



# Convention on the Rights of the Child

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## Committee on the Rights of the Child

Seventy-first session

11-29 January 2016

Item 4 of the provisional agenda

Consideration of reports of States parties

### List of issues in relation to the fifth periodic report of France

**The State party is requested to submit in writing additional, updated information (10,700 words maximum), if possible before 15 October 2015.**

*The Committee may take up any aspects of children's rights set out in the Convention during the dialogue with the State party.*

### Part I

**In this section, the State party is requested to submit its responses to the following questions.**

1. In the light of paragraph 61 of the State party report (CRC/C/FRA/5), please describe the steps taken to implement the 2009 recommendations of the Committee in terms of a comprehensive national strategy for children (see CRC/C/FRA/CO/4, para. 14) and the concrete measures adopted to take the rights of children systematically into account when drafting public legislation and policies which could affect children. Please indicate whether child-rights impact assessments of all draft legislation and regulations, including fiscal adjustments, have been undertaken and, if so, give their results. Please also indicate how the State party monitors the uniform application of the Convention by departmental councils and guarantees that they have the required expertise and resources to protect the rights of children within their territories.
2. Please indicate the legislative, administrative or other measures taken to ensure that the activities of the corporate sector on French territory, as well as those of companies controlled by French nationals or by French corporations abroad, respect the rights of children at all stages of production.
3. Please indicate the measures in place to eradicate gender stereotypes and discrimination and further elaborate on the reasons why the "ABCD of equality" programme developed by the Ministry of National Education was terminated. Please also indicate the specific measures taken to put an end to persistent discrimination against children with disabilities, Roma children, children belonging to economically disadvantaged communities, children from single-parent families, children living in the suburbs and unaccompanied migrant, refugee and asylum-seeking children. Please



indicate the steps taken to combat stigma and harassment against lesbian, gay, bisexual, transgender and intersex (LGBTI) children and adolescents.

4. Given the lack of universal birth registration in French Guiana and the limited access of children from the Amerindian and Bushinenge (Noirs-Marrons) populations to public services in general, please indicate the measures taken to ensure the registration of all children and guarantee access to public services for unregistered children.

5. With reference to the Committee's previous recommendation, please provide information on any planned child-rights impact assessments, particularly regarding the right to privacy, of the many databases established at all levels of the educational system (see CRC/C/FRA/CO/4, para. 50). Please further elaborate on the type of information stored in all these databases and their exact purpose. Please also indicate the concrete measures taken to ensure that families are informed of their right to oppose the registration of personal data relating to their children in the preschool and primary school "base élèves 1er degré" pupil database and other secondary school pupil databases, and their right to consult, rectify and oppose any dissemination or use of this information for purposes not directly related to the purposes of the education system.

6. Please provide information on criminal proceedings against perpetrators of inhuman and degrading treatment inflicted on children with disabilities in specialized institutions and on the number of convictions handed down in that respect. Please also elaborate on steps taken to ensure that similar acts do reoccur again in future and to effectively monitor these institutions on a regular basis. Please also indicate the steps taken in order urgently to put an end to treatments administered to children with autism spectrum disorders, such as "packing" and pool therapy, and their overmedication.

7. Please provide information on the follow-up given to the 2010 national consultations on vulnerable children, including whether the State party intends to establish a comprehensive and coordinated strategy to combat domestic violence and to establish effective measures to prevent child abuse and, if so, how soon and with what resources. Please also indicate what measures the State party intends to adopt in regard to parents convicted of the homicide, rape or sexual assault of their children to ensure that they cannot exercise their right to custody of their other children.

8. Please provide information on the mandatory implementation of a policy to prevent and address bullying at school in all educational establishments (Act No. 2013-595 organizing and planning the public school reform of 8 July 2013). Please also indicate any programme or activity developed to prevent and combat group and online bullying of children.

9. Please indicate whether the State party intends to introduce a policy of deinstitutionalization and, if so, when. Please also indicate what action has been taken to address the concerns of the Special Rapporteur on the rights of persons with disabilities regarding the placement of Timothée Dincher in an institution and the measures taken to prevent it. Please also comment on reports that many other parents have had custody of their children withdrawn for demanding that their child be included in mainstream school and refusing unsuitable treatment in institutions.

10. Please indicate what measures have been taken to ensure the right of all children to be properly informed, to express their views and to have them taken into account in decisions regarding their placement into out-of-home care and to ensure the continuity of the children's education and family relationships. Please comment on information indicating that 80 per cent of children are placed into care by the child welfare services on account of their parents being poor. Please explain what steps have been

taken to ensure that the systematic appointment of ad hoc administrators is conducted in a manner that upholds the right to representation and assistance of children taken into care in the course of educational assistance procedures or legal, administrative or court proceedings.

11. Please inform the Committee about the outcomes of the National Programme of Suicide-Prevention Measures 2011-2014, as well as the programme to build centres for adolescents. Please also indicate the measures taken to guarantee nationwide access, particularly in rural areas and areas governed by urban and overseas policy, to multipurpose counselling support centres and to provide access to care and support for children through a service employing properly trained personnel and offering a child-friendly environment.

12. Please indicate the steps taken to comply with the orders of the Council of Europe and the European Committee of Social Rights to ensure that children with autism spectrum disorders benefit from early educational and behavioural testing and intervention by professionals trained in the methods advocated since 2012 by the High Authority for Health. In particular, please indicate the measures taken to prohibit inappropriate treatments that have not been scientifically proven; strengthen the capacity and skills of professionals, especially in the mainstream school system; establish support and training programmes for parents, and ensure that the views of children and their families are understood and respected.

13. Please explain the practical application of “inclusive education” pursuant to Act No. 2013-595 of 8 July 2013 and the concrete results of the implementation of this Act in relation to children excluded from mainstream school, not attending school or subject to special arrangements, such as school inclusion and special needs classes. Please provide detailed information on the measures planned or already in place to address the total or partial exclusion of children with disabilities, as well as Traveller and migrant children, from mainstream schools, educational activities and extracurricular facilities and leisure.

14. Please provide the Committee with information on early childhood education programmes and the increase in the number of nursery places, especially for children from families particularly affected or threatened by poverty and social exclusion.

15. Please indicate what follow-up has been given to the findings of studies on the French education system, which revealed widening disparities between students in terms of educational achievement. Please also indicate whether the State party has assessed the impact of the substantial reductions in primary school posts during the reporting period and whether it intends to halt the cutting of posts and the recruitment of persons without proper teaching qualifications.

16. Given the increasing number of children and families living below the poverty line in the State party, please elaborate on the specific measures taken to ensure an adequate standard of living for children and to combat social exclusion due to precarious circumstances, especially for children living in sensitive urban surroundings, in single parent families, in families with more than three children and in families where both parents are without gainful employment, as well as children of Roma origin living in camps.

17. Please indicate the measures taken to address the difficulties that prevent migrant children from exercising their rights, mainly their rights to health and education, in particular in overseas territories and departments. Please also explain the measures taken by the State party to address the lack of protection measures for unaccompanied children and adolescents seeking asylum. In response to the Committee’s previous recommendations, please describe the steps taken to outlaw the use of bone tests to

determine the age of children without identity documents (see CRC/C/FRA/CO/4, para. 88).

18. Please inform the Committee about the efforts made to address the refusal of certain municipalities to enrol Roma children in school. Please also indicate the measures adopted to improve the social inclusion and uphold the economic, social and cultural rights of Roma children living in the State party, including their right to an adequate standard of living and suitable housing. In particular, please indicate the steps taken to rehouse Roma families that have been expelled from their camps. Please also indicate whether investigations have identified those responsible for the deaths of Roma children in February and May 2014 and June 2015 as a result of fires, and what charges had been brought against the perpetrator(s) of the lynching of a Roma adolescent in June 2014.

19. Please indicate what measures have been taken to ensure that children subjected to sexual exploitation are recognized as child victims, receive appropriate care, are treated by qualified personnel and benefit from social inclusion measures aimed at facilitating their participation. Please comment on information indicating that clients of child prostitution are rarely prosecuted. Please also indicate the concrete measures taken to protect child victims throughout the judicial process.

20. Please inform the Committee about the measures taken in response to allegations of sexual abuse and exploitation of children committed by French military personnel deployed abroad. In particular, please provide detailed information on the investigations undertaken in the case of French soldiers suspected of abusing children in the Central African Republic and those who allegedly concealed such abuse, and indicate whether the military personnel responsible and their superiors were withdrawn from the country as soon as the State party became aware of the facts. Please describe the measures taken or envisaged to ensure that such abuse, if found to be true, does not reoccur in future. Please also indicate what measures have been taken or contemplated to protect any child victims and/or witnesses of such acts.

21. Regarding the Committee's previous recommendation, please provide information on the establishment of an internationally acceptable minimum age of criminal responsibility (see CRC/C/FRA/CO/4, para. 99). Please also inform the Committee of the measures taken to bring an end to the solitary confinement of detained children; to combat violence among detained children and by supervisory staff, and to ensure the right of all children in conflict with the law to receive appropriate advice, support, legal aid and legal assistance. Please also comment on information according to which closed educational facilities often lack suitably qualified personnel to teach children deprived of their liberty.

22. Please inform the Committee of the measures taken to prevent the recruitment of children by non-State armed groups and radical religious and ideological movements. Please also provide information on the steps taken in response to the Committee's recommendations regarding the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict to ensure that the recruitment and involvement of children in hostilities are explicitly prohibited by law (see CRC/C/OPAC/FRA/CO/1, para. 6).

## **Part II**

**In this section, the Committee invites the State party to provide a brief update (no more than three pages) on the information presented in its report regarding:**

- (a) New bills and laws, and their respective regulations;

- (b) New institutions and their mandates, and institutional reforms;
- (c) Recently introduced policies, programmes and action plans and their scope and financing;
- (d) Recent ratifications of human rights instruments.

### **Part III**

#### **Data, statistics and other information, if available**

1. Please provide data on the budget appropriations made for children in the past three years, indicating the percentage of the national budget and gross domestic product represented by each budget line and their allocation at the national level.
2. Please include information on the number of objections by parents to databases received by the national education authorities and the number of those deemed to be well founded.
3. Please also provide updated statistical data (disaggregated by age, sex, ethnicity, geographic location and socioeconomic status) covering the past three years on the number of:
  - (a) Child victims of ill-treatment, violence and abuse, including sexual abuse, as well as the number of complaints, investigations, prosecutions and convictions in that regard;
  - (b) Children cared for by the mental health services who suffer from behavioural problems, as well as suicides and attempted suicides among children;
  - (c) Children and adolescents who abuse drugs or alcohol;
  - (d) Children whose parents are in prison;
  - (e) Children adopted outside the framework of the Hague Convention;
  - (f) Children from single-parent families;
  - (g) Migrant children, including unaccompanied, asylum-seeking and refugee children; and
  - (h) Undocumented children.
4. Please also provide updated statistical data (disaggregated by age, sex, ethnicity, geographic location and socioeconomic status) covering the past three years on the number of children deprived of a family environment who are:
  - (a) Separated from their parents;
  - (b) Placed in institutions;
  - (c) Placed with foster families;
  - (d) Placed with another trustworthy person; and
  - (e) Adopted domestically or through intercountry adoptions.
5. In addition, please provide updated statistical data (disaggregated by age, sex, type of disability, geographic location and socioeconomic status) covering the past three years on the number of children with special needs, including children with autism spectrum disorders, who are:
  - (a) Living with their families;
  - (b) Living in institutions;

- (c) Placed in psychiatric hospitals;
- (d) Regularly attending mainstream primary school (including attendance rate);
- (e) Regularly attending mainstream secondary school (including attendance rate);
- (f) Regularly attending special needs schools (including attendance rate);
- (g) Receiving schooling in medical, medico-social and hospital establishments (including rate of attendance);
- (h) Receiving no schooling; and
- (i) Abandoned by their families.

6. Please update any information contained in the report that may be outdated and provide information on recent developments related to the rights of the child.

7. In addition, the State party might list the issues affecting children that it considers to be important with regard to the implementation of the Convention.

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