protocol of commitment on parental control, which, to date, has more than 20 signatories, including the Government, the French Broadcasting Authority, the Regulatory Authority for Electronic Communications and Postal Services, French mobile telephone companies, Internet service providers, manufacturers of terminals and operating systems and several major stakeholders and associations working in the area of child protection. The protocol sets out 18 commitments based on the activities of each signatory. A committee made up of the signatories, acting under the aegis of the French Broadcasting Authority and the Regulatory Authority for Electronic Communications and Postal Services, follows up on these commitments and assesses the progress made in mainstreaming parental control tools. The work of this

committee led to the launch of the [www.jeprotegemonenfant.gouv.fr](http://www.jeprotegemonenfant.gouv.fr) website on 9 February 2021, which was Safer Internet Day. The purpose of the website is to raise parents' awareness of parental control devices and to provide them with practical advice on their use.

84. The Act of 30 July 2020 on the Protection of Victims of Spousal Abuse provides that websites are not exonerated from criminal liability if they merely request users to state their age in order to gain access to online pornographic content. The French Broadcasting Authority may send a default notice to websites that have failed to take the necessary measures and may refer the matter to the courts if they fail to comply with the notice.

#### **Reply to the questions raised in paragraph 19 of the list of issues**

85. Social and medico-social facilities and services are under an obligation to ensure the health, safety and moral and physical well-being of persons in their care.

86. Act No. 2002-2 of 2 January 2002 on the Reform of Social and Medico-social Measures provides that social and medico-social facilities and services must undergo two types of assessment: an internal assessment, conducted by the services themselves, and an external assessment, carried out by authorized organizations, in order to ensure that the quality of their services continuously improves. Following the adoption of Act No. 2019-774 of 24 July 2019 on the Organization and Transformation of the Health-care System, the National Health Authority has been developing a new monitoring system, to be launched in September 2021. The National Agency for the Evaluation and Quality of Social and Medico-social Facilities and Services is also contributing to the development of recommendations.

87. In 2018, the Commission for the Promotion of Good Treatment and the Prevention of Ill-Treatment was established as a joint initiative of the High Council for the Family, Children and the Elderly and the National Advisory Council of Persons with Disabilities. Its recommendations were incorporated into the National Autism Strategy for the period 2018–2022. In 2018, the National Health Authority published recommendations for clinical practice to ensure that persons with autism receive proper care.<sup>3</sup> These recommendations complemented those issued in 2012,<sup>4</sup> which aimed to promote coordination and the harmonization of practices among professionals.

88. The various autism plans, three of which were issued between 2005 and 2018, took these recommendations into account. The purpose of the new National Strategy for Autism as a Neurodevelopmental Disorder 2018–2022 is to ensure an inclusive society and to empower persons with autism to act and make choices by providing a range of services tailored to the needs of families. The strategy emphasizes the importance of early diagnoses to avoid inappropriate placements through the use of an early intervention package. This package is based on the establishment of referral and coordination platforms by regional health agencies to ensure that families are directed to professionals who comply with guidelines on good practice as soon as the first warning signs appear. The corresponding terms of implementation were set out in Decree No. 2018-1297 of 28 December 2018 on assessment and early intervention for neurodevelopmental disorders.

#### **Reply to the questions raised in paragraph 20 of the list of issues**

89. The main objective of the national plan for the period 2017–2019 was to promote the mass mobilization of relevant stakeholders, families, professionals and society as a whole by implementing 72 specified measures.

90. The Second Plan to Combat Violence against Children (2020–2022) includes measures to enable young people, whether they are victims or witnesses, to express

<sup>3</sup> “Troubles du spectre de l’autisme, Signes d’alerte, repérage, diagnostic et évaluation chez l’enfant et l’adolescent” (Autism spectrum disorders: Warning signs, identification, diagnosis and assessment in children and adolescents), National Health Authority, February 2018.

<sup>4</sup> “Autisme et autres troubles envahissants du développement : interventions éducatives et thérapeutiques coordonnées chez l’enfant et l’adolescent” (Autism and other pervasive developmental disorders: Coordinated educational and therapeutic measures for children and adolescents), National Health Authority and the National Agency for the Evaluation and Quality of Social and Medico-social Facilities and Services, March 2012.

themselves and have their views fully taken into account at all stages of their care. Thematic working groups meet to discuss each of the 22 measures provided for in the plan. Many specific advances were made in 2021:

- The development of a care path tailored to child victims of violence in each department
- The provision of training on ill-treatment to professionals who work with children
- The development of the [jeprotegemonenfant.gouv.fr](http://jeprotegemonenfant.gouv.fr) website to prevent children from being exposed to pornography
- The development of a chat function on the 119-Allô Enfance en Danger (119-Child in Danger) website to enable young people to speak out and to facilitate the identification and reporting of situations in which children are at risk
- The deployment throughout the country of paediatric reception units for children at risk
- The establishment of a platform for systematically checking the criminal records of people whose work involves regular contact with children and for volunteers
- The launch of the First National Plan to Combat Child Prostitution, which has a budget of over €14 million

#### **Reply to the questions raised in paragraph 21 (a) of the list of issues**

91. The latest legislative amendment, adopted under Act No. 2021-478 of 21 April 2021 on the Protection of Children against Sexual Felonies and Misdemeanours and Incest, introduces a mechanism for extending statutes of limitations in order to deal with acts committed by a single perpetrator against several victims. This mechanism provides that if, for example, a person who has raped one child goes on to rape a second child, the statute of limitations for the first offence is extended to the date on which the new offence is time-barred, thereby allowing both offences to be time-barred on the same date. The same mechanism may be applied to misdemeanours. This will allow such persons to be prosecuted and tried for all the offences that they have committed.

#### **Reply to the questions raised in paragraph 21 (b) of the list of issues**

92. A number of bodies work together to combat offences against children committed on the Internet:

(a) Historically, the National Gendarmerie has been very active in this area. The gendarmerie cyberspace command makes use of the National Centre for the Analysis of Child Pornography, which is housed within the Centre for Combating Digital Crime. The National Centre for the Analysis of Child Pornography, which is responsible for identifying child pornography images and videos, is able to provide anonymized content to investigators so that they can carry out their investigations, including by infiltrating online child pornography networks. In addition, the Centre's 300 pseudonymous investigators, distributed throughout the country, carry out numerous investigations to identify and arrest paedophiles acting on the Internet. Lastly, the Centre for Combating Digital Crime conducts and coordinates occasional national operations, carried out in conjunction with the European Union Agency for Law Enforcement Cooperation (Europol), to stop this form of Internet crime.

(b) The Central Office for Combating Violence against the Person has a dedicated unit – the Central Group for Child Victims – that combats online sexual exploitation and abuse, including child sex tourism. This group, which has jurisdiction over the entire national territory, is a point of contact for international partners, as it receives all operational or strategic intelligence from its foreign counterparts as well as from international police organizations such as the International Criminal Police Organization (INTERPOL) and Europol. The Office participates in an expert panel – the European Multidisciplinary Platform against Criminal Threats – as the co-leader of two operational actions dedicated to combating live streams of child pornography and child sex tourism.

(c) The National Cybercrime Prevention Agency of the Central Directorate of the Criminal Investigation Service includes a platform for the harmonization, analysis, crosschecking and forwarding of reports. This platform makes use of reports of unlawful online content sent by Internet users to the [www.internet-signalement.gouv.fr](http://www.internet-signalement.gouv.fr) website. In 2021, a total of 29,814 of the 289,590 reports that it received related to offences against children (child pornography, violent or pornographic content likely to be seen by children, sexual proposals made to children by electronic means, etc.). On the basis of these reports, the platform's staff carry out judicial investigations to identify the authors of unlawful content. In accordance with article 6-1 of the Act of 21 June 2004 on Confidence in the Digital Economy, the platform also takes administrative measures against child pornography, for example by issuing removal requests to content hosts, dereferencing requests to search engine editors and blocking requests to Internet service providers.

93. The law subjects operators to the obligation to use their best endeavours to exercise increased vigilance over the content transmitted or stored by their services. They have a particular obligation to assist in combating offences related to the dissemination of child pornography. Under Act No. 2021-478 of 21 April 2021 on the Protection of Children against Sexual Felonies and Misdemeanours and Incest, it is an offence for an adult to incite a child to engage in sexual practices online. When children commit sexual assault against themselves because they have been coerced to do so by electronic means, it is considered that an offence of rape or sexual assault has been committed.

94. The aforementioned Act of 24 August 2021 on Strengthening Respect for the Principles of the Republic, which anticipates the forthcoming European law on digital services (the Digital Services Act), requires video-sharing platforms and social networks established in France or abroad to use their best endeavours to ensure that their content is effectively moderated.

95. In its report, the working group responsible for combating new forms of child sexual exploitation, which was established as part of the national Mobilization Plan to Combat Violence against Children (2020–2022), has included a survey of children's use of the Internet and social networks. The National Plan to Combat Child Prostitution, launched on 15 November 2021, provides for better action to be taken on social networks through the funding of digital patrols to identify minors involved in prostitution and to direct them to the appropriate partner services. The plan strengthens procedures for identifying, curbing and reporting situations of prostitution that may involve children on social networks.

#### **Reply to the questions raised in paragraph 21 (c) of the list of issues**

96. The national hotline for children at risk (national emergency number 119) is accessible on a round-the-clock basis. This number must be displayed in all premises receiving children. The helpline receives reports, helps to assess them and transmits them to the units responsible for collecting information that raises concerns. Since 3 May 2021, a chat function has also been available for people under 21 years of age.

97. Several types of partnership have been established: an interministerial partnership to identify victims through unlawful images; a partnership with private companies and Internet service providers to quickly obtain the necessary information in cases involving the sexual exploitation of children; and a partnership with the Government's Unit for Intelligence Processing and Action against Illicit Financial Networks, to use financial flow data to identify cases of live-streaming and the use of cryptocurrency to purchase sexualized images or videos of children on the darknet.

#### **Reply to the questions raised in paragraph 22 (a) and (b) of the list of issues**

98. French soldiers deployed abroad who are guilty of committing felonies or misdemeanours outside French territory, including when they are off duty, are subject to trial in the Paris ordinary court specializing in military affairs.

99. In this court, prosecutions are brought by a specialized section of the Paris public prosecutor's office that is composed of judges and prosecutors and assisted by specialized investigators. Members of the gendarmerie are seconded to military units or detachments stationed or operating outside French territory and serve as investigating officers of the armed



forces responsible for recording offences, gathering evidence and finding perpetrators, under the direction and control of the judicial authorities.

100. When allegations of serious offences committed by its staff are brought to the attention of the Ministry of the Armed Forces, the Ministry promptly carries out the necessary investigations and reports the facts to the judicial authorities. If the allegations are proven, it applies disciplinary penalties in addition to the criminal proceedings brought by the judicial authority.

101. In the case in question, five proceedings were initiated by the French judicial authorities after the Ministry of the Armed Forces received allegations that French soldiers deployed in the Central African Republic had committed sexual abuse against children in 2014 and 2015. Three of the cases were dismissed by the prosecuting authorities because the evidence did not appear to be sufficiently well-founded. A fourth case, involving allegations of child rape by French soldiers at the M'Poko site, led to the opening of a criminal investigation at the Paris court in 2015. This procedure resulted in a dismissal order being issued by the investigating judge on 11 January 2018. This decision, which was upheld by the Paris Court of Appeal, is now final. A final investigation, opened in 2016 following an incident reported by the Office of the United Nations High Commissioner for Human Rights, is still ongoing.

#### **Reply to the questions raised in paragraph 22 (c) and (d) of the list of issues**

102. In 2018, the Ministry of the Armed Forces changed its training materials, with a view to raising awareness among military personnel regarding sexual offences. A memorandum for the armed forces on the prevention of sexual and gender-based violence during operations has been in circulation since 2020. It focuses on the protection provided for minors and the fact that any act of sexual violence against them can lead to severe disciplinary measures and penalties that may be harsher owing to the de facto authority conferred by military status. Command responsibility is highlighted, as is the practice of zero tolerance for any kind of sexual abuse or exploitation of minors.

103. This awareness training is conducted continuously throughout the career of military personnel and specifically before any operational deployment to a State in crisis. It is regularly adapted to take account of developments in national and international legal standards, societal approaches to the subject and local contexts.

104. In the field, prevention takes the form of supervision of individual conduct. The command plays an essential role in this regard: commanders issue regular reminders to officers, including at daily briefings, in which they emphasize that sexual relationships with the local population are prohibited and highlight the punishments applicable for non-compliance.

105. Legal advisers and military police, who are familiar with the national and international criminal law framework for sexual offences, are consistently deployed in operations to inform the force members of the relevant rules. The presence of the gendarmerie's military police units ensures that impartial investigations of suspected sexual assaults can be conducted.

#### **Reply to the questions raised in paragraph 23 (a) of the list of issues**

106. Female genital mutilation, which is now a criminal offence, is rare in France. However, it remains widely practised against girls in their countries of origin during the school holidays or before they arrive in the country.

107. In June 2019, France launched the First National Action Plan to Eradicate Female Genital Mutilation. Its aims are to improve victims' health, provide better awareness-raising and training for professionals, develop suitable prevention tools, increase knowledge and carry out a baseline study on female genital mutilation to make France into an example in this field.

108. With respect to training, the plan provides for raising awareness of French law among newly arrived foreigners and, among all professionals, of the importance of reporting high-risk situations. A practical guide for professionals entitled "Responding to Female Genital

Mutilation” was produced by the Ministry of Equality between Women and Men and the Fédération Nationale GAMS (Group for the Abolition of Genital Mutilation), an NGO. A training kit for health professionals working with women and girls helps identify and raise awareness of such situations.

109. Minors seeking asylum on the grounds that they face a risk of female genital mutilation are issued with a medical certificate stating whether or not they have undergone such mutilation. It is issued by a forensic doctor working for an organization funded by the French Office for the Protection of Refugees and Stateless Persons.

110. If the doctor finds a case of mutilation, it is immediately referred to the judicial services. The children’s legal representatives are informed of the criminal consequences of female genital mutilation by the French Office for the Protection of Refugees and Stateless Persons at various stages of the procedure, and specifically during their individual interviews. As at 31 March 2021, approximately 10,800 children had been placed under the Office’s protection because they faced a risk of female genital mutilation if returned to their countries of origin. Protected minors with this status cannot be returned to their countries.

111. Between 1 January 2016 and 31 December 2020, 6,731 minors were granted international protection owing to a risk of female genital mutilation in their countries of origin.

112. Under the National Action Plan to Eradicate Female Genital Mutilation (2019–2022), France has taken action in a number of areas:

- For the period 2019–2022, it contributed €6.2 million to the Global Survivors Fund for survivors of conflict-related sexual violence, established and led by Nobel Peace Prize laureates Denis Mukwege and Nadia Murad
- In 2020, it renewed its funding for the United Nations Population Fund-UNICEF Joint Programme on the Elimination of Female Genital Mutilation: Accelerating Change, contributing €74,849
- It ensures that the issue of female genital mutilation is included as part of the work of the French Development Agency (Afd) in efforts to combat violence against women and girls and in all relevant sectors, including health and education. The Devenir project in Senegal (2019–2022), which received €390,000 in funding, is intended to reduce female genital mutilation. In Burkina Faso and Mali, under a project conducted between 2017 and 2020 (in which Afd provided €619,276 of the total funding of €1,238,555), 137 villages declared an end to the practice of cutting, and support was provided to 5,200 victims
- In 2019, it launched a support fund for feminist organizations. Many of the projects thus financed have aspects related to the prevention of female genital mutilation and more broadly to the protection of girls from all forms of violence

#### **Reply to the questions raised in paragraph 23 (b) of the list of issues**

113. French law allows for the medical treatment of children with differences in genital development. However, it does not allow such children to undergo premature, non-urgent and medically unnecessary interventions with the sole purpose of sex assignment. Medically unnecessary surgical operations performed at an age when the children in question are incapable of expressing their wishes and participating in decision-making are prohibited. There are legal instruments to punish doctors who carry out such operations and to compensate the victims.

114. Act No. 2016-1547 of 18 November 2016 on the Modernization of Justice in the Twenty-First Century extended the deadline for registering a child’s sex to five days. The Act on Bioethics of 2 August 2021 gives parents a period of three months between birth registration and registration of the child’s sex in cases where it is medically certified that determination of the sex is not possible.

115. Act No. 2021-1017 of 2 August 2021 on Bioethics makes provision for better care for intersex children and their families, in line with the principles of medical necessity and proportionality. Children with differences in genital development are consistently cared for by multidisciplinary specialist teams in referral centres for rare genital development disorders.

The teams at the centres provide comprehensive information and appropriate psychosocial support to the children and their families. The children's consent must be sought if they are capable of expressing their wishes and participating in decision-making.

116. The Act of 7 February 2022 provides that:

- Efforts must always be made to place children with family or friends before considering placing them with the child welfare services
- Juvenile court judges may allow the service caring for the child to carry out one or more non-routine acts requiring parental authority without needing to request permission on a case-by-case basis
- Juvenile court judges must always be informed of changes of placement by the president of the departmental council so they can ensure that it is in the child's interest

117. The Act also provides security to foster families, who care for more than half the children placed with the child welfare services. In particular, it guarantees them a minimum payment for fostering a child.

118. In addition, a national file of authorizations of family assistants has been established to ensure better oversight of family assistants who work in more than one department and of any who change department after their authorization has been withdrawn.

#### **Reply to the questions raised in paragraph 24 of the list of issues**

119. The National Child Protection Strategy (2020–2022) provides for reforms of child protection governance to ensure greater consistency and more transparency with respect to the bodies and actions involved. The aim of the reform is to establish a single national body with a broad mandate by merging various existing organizations. The Child Protection Act was promulgated on 7 February 2022.

#### **Reply to the questions raised in paragraph 25 of the list of issues**

120. Three principles contribute to keeping children in their family environment: prioritizing social interventions over legal interventions; putting in place support as an alternative to institutionalization; and promoting prevention measures.

121. Juvenile court judges prioritize alternatives to long-term institutionalization when conditions allow. Day care allows children to receive social and educational support close to where they live. "Extramural" placement takes place in the parents' home and is intended to ensure children's safety while not depriving them of a family environment. These measures are applied in addition to community-based or home-based measures or support from a social worker.

122. Administrative measures of home economics support and the judicial measure of family budget management assistance are preventive measures and have been strengthened by the National Child Protection Strategy (2019–2022).

123. When it is decided to place children in an institution, the parents often have visiting rights and retain their parental authority. The aim is to facilitate the children's return home and to maintain family ties.

124. Consistent efforts are made to involve young persons and to obtain their consent in decisions affecting them. In administrative and court proceedings, children may request a hearing with the judge. Such requests may be denied only when children are not capable of forming their own views or lack standing in the case. Judges have the discretion to assess whether children are capable of forming their own views.

125. In all proceedings, children with disabilities, like all other children, may be accompanied by an interpreter or a person under oath able to transmit their statements.

#### **Reply to the questions raised in paragraph 26 (a) of the list of issues**

126. Since the promulgation of Act No. 2019-791 of 26 July 2019 on Trusted Schools, initial teacher training has included specific content on schooling for children with disabilities.

There is a teachers' certificate of professional competence in inclusive education practices, which was established pursuant to a decree of 10 February 2017. Work is now under way to make it equivalent to the supplementary certificate for adapted teaching and education for students with disabilities and to recognize practical experience.

127. Continuous training is held on the subject of inclusive schools, for all staff. Cross training is held for medico-social sector workers and with locally organized continuous training to meet the specific needs of a particular establishment.

128. The Cap école inclusive (Towards an Inclusive School) platform, which has been online since the start of the 2019/20 academic year, gives teachers access to simple classroom resources and an interactive map listing the resource persons for each department, with contact details.

129. On 27 September 2021, the National Health Authority issued recommendations to help professionals in the social and medico-social sectors contribute through their actions to supporting children with disabilities and protected children at school. These recommendations are part of the educational community's overall shared approach, which is intended to strengthen children's participation in their school plans and encourage parental involvement.

#### **Reply to the questions raised in paragraph 26 (b) of the list of issues**

130. Schools and their staff have the necessary tools to carry out the project of inclusion, in cooperation with the medico-social sector and local authorities. Schools plan, assess and improve the quality of their inclusive approach using a tool called Qualinclus, taking into account relationships with the parents of children with disabilities and cooperation with partners. Educational and school monitoring teams adapt learning conditions, select the appropriate teaching materials and produce a personalized education plan for each student, in cooperation with the departmental centres for persons with disabilities. Local inclusive support hubs offer more intensive support for specific needs. Local inclusive education units, which are more widespread, offer schools additional specialized teaching resources.

131. Students with disabilities are guaranteed a continuous educational pathway until their initial vocational training, higher education or first job. Accommodations are continuous for teaching assessments and examinations. Certificates of the skills acquired in preparation for a qualification diploma are issued to some students who cannot obtain the diploma for that qualification. Multi-partner support is provided to assist in initial entry onto the labour market.

#### **Reply to the questions raised in paragraph 26 (c) of the list of issues**

132. The public authorities support the roll-out of awareness-raising campaigns by specialized associations, including: Association pour Adultes et Jeunes Handicapés (Association for Adults and Young Persons with Disabilities); APF France Handicap (French Association of Paralyzed Persons); Comité national Coordination Action Handicap (National Disability Action Coordinating Committee) and Unapei (National Union of Associations of Persons with Mental Disabilities, Their Relatives and Friends).

133. In January 2019, these associations conducted a broad awareness-raising campaign entitled "School is for all children", based on a platform called "For an inclusive school". This platform, available since September 2018, can be used by teachers to download disability awareness sheets and contact volunteers from the associations to organize awareness-raising sessions in class.

134. The development of parity leisure centres encourages mixing and meetings among different groups outside school hours or during holidays.

135. Teaching assistants for students with disabilities contribute on a daily basis to school inclusion and help to combat prejudice and stereotypes.

#### **Reply to the questions raised in paragraph 27 (a) of the list of issues**

136. The autism plans for the periods 2013–2017 and 2018–2022 were aligned with the recommendations made by the National Health Authority in 2012 and 2018. They provide a

framework for incorporating and realizing actions and recommending good practices. Outsourced service and skills hubs were defined in 2016 and placed at the heart of the strategy for 2018–2022. They are intended to provide persons with autism with access to services from professionals with recognized qualifications and practices, both in institutions and in private practice.

**Reply to the questions raised in paragraph 27 (b) of the list of issues**

137. The National Strategy for Autism as a Neurodevelopmental Disorder 2018–2022 promotes measures enabling a move from institutionalization to provision of support at home. It provides for improved awareness-raising and training for professionals in the national education system and in the early childhood sector on the identification of autism spectrum disorders and neurodevelopmental disorders.

**Reply to the questions raised in paragraph 27 (c) of the list of issues**

138. Act No. 2019-791 of 2019 on Trusted Schools lays down the objective of ensuring that schools are fully inclusive for persons with disabilities. The effective education of children and young persons with autism is one of the five commitments in the autism strategy for 2018–2022. The aim is to facilitate education in mainstream preschools and to triple the number of preschool autism education units to achieve this. The strategy is intended to guarantee a smooth educational pathway tailored to each child’s needs, from primary school to upper secondary. This involves reviewing the contracts of teaching staff, increasing the number of children with autism in local inclusive education units and establishing dedicated primary education autism units. In 2020/21, 1,800 more autistic students attended mainstream schools than in the 2019/20 academic year and 247 specific preschool autism education units and primary education autism units were created.

**Reply to the questions raised in paragraph 28 of the list of issues**

139. The children in question are signed up to the Solidarity Supplementary Health Coverage scheme, either as part of their placement with the child welfare services, or as beneficiaries associated with their parents. Pursuant to Act No. 2016-297 of 14 March 2016, the Child Protection Act, it is mandatory for each department to have a child welfare services general physician to ensure coordination between department services and ordinary medical services (private practices, hospitals or schools). All children placed with the child welfare services must have a regularly updated Plan for the Child with the results of their situation assessment, including their health situation. The Social Security Funding Act for 2020 provides for a mandatory full health check upon admission to the child welfare services, paid for by health insurance, in order to establish a health-care pathway for the child.

140. Between 2019 and 2022, coordinated health-care pathways for protected children and adolescents were piloted. The programme was based on 100 per cent coverage by health insurance of an annual lump sum per child to pay for regular medical care, with annual updates to the health assessment conducted upon admission to the services. Under the programme, all children have an educational key worker and a designated body to coordinate their health-care pathway. The arrangement includes measures relating to information exchange systems. In 2019, three departments piloted the programme, covering 7,050 placed or protected children and adolescents. The objective is to cover 100 per cent of children in placements and at least 30 per cent of protected children who are not placed with the child welfare services in the relevant departments.

141. Since the end of 2019, under the PEGASE pilot programme for children under the age of 7 who were subject to a child welfare services protection measure before the age of 5, children have received regular health check-ups. The programme will be implemented over five years in 15 baby homes and its aim is to reach more than 2,400 children in its first three years.

142. Public psychiatry is organized by sectors covering specific geographical areas. There are 320 child psychiatry sectors, each covering an average of 49,000 children.

143. These sectors are managed by multidisciplinary teams consisting of psychiatrists, psychologists and nurses, who provide and coordinate all necessary care and services

(prevention, treatment, aftercare and rehabilitation). Their approach is focused on outpatient care.

144. The role of centres for adolescents, in addition to providing information to young people and preventing problems, is also to identify issues in order to refer cases requiring specialist care to the child psychiatry sectors.

145. The PsyEnfantAdo system was put in place to address the impact of the pandemic on the mental health of children and adolescents. It offers children and adolescents between the ages of 3 and 17 who are experiencing mental distress 10 psychological support sessions free of charge and with no advance payment. This system, which was set up during a period of crisis, will be made permanent and accessible to the general population from spring 2022.

#### **Reply to the questions raised in paragraph 29 of the list of issues**

146. Under the National Sexual Health Strategy 2017–2030, the public authorities have improved the provision of sexuality education in schools. A circular adopted in 2018 reiterates that educational actions relating to this topic must include all dimensions of sexuality: biological, psychological, emotional, legal and social. The national education system's reference documents for educational teams have been updated. A support guide has been developed to help them prepare lessons and organize and lead activities.

147. In 2020, the Ministry of National Education conducted a survey on the roll-out of health and civics education committees. The proportion of respondent secondary schools that reported putting in place awareness-raising programmes was 88 per cent, which makes sexuality education the top topic covered under health education. Of the 25 educational districts that responded, 64 per cent included sexuality education in their district training plan for 2018/19, which is 7 percentage points higher than for 2016/17.

148. On 8 July 2021, a plan was announced to prevent sexual violence committed against children in their family environment and to improve its detection in schools. The concrete improvements include:

- Detection of intrafamilial sexual violence at mandatory medical check-ups
- Better training on sexual violence for education professionals and production of a specific handbook on the organization of information sessions for children of all ages
- Facilitation of talks by associations in schools
- Funding of associations to carry out new awareness-raising actions in schools

149. At the international level, France has supported two projects through the Innovative Project Support Fund, one in Senegal and Togo, conducted with UNESCO and the International Planned Parenthood Federation, which ended in 2021, and another in Burkina Faso, Chad and the Niger, conducted with the International Planned Parenthood Federation for the period 2021–2023. France supported Our Rights, Our Lives, Our Future, which is a programme intended to reinforce the sexual and reproductive rights and health of young persons in the sub-Saharan region, by providing €2 million for 2021.

150. Sexuality education has also been a priority at the Generation Equality Forum: as a champion of the Action Coalition on Bodily Autonomy and Sexual and Reproductive Health and Rights, France co-sponsored the launch of the Global Partnership Forum convened by the United Nations Population Fund and UNESCO.

#### **Reply to the questions raised in paragraph 30 of the list of issues**

151. The National Strategy to Prevent and Reduce Poverty 2018–2022 is focused on children, young persons and single-parent families, which are the groups most affected by poverty. It includes 35 measures divided into five topics: early childhood and education; health; support; training and employment; and housing and social rights.

152. Each measure has an associated indicator and implementation schedule. Every March, an evaluation committee issues its assessment of the strategy outcomes. In March 2020, the committee published an initial milestone note, which sets out the evaluation approach, the planned methods and the schedule of work.

153. Several measures have been taken to improve standards of living for families with children by reducing the financial burden associated with the children's food (providing breakfast in schools and scaled subsidized pricing in canteens in the most vulnerable municipalities) and health care (reinforced prevention in schools, with the introduction of a routine dental check-up on admission).

154. Under the strategy, access to rights will be simplified through the use of measures to tackle non-take-up and establish local social referral services, increase social benefits, prevent over-indebtedness, develop social centres in all urban neighbourhoods and introduce a universal basic income allowance.

155. To combat precarity in single-parent families, the Unpaid Maintenance Payment Recovery Agency was established in July 2017. Its establishment was followed by the introduction of the direct payment of maintenance by family allowance funds in June 2020.

156. Outreach patrols by the State's child welfare services have been put in place in large cities to reach out to families with children living on the street.

#### **Reply to the questions raised in paragraph 31 (a) of the list of issues**

157. Awareness-raising and training for persons working to prevent early school leaving have helped reduce the proportion of early school leavers from 12.6 per cent in 2010 to 8.2 per cent in 2019.

158. The school dropout prevention policy includes preventive and remedial measures. "Educational alliances", bringing together multidisciplinary professional school teams, parents and external partners, have been developed since 2013. The young persons in question are offered personalized pathways, with the possibility of temporarily leaving the school setting to combine training with extracurricular activities (such as placement in a job or in civic service). The right to a second chance, under which students who have failed an examination may retake it in their original school while keeping their above-average grades, has been in place since the 2016/17 academic year.

159. Follow-up for young persons who have left the education system with no diploma or qualification has improved in recent years. The partnership between central and local government has been strengthened to facilitate support for these young persons at the local level. Monitoring is coordinated by 372 dropout follow-up and support platforms, which bring together all partners in a local area working on training and employment support for young persons. Groups of schools organized into training, qualification and employment networks support the action of these platforms by accommodating young persons between the ages of 16 and 25 as part of their right to return to training. The development of "back-to-school" establishments, such as micro-secondary schools or "second chance" secondary schools, has intensified, and as a result, a total of 72 general, vocational and technical back-to-school establishments now accommodate more than 3,000 students. These establishments are supplemented by remobilization modules and learning gateways, set up and coordinated by staff from the school dropout prevention programme.

160. Introduced by Act No. 2019-791 of 26 July 2019 on Trusted Schools, the obligation to engage in training is now part of compulsory schooling and ensures continuous education and teaching between the ages of 3 and 18. It applies to young persons between the ages of 16 and 18 who are not currently in training, education or employment, regardless of whether they have a diploma.

#### **Reply to the questions raised in paragraph 31 (b) of the list of issues**

161. To promote social diversity from children's earliest years, a social diversity bonus for early childhood establishments was introduced in 2019 to encourage compliance with a rule providing that 10 per cent of the children in collective facilities should be living in precarious situations. This bonus is supplemented by a location bonus that supports early childhood establishments in the most vulnerable municipalities.

162. From the 2020/21 school year, support measures in schools were strengthened, including a Devoirs Faits (Homework Done) programme that provides support to secondary school students for their homework. Colos apprenantes, a study-camp programme, was put

in place in summer 2020 and renewed in 2021. It is primarily aimed at children and young persons from urban policy priority areas under the French City Policy, who are from disadvantaged social backgrounds or have dropped out of school. This comes in addition to the new policy on boarding schools for the twenty-first century, the “internats d’excellence”, or boarding schools promoting academic excellence, particularly in rural areas, and a new impetus given to the Cordées de la réussite (Linked for Success) scheme, which assists students from lower secondary school to higher education.

**Reply to the questions raised in paragraph 31 (c) of the list of issues**

163. The right to an education free from bullying is enshrined in Act No. 2019-791 of 26 July 2019 on Trusted Schools.

164. Anti-bullying efforts are focused in four areas: awareness, prevention, support and training. The “No to Bullying” plan was amended in 2019, in particular to address cyberbullying.

165. This plan was first piloted and then extended nationwide for the 2021/22 academic year. It provides for various measures, including a teaching module on prevention, the establishment of resource teams in schools, the effective implementation of a violence and bullying prevention plan presented to and adopted by the school board, provision of resources for parents and teachers and a communication kit relating to these programmes.

166. The 335 education district and departmental focal points are the contact persons for students and their families. A task force for the prevention of violence in schools monitors reported cases in conjunction with the education district focal points, the competent authorities and services such as the “Net écoute” digital violence hotline for the most serious cases. The 3020 helpline provides an entry point for students and their families.

167. School climate surveys are conducted among students and staff on a voluntary basis. They look at seven separate dimensions, including violence and bullying prevention, and allow schools to assess their situation and thus better address it.

168. At the international level, France allocates approximately 13 per cent of its official development assistance to education and training development. The Strategy for External Action in Education, Vocational Training and Employment for the period 2017–2021 focused on several areas: fair access to education for all, improving the quality of education and reaching the most vulnerable children.

**Reply to the questions raised in paragraph 32 (a) of the list of issues**

169. Once it has been established that an unaccompanied migrant is a minor, the case is supervised by the Directorate for the Protection of Young People in the Judicial System, which assigns the child to the care of the child welfare services in the same way as all other children who are subject to protection measures.

**Reply to the questions raised in paragraph 32 (b) of the list of issues**

170. The detention of an unaccompanied minor asylum-seeker in a waiting zone is only possible in exceptional cases, in four instances: when the person concerned comes from a safe country of origin and has filed an application for reconsideration that is not inadmissible; when the person has presented false documentation or information or has concealed documentation or information concerning the person’s identity, nationality or manner of entry into France; when the person has filed several asylum applications under different identities; and when the person’s presence in France constitutes a serious threat to public order, public safety or State security.

171. Placement in a waiting zone is ended if the French Office for the Protection of Refugees and Stateless Persons (OFPRA), when considering whether the asylum application is not inadmissible or manifestly unfounded, determines that the person in question requires procedural guarantees incompatible with being held in a waiting zone on account of the person’s status as a minor or as a victim of torture, rape or another form of serious physical, psychological or sexual violence.



**Reply to the questions raised in paragraph 32 (c) of the list of issues**

172. In France, there are no refugee camps as defined by the Office of the United Nations High Commissioner for Refugees (UNHCR).

**Reply to the questions raised in paragraph 33 of the list of issues**

173. The Juvenile Criminal Justice Code retains the educational and rehabilitative aspects of the order issued on 2 February 1945 on child delinquency. In this respect, it opens with an introductory article enshrining what the Constitutional Council has elevated to the rank of fundamental principles, recognized by the laws of the Republic, in matters of juvenile criminal justice, namely the priority given to education over repression. The entire Code is infused with this principle, which is subsequently set out in the preliminary title on the general principles of juvenile criminal justice and is intended to guide the reading of its provisions.

174. The Juvenile Criminal Justice Code also seeks to limit the circumstances in which a minor may be remanded in custody, specifically when there is a violation of the person's obligation to submit to judicial supervision. Thus, for minors aged 16 and over, pretrial detention can be ordered only in the event of repeated offences or offences of particular gravity, or if the offence is accompanied by the violation of another obligation to submit to judicial supervision in the context of placement in a closed educational centre. For minors aged 16 and over, pretrial detention may be ordered only in the event of repeated or particularly serious violations of the obligations of judicial supervision or house arrest with electronic surveillance, and when a reminder or harshening of such obligations is insufficient.

175. Act No. 2019-222 of 23 March 2019 on Justice Reform provides for numerous measures aimed at reducing the incarceration of convicted persons, including minors: prohibition of prison sentences of less than 1 month; systematic use of sentence adjustment for prison sentences of less than 6 months; establishment of a sentence of house arrest with electronic surveillance to reduce the use of imprisonment; expansion of the content and terms of the alternative sentences of community service and internship; and the strengthening of a probationary arrangement to accommodate the most fragile convicted persons.

176. Concerning the detention of girls, article L.124-1 of the Juvenile Criminal Justice Code requires that minors who are detained must be held in a special unit specifically for minors. Several projects for the creation of "mixed" juvenile wards are planned as part of the "immobilier pénitentiaire" programme, which aims to build new facilities providing 15,000 more places at prisons. The aim is to better meet needs, improve the quality of care for this group, ensure a better geographical distribution of places for girls and encourage the maintenance of family ties.

**Reply to the questions raised in paragraph 34 (a) of the list of issues**

177. The sexual exploitation of children is punishable under the offence of procuring, which consists of assisting or protecting the prostitution of others, profiting from it, or hiring, enticing or corrupting people or bringing pressure to bear on them to prostitute themselves or to continue to do so.

178. In addition, the Act of 21 April 2021 aims to better protect minors against sexual crimes and offences by establishing a threshold of non-consent for any sexual relationship between a minor under the age of 15 and an adult. The penalty for procuring minors under the age of 15 has been doubled, to 20 years of imprisonment and a fine of up to €3 million. The penalties for prostitution and corruption of minors have also increased.

179. A working group has been established with the title "How to fight against the new forms of sexual exploitation affecting minors: Solutions to be found", as part of the national Mobilization Plan to Combat Violence against Children (2020–2022).

180. A report by the Ministry of Justice, the Ministry of Solidarity and Health and the Paris public prosecutor's office containing recommendations was submitted to the Secretary of State for Children and Families. It led to the launch on 15 November 2021 of the First National Plan to Combat Child Prostitution, which will be fully operational in 2022, with funding of €14 million.

181. Human trafficking, defined in article 225-4-1 of the Penal Code, is considered to be committed against a minor even in the absence of the circumstances required by the article. The "sale of children" is thus not mentioned separately in French criminal law. Nevertheless, the act of "selling" a child amounts to exercising one of the attributes of the right of ownership over the child, which is an essential element of the crime of enslavement and is punishable, when the victim is a minor, by a criminal sentence of 30 years of imprisonment.

182. Furthermore, the "sale of children" is punishable as human trafficking. The protection of children from exposure to pornography was strengthened with Act No. 2020-936 of 30 July 2020. Since then, the production, transport or distribution of a pornographic message likely to be seen or noticed by a minor has been an offence, even if the minor makes a simple declaration that he or she is over 18 years of age, thus gaining access to such a message. If the victim is a minor, that serves an aggravating circumstance in all offences of trafficking, procuring, buying sexual acts, the use of prostitution or infliction of personal injury involving a child victim, and specifically offences of sexual exploitation. For such offences, the penalties' deterrent effect helps to protect minors from becoming victims of sexual exploitation.

#### **Reply to the questions raised in paragraph 34 (b) of the list of issues**

183. In French law, the burden of proof lies with the public prosecutor, not with the victim or the perpetrator. The presumption of innocence is a constitutional principle. Nevertheless, the National Plan to Combat Child Prostitution has made it possible, in the field of child protection, to recognize minors who are victims of sexual exploitation as minors at risk.

#### **Reply to the questions raised in paragraph 34 (c) of the list of issues**

184. The legal aid system guarantees access to justice for all. It makes it possible to benefit from the free assistance of a lawyer, financed by the State, at all stages of the legal proceedings: before the trial, during the preliminary investigation; during the legal proceedings and the trial; and also for the referral of the case to the Indemnification Commission for Victims of Offences, to apply for compensation.

185. Investigations of offences against minors are assigned to specialized services such as the police's family protection brigades. Psychological, medical and social support is provided to these children. At all stages of the proceedings, minors may, at their request, be accompanied by their legal representative and, where applicable, by the adult of their choice, unless the competent judicial authority decides otherwise in a reasoned decision. During hearings of minors, a third party (a psychologist, specialist paediatrician or member of the minor's family) may be present, with the authorization of the judicial authority.

186. The unconditional protection of minor victims is a priority of the Second National Action Plan to Combat Trafficking in Persons. The Mobilization Plan to Combat Violence against Children includes two measures to better support and care for child victims. The first has consisted in extending throughout the country a pilot project for the protection of minor victims, which began in 2016 in Paris. When a report is filed by an association, this system allows the case to be processed by the prosecutor's office for minors within 24 hours and a provisional placement order to be issued within 48 hours. The second measure concerns the establishment in 2021 of a safe accommodation centre for minors who are victims of human trafficking. With a staff of various specially trained professionals (educators, a psychologist, a legal expert and a nurse), this centre will meet children's needs for education and health, and for psychological and legal support. Both of these measures are already in effect.

#### **Reply to the questions raised in paragraph 34 (d) of the list of issues**

187. Priority is given to providing child welfare professionals with training on human trafficking. In 2017, the Interministerial Task Force to Protect Women against Violence and

to Combat Human Trafficking, in collaboration with the Ministries of the Interior and Justice and specialized associations, produced a training booklet for educators aimed at better identifying and protecting minors who are victims of human trafficking. Training efforts have been strengthened under the Second National Action Plan to Combat Trafficking in Persons. The Interministerial Task Force is preparing an interministerial guide that includes a section dedicated to the identification and care of underaged victims (measure 14 of the plan).

**Reply to the questions raised in paragraph 34 (e) of the list of issues**

188. The prevention and eradication of trafficking in the activities of companies or their supply chains is based on the civil and criminal liability of the employer in the event of the use of underground employment or the employment of foreigners without work permits; it is also based on the joint and several liability of the project owner or principal contractor if one of its contractors or subcontractors does so. As a pathfinder country of Alliance 8.7, this is a priority for France.

189. As part of the National Plan to Combat Child Prostitution, there are plans to improve the detection and reporting of minors in prostitution, particularly in hotels and on accommodation rental platforms, by strengthening the risk prevention procedure and the reporting to the authorities of suspicious behaviour.

**Reply to the questions raised in paragraph 35 (a) of the list of issues**

190. 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.

**Reply to the questions raised in paragraph 35 (b) of the list of issues**

191. With regard to the repatriation of children from Syria, the position adopted by the French authorities, in accordance with the country's international commitments, is as follows.

- Adults who have chosen to join the ranks of a terrorist organization must be tried locally, as close as possible to where they committed the acts in question
- Unlike their parents, the children did not choose to join the cause of a terrorist organization. For this reason, the French Government takes a proactive stance, mobilizing means of the greatest significance to bring them back home whenever possible. When the repatriation of the children involves the return of their mothers and the conditions on the ground make this possible, if the mothers accept repatriation with full knowledge of the facts, they too are returned. These mothers face criminal proceedings upon their arrival in France. At the beginning of July 2022, France proceeded for the first time with the repatriation of 16 mothers; at the same time, 35 French minors were repatriated

192. France has conducted several return operations, resulting in the return of 72 particularly vulnerable children (including 2 from the Netherlands and a total of 70 French minors).

193. These operations were conducted with French civilian and military resources. These were very complex and risky activities, in a war zone where France had no control. The mobilized teams included consular, security and medical personnel. They required careful planning to create the conditions for success and discussions with the local administration in north-east Syria, which controls the camps.

194. Upon arrival in France, the French children, like all unaccompanied minors, were entrusted to the French judicial authorities so that they would be cared for by the child welfare system. They also benefit from a medical follow-up.

### III. Statistical information and data

#### Reply to the questions raised in paragraphs 36–38 of the list of issues

195. In 2021, primary and secondary education was the second largest budget item for the State, accounting for 11.8 per cent of its total budget (€76 billion).

196. Furthermore, 7.9 per cent of the budget of the Ministry of Justice, or €1 billion, was dedicated to the legal protection of young people. A portion amounting to 4.1 per cent of the State budget (€26.3 billion) was devoted to the objectives of solidarity, integration and equality of opportunities. Funding for social inclusion and protection accounted for 47.2 per cent of this budget (€12 billion), a significant part of which was devoted to the Interministerial Strategy to Prevent and Reduce Poverty among Children and Young People and to the policy of protection and support for vulnerable children and families.

197. €1 billion was also allocated to sports and youth associations.

#### Reply to the questions raised in paragraph 39 of the list of issues

198. According to INSEE, on 1 January 2021, there were 14,476,227 children under the age of 18 living in France, or 21.5 per cent of the total French population. The proportion was 22 per cent in 2011.

#### Reply to the questions raised in paragraph 40 of the list of issues

199. Since 2016, prosecutions have been initiated in 257 cases containing at least one offence of discrimination affecting children (annex, table 1). For the prosecution of discrimination offences, 305 minor victims were identified (annex, table 2). For discrimination against minors, 181 perpetrators were convicted (annex, table 3); of these, 89 were convicted for a main offence (annex, table 4). In the convictions for discrimination offences, 196 minor victims were identified (annex, table 5).

#### Reply to the questions raised in paragraph 41 of the list of issues

200. In 2016, 26 children between the ages of 1 and 14 committed suicide: 13 boys and 13 girls. Among adolescents and young adults (15 to 24 years old), 352 committed suicide: 258 males and 94 females. See table 6 in the annex.

#### Reply to the questions raised in paragraph 42 of the list of issues

201. In 2019, four unaccompanied minors applied for stateless status. In 2020, five applications were submitted (two of which were from girls). Such data are available only from 2019.

#### Reply to the questions raised in paragraph 43 (a) of the list of issues

202. Since 2016, prosecutions have been initiated in 960 cases of intentional homicide of minors or intentional assault resulting in the death of minors (annex, table 7). In prosecuted cases, 1,251 minors were identified as victims of intentional homicide or intentional assault resulting in death (annex, table 8). Prosecutions have been initiated in 81,807 cases involving at least one offence of intentionally causing bodily harm on a minor (annex, table 1). In the prosecution of intentional bodily harm, 108,391 victims were identified who were minors (annex, table 10). For intentional bodily harm against a minor, 70,021 perpetrators were convicted (annex, table 11), including 59,058 who were convicted of a main offence (annex, table 12). In the decisions that were handed down, 78,452 minors were identified as victims of intentional bodily harm (annex, table 13).

#### Reply to the questions raised in paragraph 43 (b) of the list of issues

203. During the 2016–2019 reporting period, 1,468,583 new or renewed individual measures were handed down by juvenile court judges for minors covered by court-ordered assistance (211,642 investigative measures, 600,400 non-institutional supervision or special

obligation measures and 656,541 placements). See table 14 in the annex for the breakdown by year and type (new or renewed measures).

#### **Reply to the questions raised in paragraph 44 of the list of issues**

204. Households facing hardship or living in modest circumstances receive various social benefits: housing assistance, minimum social benefits, family benefits, etc.

205. Housing subsidies benefited 6.6 million households at the end of 2018. Counting children and other dependents, approximately 13.5 million people, or 20 per cent of the French population, live in households that receive housing assistance. Housing assistance includes the individual housing allowance, the family housing allowance (19 per cent) and the social housing allowance. Single-parent families account for 54 per cent of beneficiaries of the family housing allowance and 25 per cent of individual housing allowance recipients. Couples with dependents account for 44 per cent of family housing allowance recipients and 22 per cent of individual housing allowance beneficiaries.

206. Minimum social welfare benefits were received by 4.25 million people at the end of 2018. Including their spouses and children, about 7 million people were covered, or 11 per cent of the population. There are 10 minimum social welfare benefits, which cover various situations. The guaranteed income supplement is the largest of the minimum social welfare benefits in terms of the number of beneficiaries (1.9 million people); it ensures that people without resources have a minimum level of income, which varies according to the composition of the household. Counting spouses and dependent children, about 3.85 million people, or 5.8 per cent of the population, are covered by the guaranteed income supplement. Single-parent families represent 32 per cent of the beneficiaries; couples with dependents account for 11 per cent.

207. At the end of 2018, 6.8 million families were receiving at least one family benefit. These benefits include assistance for parents of young children and assistance for the care of children beyond infancy. The assistance for parents of young children is grouped in the infant care benefit, which at the end of 2018 had 2.1 million beneficiary families. The assistance for the care of children beyond infancy includes the family allowance, the family support allowance, the schooling expenses allowance and the family supplement. At the end of 2018, the number of recipient families was 5.1 million for the differential schooling expenses allowance, 801,000 for the family support allowance, 3.1 million for the schooling expenses allowance and 912,000 for the family supplement.

208. Some 3.16 million households benefited from the employment bonus at the end of 2018. This bonus supplements income from employment and is intended for low-income earners, whether salaried or self-employed, from the age of 18; single-parent families account for 18 per cent of beneficiaries and couples with dependents for 20 per cent.

#### **Reply to the questions raised in paragraph 45 (a) of the list of issues**

209. In 2018, 355,000 measures were taken by the child welfare services for minors and adults under the age of 21. Of these, 53 per cent were placement measures and 47 per cent were other actions (DREES, 2020). There were 65,120 placements in institutions.

#### **Reply to the questions raised in paragraph 45 (b) of the list of issues**

210. In 2018, 75,800 foster care placements were carried out for minors and adults under the age of 21 (DREES, 2020).

#### **Reply to the questions raised in paragraph 46 (a) of the list of issues**

211. The diversity and changing nature of disability make it difficult to estimate the number of children with disabilities. Using the disability classifications of the World Health Organization, within the French population it is estimated that between 1 and 2 per cent of children are born with severe to moderately severe disabilities and up to 7 per cent have disorders. When applied to the number of births in 2017, the estimate would come to an average of about 110,000 children aged 0 to 6 with severe to moderate disabilities in France. On 31 December 2020 the number of children aged 0 to 20 receiving the education allowance

for children with disabilities was 370,610, with different rates for different ages (CNAF, 2021).

**Reply to the questions raised in paragraph 46 (b) of the list of issues**

212. The Services for Special Education and Home Support follow children and adolescents with disabilities in their living environment until the age of 20. According to the 2018 report from the National Solidarity Fund for Autonomy, the number of persons receiving support from these Services increased between 2007 and 2018. The proportion of children with disabilities who were covered thus rose from 22 per cent to 34.2 per cent. In 2018, in France, there were 69,166 places at medico-educational institutions and 53,849 places supported by the Services for Special Education and Home Support, out of a total of nearly 163,400 places for children with disabilities.

**Reply to the questions raised in paragraph 46 (c) of the list of issues**

213. Enrolment of children with disabilities in regular schools increased by 117 per cent between 2006 and 2018. In 2018/19, 337,795 children were enrolled in regular, individual and group settings, and 80,051 in hospital or medico-social facilities. In 2018/19, 241,779 children were enrolled in regular classes. In secondary education, 256,835 students were in an adapted general education and vocation training section or an adapted regional training establishment, which are structures for young people with serious academic difficulties or with psychological or sensory disabilities. Collective structures, such as local inclusive education units or inclusion and integration classes with specialized teaching, accommodated 96,016 children.

214. Of the students enrolled in institutions, 8,249 were in hospital facilities and 71,802 in medico-social facilities. Students with intellectual or autistic disorders accounted for an average of 45 per cent of enrolments at specialized establishments.

**Reply to the questions raised in paragraph 47 (a) and (b) of the list of issues**

215. The number of professionals specializing in paediatrics in 2021 was as follows: 1,582 professionals in private practice, 790 professionals in a mixed system and 5,130 salaried professionals.

216. The number of child and adolescent psychiatrists was as follows: 101 professionals in private practice, 35 professionals in mixed practice and 270 salaried professionals.

**Reply to the questions raised in paragraph 48 (a) of the list of issues**

217. For more than 30 years, early childbearing (defined here as births to mothers before the year of their twentieth birthday) has been rare, representing less than 3 per cent of births in metropolitan France. In 2018, 680 mothers were 16 years old or younger, 1,177 mothers were 17 years old and 2,339 were 18 years old. In 2018, in metropolitan France, 8,900 babies were born to mothers born after 1998, representing 1.2 per cent of births. Including the overseas departments, 11,700 babies were born in France (1.5 per cent of births).

**Reply to the questions raised in paragraph 48 (b) of the list of issues**

218. The percentage of children who have experimented with alcohol or cannabis, broken down by age and whether they use them more or less regularly, is presented in table 15 of the annex.

**Reply to the questions raised in paragraph 48 (c) of the list of issues**

219. In France, many facilities, even if they are not solely and specifically dedicated to sexual health or to serving adolescents, can provide sexual health services to adolescents. These include HIV and STI Screening Centres (CeGIDD), Family Planning Centres (CPEF) and Emotional, Relational and Sexual Life Spaces (EVARS). Also, other structures working with adolescents can perform health promotion and prevention tasks.

**Reply to the questions raised in paragraph 49 of the list of issues**

220. Nearly 20 per cent of children under age 18 live in a “poor” household, meaning that their standard of living is below the poverty line. This rate is 20.6 per cent for children under 6 years of age (National Child Protection Observatory, 2019).

**Reply to the questions raised in paragraph 50 (a) of the list of issues**

221. In 2018/19, 251,483 children ages 16–18 were not in school (28,414 sixteen-year-olds, 49,057 seventeen-year-olds and 174,012 eighteen-year-olds (annex, table 16).

**Reply to the questions raised in paragraph 50 (b) of the list of issues**

222. In 2017, 745,600 children left basic education. Of these 745,600 children, 52,800 graduated with the national diploma (brevet) and 42,100 graduated without any diploma (annex, table 17).

**Reply to the questions raised in paragraph 50 (c) of the list of issues**

223. In the 2019/20 school year, 52,468 students with disabilities were in local inclusive education units at primary schools, 48,370 in local inclusive education units at secondary level and 86,435 in adapted general education and vocational training sections.

**Reply to the questions raised in paragraph 50 (d) of the list of issues**

224. In 2017/18, France had 2,430,678 children between the ages of 3 and 6 attending preschool: 788,368 were three years old, 809,471 were four years old, 821,569 were five years old and 11,370 were six years old.

**Reply to the questions raised in paragraph 50 (e) of the list of issues**

225. In 2019/20, at the primary level, France had 5,717,320 children in public education and 935,463 children in private education. For secondary education, France had 4,345,822 children in public schools and 1,198,625 children in private schools.

**Reply to the questions raised in paragraph 51 (a) of the list of issues**

226. Since 2016, 3,364 asylum applications have been filed by unaccompanied minors with the French Office for the Protection of Refugees and Stateless Persons: 474 in 2016, 591 in 2017, 742 in 2018, 755 in 2019, 634 in 2020 and 186 in the first quarter of 2021. The main countries of origin for unaccompanied minors seeking asylum are Afghanistan, the Democratic Republic of the Congo, the Sudan, Syria, Guinea, Albania, Nigeria, Burundi, Somalia, and Côte d’Ivoire. The majority of unaccompanied minors seeking asylum are boys (around 75 per cent since 2016). The majority of the asylum seekers are 16 or 17 years old (over 85 per cent since 2016). Lastly, since 2016, 30,726 asylum applications have been filed on behalf of minors accompanied by their parents: 3,945 in 2016, 4,702 in 2017, 6,357 in 2018, 7,734 in 2019, 4,062 in 2020 and 3,926 in the first quarter of 2021.

**Reply to the questions raised in paragraph 51 (b) of the list of issues**

227. The number of unaccompanied minors seeking asylum in waiting zones has been as follows: 38 in 2016, 39 in 2017, 32 in 2018, 59 in 2019, 24 in 2020 and 5 between 1 January and 31 March 2021. The number of accompanied minors who applied for asylum in waiting zones is not available for the reference period.

**Reply to the questions raised in paragraph 52 (a) of the list of issues**

228. Between 2016 and 2020, 2,018 minors who were victims of human trafficking and exploitation were identified by the police and gendarmerie services in metropolitan France and the French overseas territories. There has been a notable predominance of female victims between the ages of 15 and 17 and of victims with French nationality.

**Reply to the questions raised in paragraph 52 (b) of the list of issues**

229. It is not currently possible to follow up on a single case through its registration by the police or gendarmerie (under the Ministry of the Interior) and its processing by the Ministry of Justice as a judicial procedure. However, a digital criminal case procedure common to both ministries is now being set up. It should make it possible to follow the entire procedure.

230. Between 2016 and 2020, 1,023 perpetrators were convicted in the first instance for an offence of trafficking in human beings committed against minors in metropolitan France and the overseas departments. The largest number of convicted perpetrators were French (691 of French nationality, 327 of foreign nationality, 15 of undeclared nationality). In the same period, 883 perpetrators were convicted in the first instance for a main offence of human trafficking of minors. Here too, the largest number of convicted perpetrators were of French nationality (593 of French nationality, 275 of foreign nationality, 15 of undeclared nationality). The majority of sentences involved imprisonment with at least a firm component (573 convictions).

231. See tables 18 to 32 in the annex for details of convictions (by year, nationality and main sentence) and information on the minors who were victims (by age, sex, nationality and region where the offence was committed) in first instance convictions in a criminal court or in a juvenile court for human trafficking as a whole, and by type of exploitation.

**Reply to the questions raised in paragraph 53 (a) of the list of issues**

232. In 2020, the number of juvenile detainees fluctuated widely owing to the health crisis. On 1 January 2020 there were 804 minors in custody nationwide. At the beginning of March 2020, there was an increase in incarcerations, with a record high of 887 juveniles in detention. During the first lockdown, the number of incarcerated minors dropped sharply, to a particularly low level at the end of April 2020, with 660 minors detained – 613 in metropolitan France and 47 in the overseas territories. On 1 July 2020, 670 minors were in prison, 85.1 per cent of whom were in pretrial detention. On 1 December 2020, there were 757 juveniles in detention, 82.6 per cent of whom were in pretrial detention. The average length of detention is 3 months; for pretrial detention, it is 73 days.

**Reply to the questions raised in paragraph 53 (b) of the list of issues**

233. Since 2016, 661,414 juveniles have been sentenced to a non-custodial main sentence or have been dismissed after successful completion of an alternative measure or a settlement arrangement (penal composition) (see annex, table 33).

**Reply to the questions raised in paragraph 54 (a) and (b) of the list of issues**

234. Since 2016, prosecutions have been initiated in 5,417 cases containing at least one offence of child pornography (annex, table 34). There were 1,587 minors identified as victims of child pornography in the cases prosecuted (annex, table 35). The number of persons convicted for child pornography was 4,234 (annex, table 36); 2,963 were convicted for a main offence (annex, table 37). In decisions of a court of first instance or a juvenile court, 979 minors were identified as victims of child pornography (annex, table 38).

235. Since 2016, prosecutions have been initiated in 642 cases of procuring, slavery or human trafficking of minors (annex, table 39). There were 1,054 minors identified as victims of procuring, slavery or human trafficking in the cases prosecuted (annex, table 40). In a first instance decision (excluding the Assize Court), 724 perpetrators were convicted for procuring, slavery or human trafficking of minors (annex, table 41), of whom 622 were convicted of a main offence (annex, table 42). In decisions handed down in the first instance, 464 minors were identified as victims of procuring, slavery or human trafficking (annex, table 43).



**Reply to the questions raised in paragraph 54 (c) of the list of issues**

236. Between 2016 and 2020, 93 compensation cases were opened for child victims of human trafficking or procuring, including 27 in 2020 and 33 in 2019. The majority concern the offence of procuring and involved female victims. The victims have most often been French (70 cases) or Nigerian (14 cases). The majority of the settlements paid have thus been related to the offence of procuring, with €161,500 paid in 2020, €159,000 in 2019 and €201,894 in 2018, out of a total of €638,532 paid between 2016 and 2020 (Source: Guarantee Fund for Victims of Terrorist Acts and Other Offences).

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