



# Convention on the Rights of the Child

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## Committee on the Rights of the Child

### Concluding observations on the combined sixth and seventh periodic reports of France\*

#### I. Introduction

1. The Committee considered the combined sixth and seventh periodic reports of France<sup>1</sup> at its 2702nd and 2703rd meetings,<sup>2</sup> held on 9 and 10 May 2023, and adopted the present concluding observations at its 2728th meeting, held on 26 May 2023.

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

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

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

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

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

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

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

<sup>1</sup> [CRC/C/FRA/6-7](#).

<sup>2</sup> See [CRC/C/SR.2702](#) and [CRC/C/SR.2703](#).



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

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

### Reservations

6. The Committee, in line with its previous recommendations,<sup>3</sup> encourages the State party to consider withdrawing its reservation to article 30 of the Convention and its declaration in relation to article 40.

### Legislation

7. Welcoming the decision of the State party to assess the impact of draft laws and regulations on young people and the establishment of a committee (*délégation*) on the rights of the child in the National Assembly, the Committee recommends that the State party systematically carry out youth impact assessments and undertake assessments of the impact of its draft legislation on children. It also recommends that the State party support the legislative proposal to establish a committee on the rights of the child in the Senate.

### Comprehensive policy and strategy

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

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

### Coordination

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

### Allocation of resources

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

- (a) Increase the budget allocated to social sectors, including for prevention, and to children in disadvantaged situations, such as Roma children, migrant children, including asylum-seeking and refugee children, and children in French Guiana, Mayotte and other overseas territories. In that regard, the State party should consider

<sup>3</sup> CRC/C/FRA/CO/5, para. 6.

the creation of a national fund for the equalization of child welfare expenditure to enable the alignment of needs and resources in the context of child welfare;

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

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

#### Data collection

11. While noting that, according to the information provided by the State party, the National Institute of Statistics and Economic Studies and the statistical services of the ministries are the main sources of data for assessing demographics and public policies relating to children, the Committee recommends that the State party:

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

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

#### Independent monitoring

12. The Committee recommends that the State party continue its efforts to increase the human, technical and financial resources allocated to the Office of the Defender of Rights, in particular for its activities to protect and promote the rights of children, and to increase the visibility of the Office's work throughout the territory of the State party. The Committee also recommends that the State party continue to consult both the Office of the Defender of Rights and the National Advisory Commission on Human Rights in its work concerning children and to give their views due consideration.

#### Dissemination, awareness-raising and training

13. While noting the recent creation of the programme of youth rights ambassadors, the Committee reiterates its previous recommendations.<sup>4</sup> In addition, the Committee recommends that the State party:

(a) Raise awareness among the public and children of the Convention and the Optional Protocol thereto on a communications procedure, including its mechanisms, throughout metropolitan France and the overseas territories;

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

#### International cooperation

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

<sup>4</sup> Ibid., para. 20.

- (a) Continue to prioritize and implement children's rights at the international level, both in its development and humanitarian action and in its bilateral and multilateral diplomatic agreements;
- (b) Increase the development budget to at least 0.7 per cent of gross national income;
- (c) Undertake a children's rights impact assessment of its international development policy.

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

15. While welcoming Act No. 2017-399 of 27 March 2017 on the Duty of Vigilance of Parent Companies and Contracting Companies and the national action plan for the implementation of the Guiding Principles on Business and Human Rights, adopted on 26 April 2017, and with reference to its general comment No. 16 (2013) on State obligations regarding the impact of the business sector on children's rights, the Committee recommends that the State party strengthen its measures to implement the Act and the national action plan and ensure that businesses operating in and from the State party comply with international and national human rights, labour, environmental and other standards, in particular with regard to children's rights.

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

#### Non-discrimination

16. The Committee recalls its previous recommendations<sup>5</sup> and urges the State party to strengthen its efforts to foster a culture of equality, tolerance and mutual respect, to prevent and combat persistent discrimination and to ensure that all cases of discrimination against children in all sectors of society are effectively addressed. The Committee recommends that the State party take specific measures to combat discrimination against children in marginalized and disadvantaged situations, in particular children living in squats and other informal accommodation, Roma children, children with disabilities, lesbian, gay, bisexual, transgender and intersex children, asylum-seeking, refugee and migrant children and children belonging to racial, ethnic and religious minorities.

#### Best interests of the child

17. While welcoming the recognition by the Court of Cassation of the direct applicability of article 3 (1) of the Convention, and with reference to its general comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration, the Committee reiterates its recommendation that the State party strengthen its efforts to ensure that the right in question is appropriately integrated and consistently interpreted and applied in all legislative, administrative and judicial proceedings and decisions, as well as in all policies, programmes and projects that are relevant to and have an impact on children.<sup>6</sup> In that regard, the State party is encouraged to develop procedures and criteria to provide guidance to all relevant persons in authority on determining the best interests of the child in every area and on giving those interests due weight as a primary consideration.

#### Right to life, survival and development

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

<sup>5</sup> Ibid., para. 24.

<sup>6</sup> Ibid., para. 26.

### **Respect for the views of the child**

19. With reference to its general comment No. 12 (2009) on the right of the child to be heard, and while noting good practices such as the regular exchange between delegations of children and the Prime Minister, the Committee recommends that the State party:

(a) Take measures to ensure the effective implementation of its legislation and policies on the right of the child to be heard in relevant legal proceedings, in particular the National Child Protection Strategy (2020–2022), the circular of 19 April 2017 on the judicial protection of the child and the Child Protection Act, No. 2022-140 of 7 February 2022, including by establishing systems and/or procedures for ensuring respect for that right on the part of social workers and the courts;

(b) Ensure the consistent use of “Mélanie rooms”, continue to expand the network of paediatric reception units for children at risk, which provide comprehensive systems for taking evidence from and caring for children who are victims, and increase the public funding allocated to those initiatives;

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

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

(e) Strengthen children’s bodies, such as children’s councils, the Children’s Parliament, the Youth Policy Guidance Council and the children’s panel of the High Council for Family, Childhood and Age, and ensure that they are provided with a meaningful mandate and adequate human, technical and financial resources, in order to facilitate children’s effective engagement with national legislative processes on issues that affect them.

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

### **Birth registration, nationality and the right to identity**

20. Recalling target 16.9 of the Sustainable Development Goals, the Committee recommends that the State party:

(a) Continue its efforts to improve birth registration in the overseas territories;

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

(c) Reconsider the special regime for acquiring French nationality for children living in Mayotte and consider ratifying the European Convention on Nationality and the Council of Europe Convention on the Avoidance of Statelessness in relation to State Succession.

### **Right to privacy**

21. While noting that the Act for a Digital Republic, No. 2016-1321 of 7 October 2016, establishes children’s “right to be forgotten”, the Committee recommends that the State party raise awareness among the public, in particular children, of that right on the Internet and monitor respect for it. The Committee notes the adoption of Act No. 2020-1266 of 19 October 2020, aimed at regulating the commercial exploitation of images of children under the age of 16 on online platforms, and recommends that the State party strengthen the implementation of the Act and digital education in schools by integrating them into the curriculum and training teachers on the use of new

technologies. The Committee also recommends that the State party ensure that the implementation of Act No. 2022-300 of 2 March 2022, aimed at strengthening parental control over access to the Internet, fully respects children's right to privacy.

#### Access to appropriate information

22. While noting the information provided by the State party about the signing by the Government and broadcasting and communications companies of a protocol of commitment on parental control, the Committee recommends that the State party strengthen the implementation of article 227-24 of the Penal Code, sanction websites that provide access to pornographic content subject to mere age declaration and block websites and networks that provide access to pornographic content without verifying the age of users. It also recommends that the State party ensure the availability of and access to adequate and age-appropriate information on matters relating to children's rights and available services.

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

#### Cruel or degrading treatment or punishment

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

(a) To continue its efforts to end violence against children with intellectual and/or psychosocial disabilities, to establish a system to monitor the psychiatric services provided to children with disabilities and to include the issue in the next national autism strategy, the previous strategy having expired in 2022;

(b) To strengthen measures to ensure that unaccompanied children in transit, in particular in the Pas-de-Calais Department, do not experience cruel or degrading living conditions, the destruction of their shelters, the use of disproportionate police force or a lack of protection measures.

#### Corporal punishment

24. While welcoming the adoption of Act No. 2019-721 of 10 July 2019, under which "ordinary educational violence" was banned and article 371-1 of the Civil Code was amended to stipulate that parental authority should be exercised without any physical or psychological violence, the Committee recommends that the application of the ban be extended to the State party's overseas territories, in particular Saint Pierre and Miquelon. The Committee also recommends that the State party implement the ban in all settings, including homes and schools, and promote positive, participatory and non-violent forms of child-rearing and discipline.

#### Abuse and neglect

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

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

(a) To carry out an evaluation of plans to combat violence against children, including by collecting data on all cases of domestic violence against children, as a way

**of informing the development and adoption of a new plan of action, and to undertake a comprehensive assessment of the extent, causes and nature of such violence;**

**(b) To further strengthen awareness-raising and education programmes, including campaigns and including on the use of the 119 national child protection hotline, with the involvement of children, in order to streamline the reporting of cases of violence against children;**

**(c) To increase human, technical and financial resources for the prevention of violence, clearly define competencies among the different actors involved in child protection, as their mandates overlap to varying degrees, and ensure effective coordination and communication among them.**

### **Sexual exploitation and abuse**

27. The Committee notes the adoption of Act No. 2021-478 of 21 April 2021 on the Protection of Children against Sexual Felonies and Misdemeanours and Incest, which introduces a mechanism for increasing limitation periods for offences committed by a single perpetrator against several victims, and the establishment of and work carried out by the independent commission on incest and sexual violence against children and the Independent Commission on Sexual Abuse in the Church. However, the Committee remains seriously concerned about reports of:

(a) The disproportionately low number of convictions in cases of sexual abuse perpetrated by members of the religious personnel of the Catholic Church in view of the reportedly large scale of the abuse, and the low number of awards of compensation to victims;

(b) The lack of a child-friendly and multisectoral approach to the investigation of child sexual abuse, including in cases in which the alleged perpetrator is in the circle of trust, such as a member of the religious personnel of the Catholic Church;

(c) The fact that the applicable limitation periods are short, as some of the crimes were committed decades ago;

(d) The limited measures taken to combat the online sexual exploitation and abuse of children;

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

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

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

**(b) To apply a child-friendly and multisectoral approach to the investigation of child sexual abuse, including by avoiding the retraumatization of victims through the use of evidence-based forensic interviewing techniques and appropriate trauma-focused therapy;**

**(c) To continue to ensure that audiovisual recordings are consistently accepted as evidence in court and to consider introducing an arrangement whereby cross-examination can take place without delay, at the pretrial stage, so that children who are victims need not give their testimony in court;**

**(d) To ensure that children who are victims of sexual abuse are provided with appropriate remedies and support and with adequate compensation;**

**(e) To strengthen measures to protect children above the age of 15 who are or are at risk of becoming victims of sexual exploitation;**

**(f) To implement the findings of the Independent Commission on Sexual Abuse in the Church and the Independent National Authority for Recognition and Reparation established by religious institutions and, if necessary, to establish a State-led independent inquiry into the violations;**

- (g) To abolish the limitation periods applicable to offences of child sexual abuse;
- (h) To strengthen its efforts to detect, investigate and combat the online sexual exploitation and abuse of children;
- (i) To ensure that data are collected on all cases of child sexual abuse and exploitation.

#### Sexual abuse by members of the French military

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

#### Harmful practices

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

- (a) Continue its efforts to eliminate female genital mutilation by evaluating the implementation of the First National Action Plan and continuing to increase awareness among girls at risk, communities, medical professionals, social workers, police officers, gendarmes, judges and prosecutors;
- (b) Provide adequate social, medical and psychological services, counselling and support to intersex children and their families and ensure that children's consent is sought, to the greatest extent possible, in decision-making regarding their treatment and care and that no child is subjected to unnecessary surgery or treatment;
- (c) Educate and train medical and psychological professionals on sexual and related biological and physical diversity and on the consequences of unnecessary surgical and other medical interventions on intersex children.

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

#### Family environment

31. The Committee notes the adoption of the National Support Strategy for Parenting (2018–2022) and recommends that the State party:

- (a) Take measures to evaluate the implementation of the Strategy and strengthen the coordination and visibility of parenting support systems throughout its territory;
- (b) Continue to increase funding for early intervention and support for families in difficult situations, in particular single-parent families, isolated families and families living in precarious situations, including by providing appropriate training for social workers, judges and other relevant professionals;



(c) **Replace the term “parental authority” in its legislation and policies with “parental responsibility” or a similar term, in accordance with an approach based on children’s rights.**

#### **Children deprived of a family environment**

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

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

(b) The placement of children in foster families is disruptive and changes in foster families are frequent, without regard for children’s attachment to foster parents;

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

(d) There have been reports of cases of violence against and ill-treatment and neglect of children in institutions, in particular young children;

(e) “Plans for the Child”, as envisaged under the Act of 14 March 2016, are not used in some parts of the State party.

33. **Drawing the State party’s attention to the Guidelines for the Alternative Care of Children,<sup>7</sup> the Committee urges the State party:**

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

(b) **To elaborate, on the basis of children’s needs and best interests, adequate safeguards and clear criteria for determining whether they should be placed in alternative care, taking into consideration their emotional attachments;**

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

(d) **To ensure that the National Child Protection Observatory and the departmental child protection observatories collect updated data and, on an ongoing basis, publish time limits for the execution of judicial decisions by the departments;**

(e) **To ensure periodic review of placements of children in foster care and institutions and to monitor the quality of care provided therein, including by providing child-friendly, accessible channels for reporting, monitoring and remedying the mistreatment of children;**

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

(g) **To extend the use of “Plans for the Child”, as envisaged under the Act of 14 March 2016, throughout the territory of the State party.**

#### **Inter-country adoption**

34. **Taking note of recent studies and research, in particular the historical study of unlawful inter-country adoption practices in France, the Committee recommends that the State party:**

(a) **Ensure that the principle of the best interests of the child is the paramount consideration in the context of inter-country adoption and prevent the abduction, sale and trafficking of children;**

<sup>7</sup> General Assembly resolution 64/142, annex.

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

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

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

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

36. **With reference to its general comment No. 9 (2006) on the rights of children with disabilities, the Committee urges the State party:**

- (a) **To adopt a human rights-based approach to disability and to develop a comprehensive strategy for the inclusion of children with disabilities;**
- (b) **To strengthen training for and increase the number of specialized teachers and professionals working in integrated classes to provide individualized support, and to give all due attention to children with learning difficulties, including by expanding the use of the *Cap école inclusive* platform throughout the territory of the State party;**
- (c) **To take measures to promote and provide for the inclusion of children with disabilities in all areas of life and to improve the accessibility of inclusive schools, in particular in the overseas territories and rural areas;**
- (d) **To take measures to decrease the number of children with disabilities placed in institutions and ensure regular monitoring of such institutions;**
- (e) **To take immediate measures to ensure that children with disabilities, in particular children with autism spectrum disorders, have access to health care, including early detection and intervention programmes.**

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

### **Health and health services**

37. While noting the “First 1,000 Days” strategy, which covers prenatal and postnatal care for maternal and child protection, the Committee refers to its general comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health, recalls targets 3.1 and 3.2 of the Sustainable Development Goals and recommends that the State party:

- (a) **Implement the “First 1,000 Days” strategy on the basis of realistic and attainable goals;**

(b) Put in place appropriate support so that children born into the most disadvantaged families benefit from an environment that is both physically and emotionally nurturing and secure;

(c) Increase efforts to reduce existing disparities in access to health-care services for children and mothers in the overseas territories;

(d) Address deficiencies in resources and medical staff, services and structures, in particular in schools and in maternal and child welfare protection centres, and consider the specific needs of children, in particular children living in the overseas territories and in informal settlements.

#### **Mental health**

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

(a) Conduct a study on the epidemiology of mental health conditions among children in France and develop a national strategy for children's mental health, with a specific focus on children in vulnerable situations, including children in contact with the judicial system and in the youth protection system;

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

(c) Undertake a situational analysis to identify and map the risk factors associated with suicide, in particular among adolescents, and ensure the provision of effective prevention services, including mental health services;

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

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

#### **Adolescent health**

39. With reference to its general comments No. 4 (2003) on adolescent health and development in the context of the Convention and No. 20 (2016) on the implementation of the rights of the child during adolescence, the Committee notes the adoption of the National Sexual Health Strategy 2017–2030 and recommends that the State party strengthen the implementation of the Strategy and the Act of 4 July 2001, which provides for sexual and reproductive health education in schools. The Committee also recommends that the State party ensure regular monitoring and evaluation of the frequency and quality of such education throughout its territories.

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

40. The Committee draws attention to target 13.3 of the Sustainable Development Goals and recommends that the State party adopt and implement more ambitious mitigation targets and increase children's awareness and preparedness for climate change and natural disasters by incorporating them into the school curriculum and teacher training programmes, in particular in those of its overseas territories that are particularly vulnerable to the consequences of climate change. The Committee also recommends that the State party take into account children's views when developing policies or programmes to address the issues of climate change and disaster risk management.

#### **Standard of living**

41. The Committee takes note of the National Strategy to Prevent and Reduce Poverty (2018–2022) but regrets the insufficient information provided on the impact of the strategy on reducing poverty, in particular among children. The Committee also takes note of the

Five-Year Housing First and Combating Homelessness Plan (2018–2022) but remains concerned about:

(a) The situation of the increasing number of children and families living in poverty, who were the worst affected by the COVID-19 pandemic, in particular children in families headed by single parents, children living in shanty towns and children living in “emergency accommodation” for extended periods;

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

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

(d) Limited assistance for families living in poverty with children with chronic illnesses.

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

(a) **Eradicate child poverty throughout its territory and allocate the necessary human, technical and financial resources to programmes to support the children and families most in need, in particular children and families affected by the COVID-19 pandemic who are living in poverty, children in families headed by single parents or living in shanty towns, children in the overseas territories and unaccompanied migrant children;**

(b) **Increase the provision of social housing for families in the most precarious situations and develop transitional facilities suitable for families with children;**

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

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

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

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

**Education, including vocational training and guidance**

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

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

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

(c) **Prevent dropouts and absenteeism among children above the age of 15, in particular foreign children, in French Guiana, including by providing courses suited to the needs and aspirations of children in isolated territories and providing adequate accommodation for those in need of boarding;**

- (d) **Regulate the functioning of ad hoc schools and monitor the quality and content of the education that they provide;**
- (e) **Develop and promote quality vocational training to enhance the skills of children and young people, in particular those who drop out of school;**
- (f) **Ensure that the school administration and professionals working in schools do not share the personal data of children and their families with any third party;**
- (g) **Strengthen efforts to train education professionals on the identification of and conduct to be adopted in response to bullying at school and cyberbullying and disseminate tools to promote the prevention of such acts.**

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

### **Asylum-seeking and migrant children**

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

- (a) The continued detention of families with children and unaccompanied children in airport waiting areas and other administrative detention facilities with poor conditions that are not suitable for children, without judicial or administrative oversight;
- (b) Arbitrary age assessment practices, including the continued use of bone tests, despite the significant margin of error, as confirmed by the Constitutional Council, and the discretionary application of the concept of “manifest minority”;
- (c) The inadequate access of unaccompanied children to child protection, legal representation, psychological support, social assistance, health, education and shelter, in particular in the Pas-de-Calais and Nord Departments;
- (d) The reported detention of unaccompanied children alongside adults and the reported removal of such children from the State party on the basis of administrative decisions.

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

- (a) **To put an end to the detention of children on immigration grounds, including in airport waiting areas, with a view to eradicating the practice. The obligation not to deprive a child of liberty extends to the child’s parents and requires that the authorities opt for non-custodial solutions for the whole family;**
- (b) **To ensure that all alternatives to the detention of children are subject to strict safeguards and effective external and independent monitoring;**
- (c) **To align the age assessment procedure with the principle of presumption of minority and give the person concerned the opportunity to challenge the outcome through a judicial procedure. While the procedure is under way, the person concerned should be given the benefit of the doubt, be treated as a child and remain within the child protection system;**
- (d) **To put an end to the use of bone tests as a method for determining the age of children in favour of other methods that are proven to be more accurate, including recognition and reconstitution of civil status documents;**

(e) To increase outreach activities, in particular in the Pas-de-Calais and Nord Departments, to provide information and guidance for unaccompanied children, to provide shelter and to adapt child welfare services to the specific needs of the region;

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

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

#### Children in armed conflict

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

#### Administration of child justice

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

(a) To raise the minimum age of criminal responsibility to at least 14 and to ensure that no child below that age is held responsible under the criminal law, in line with its general comment No. 24 (2019);

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

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

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

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

(f) To restrict and establish a time limit for the use of pretrial detention for children;

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

(h) To ensure that the Government's report on the implementation of the 2021 Juvenile Criminal Justice Code, to be published in September 2023, includes an assessment and analysis of the impact of the Code on the rehabilitation, care and education of children and on the rate of incarceration among children and to reconsider the possibility of consolidating all its legislation concerning children into a comprehensive children's code.

## **J. Follow-up to the Committee's previous concluding observations and recommendations concerning the implementation of the Optional Protocols to the Convention**

### **Optional Protocol on the sale of children, child prostitution and child pornography**

48. The Committee welcomes the launch of the First National Plan to Combat Child Prostitution on 15 November 2021 and, with reference to its 2019 guidelines regarding the implementation of the Optional Protocol,<sup>8</sup> recommends that the State party:

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

(b) Accelerate the establishment of a national victim identification and referral mechanism for victims of offences covered under the Optional Protocol, including those committed online;

(c) Ensure the effective implementation of Act No. 2017-399 of 27 March 2017 on the Duty of Vigilance of Parent Companies and Contracting Companies with regard to offences covered under the Optional Protocol and adopt provisions on the liability of legal persons.

### **Optional Protocol on the involvement of children in armed conflict**

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

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

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

## **L. Cooperation with regional bodies**

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

# **IV. Implementation and reporting**

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

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

<sup>8</sup> [CRC/C/156](#).

## **B. National mechanism for reporting and follow-up**

53. The Committee recommends that the State party strengthen its standing government structure to coordinate and prepare reports to and engage with international and regional human rights mechanisms and to coordinate and track national follow-up to, and implementation of, treaty obligations and the recommendations and decisions emanating from the mechanisms. The Committee emphasizes that the structure should be adequately and continuously supported by dedicated staff and should have the capacity to consult systematically with the National Advisory Commission on Human Rights and civil society.

## **C. Next report**

54. The Committee will establish and communicate the due date of the combined eighth and ninth periodic reports of the State party in due course, in line with the envisaged predictable reporting calendar based on an eight-year review cycle, and following the adoption of a list of issues and questions prior to reporting, if applicable, for the State party. The report should be in compliance with the Committee's harmonized treaty-specific reporting guidelines<sup>9</sup> and should not exceed 21,200 words.<sup>10</sup> In the event that a report exceeding the established word limit is submitted, the State party will be asked to shorten the report. If the State party is not in a position to review and resubmit the report, translation thereof for the purposes of consideration by the Committee cannot be guaranteed.

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<sup>9</sup> [CRC/C/58/Rev.3](#).

<sup>10</sup> General Assembly resolution 68/268, para. 16.