

ADVANCE UNEDITED VERSION

Distr.: General
6 November 2020

Original: English
English, French and Spanish only

Committee on the Rights of the Child**List of issues prior to submission of the sixth periodic report of France***

1. The State party is requested to submit in writing the information requested below (21,200 words maximum), if possible before 30 October 2021. The replies should take into consideration the Committee's previous recommendations (CRC/C/FRA/CO/5) adopted on 29 January 2016. The Committee may take up all aspects of children's rights set out in the Convention and its Optional Protocols during the dialogue with the State party.

I. New developments

2. The Committee requests the State party to provide:

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

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

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

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

II. Rights under the Convention and its Optional Protocols**A. General measures of implementation (arts. 4, 42 and 44 (6))****Reservations**

4. Please provide information on any steps to review its reservation to article 30 as well as its interpretative declarations to articles 6 and 40 of the Convention.

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



Legislation

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

Comprehensive policy, strategy and coordination

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

Allocation of resources

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

Data collection

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

Independent monitoring

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

Children's rights and the business sector

10. In view of Law No. 2017-399 of March 27, 2017 on the duty of vigilance of parent companies and contracting companies and of the national action plan for the implementation of the United Nations Guiding Principles on Human Rights and businesses (PNAEDH) of April 26, 2017, please explain what the State party is doing to promote their implementation to ensure respect for children's rights. Please also indicate the measures taken to promote the criminal liability of parent companies for violations of human rights, in particular the rights of the child, committed by their subsidiaries abroad

B. General principles (arts. 2, 3, 6 and 12)**Non-discrimination**

11. Please provide information on (a) the regulatory measures that the State party intends to take to ensure equal access to sports, leisure activities and culture for all children, in

particular children with disabilities; (b) public expenses linked to sports and cultural activities, disaggregated by gender; (c) measures taken to ensure respect for the principle of non-discrimination in the procedures for assigning students to higher education institutions using algorithms.

Best interests of the child

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

Right to life, survival and development

13. With reference to the Committee's previous concluding observations (CRC/C/FRA/CO/5, para. 28), please provide information on measures taken to stop the phenomenon of child deaths resulting from child abuse. Please inform the Committee on initiatives that will oblige all judges to systematically raise the issue of revocation of parental authority when parents are convicted of a serious offense against one or more of their children, and to register expressly in law that the best interests of the child must take precedence over all other considerations in such decisions.

Respect for the views of the child

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

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

Birth registration and nationality

15. Please inform the Committee on concrete measures envisaged by the State party to ensure that children born of surrogacy abroad are recognized as having full parentage in accordance with the case law of the European Court of Human Rights. Please also indicate whether the State party is considering ratifying the 1997 European Convention on Nationality and the 2009 Council of Europe Convention on the Prevention of Statelessness in Relation to State Succession.

Right to know and be cared for by parents and right to preserve identity

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

Right to privacy

17. In view of the law for a digital Republic of October 7, 2016 providing for a "right to be forgotten" specific to children and an accelerated procedure for the exercise of this right

and the erasure of problematic data “as soon as possible”, please indicate how children are made aware of the “right to be forgotten” and can assess the effectiveness of the procedures put in place for its respect. Please inform the Committee of progress on the legislative proposal dated 17 December 2019 on regulation of the commercial use of images of children online, and provide information on any other plans to update or draft legislation dealing with children online.

Access to appropriate information

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

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

Torture and other cruel or degrading treatment or punishment

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

Freedom of the child from all forms of violence

20. Please elaborate on the results of the « *plans interministériels de mobilisation et de lutte contre les violences faites aux enfants* (2017-2019 and 2019-2022). In light of the new Plan to mobilize and combat violence against children (2020-2022), please inform the Committee on the creation of a national database on all cases of violence against children, the development of guidelines, protocols and referral mechanisms tailored to child victims or witnesses of violence, and the holding of awareness and education programmes to empower children to protect themselves and other children from violence.

Sexual exploitation and abuse

21. Please provide information about:

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

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

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

Sexual Violence in the Central African Republic

22. Please provide information on the follow-up to the Committee’s recommendations (CRC/C/FRA/CO/5, para.46) on the allegations that French soldiers have committed acts of violence and sexual exploitation against children in the Central African Republic. In particular, please provide information on: (a) mechanisms put in place to collect information on acts of abuse committed against children in the context of external operations, possible prosecutions and on the follow-up of complaints (b) investigations, prosecution of perpetrators, (c) measures to provide care and support to child victims, compensation and other forms of reparation, and (d) preventive measures to ensure ongoing respect and protection of children’s rights.

Harmful practices

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

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

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

Family environment

24. In view of the law of March 14, 2016 on the protection of the child which improved and supplemented the measures provided for by the law of 2007, and the new national strategy for the prevention and protection of children 2019-2022, please provide information about the planned governance of child protection, and the operational arrangements.

Children deprived of a family environment

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

F. Children with disabilities (art. 23)

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

Children with autism

27. Please provide information on the measures taken to: (a) ensure that the good practice recommendations and diagnostic recommendations of the "*Haute Autorité de santé*" issued respectively in 2012 and 2018 are binding on professionals working with children with autism and that only therapies and educational programs in accordance with the recommendations of the *Haute Autorité de santé* be authorized and reimbursed; (b) ensure that children with autism are not subjected to forced institutional or administrative placements; (c) ensure inclusive education of children with autism in the State party and avoid their placement in neighbouring countries' institutions.

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

Health and health services

28. Please provide information on:

- (a) The follow-up given and resources allocated to the parliamentary report denouncing the major crisis of the maternal and child protection ("*PMI*");
- (b) The concrete results of the implementation of the health pathway for children followed by social assistance services ("*ASE*");
- (c) Mental health services for children, including those falling under judicial protection.

Adolescent health

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

Standard of living

30. In view of the recent Strategy for the prevention and fight against poverty 2018-2022, please indicate any planned measures and time frames for evaluating this strategy, as well as measures to strengthen the standard of living of families raising children. Please indicate measures taken to ensure that children do not end up living on the streets.

H. Education, leisure and cultural activities (arts. 28–31)**Education, including vocational training and guidance**

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

I. Special protection measures (arts. 22, 30, 32, 33, 35, 36, 37 (b)–(d), 38–40)**Refugee, asylum-seeking and migrant children**

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

Children in the child justice system

33. Concerning the current reform of the criminal justice system for children, please indicate whether integration of civil and penal provisions is envisaged, in order to ensure consistency and harmonization between them, such as for example on the concept of “discernment”. Please indicate whether the reforms will retain the educational and rehabilitative aspects of the system. Please also indicate what measures have been taken to reduce the imprisonment of children and encourage the implementation of alternatives to imprisonment, in particular measures to resolve the particular problems arising in the detention of girls, and if solutions are planned so that girls can be imprisoned in places dedicated to children.

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

34. Please inform the Committee about the measures taken to implement its previous recommendations (CRC/C/FRA/CO/5, 2016), including the efforts to:

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

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

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

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

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

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

35. Please inform the Committee about the measures taken to implement its previous recommendations (CRC/C/OPAC/FRA/CO/1, 2007), including on progress made to:

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

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

(c) Inform the Committee on measures that have been taken or are planned to repatriate children held in camps in Northern Syria and to ensure their physical and psychological wellbeing.

III. Statistical information and data

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

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

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

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

B. Definition of the child (art. 1)

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

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

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

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

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

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

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

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

- (a) Number of cases of violence against children, including corporal punishment, reported to the authorities, investigated and prosecuted, and the sanctions issued to perpetrators, disaggregated by type of offence; and
- (b) Number and type of protective measures provided to child victims of violence.

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

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

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

- (a) Number of children in institutional care and average days of stay; and
- (b) Number of children in family- and community based care.

G. Disability, basic health and welfare (arts. 6, 18, para. 3, 23, 24, 26, 27, paras. 1–3, and 33)

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

- (a) Number of children with disabilities;
- (b) Number of children with disabilities living with their families and living in family- and community-based care;
- (c) Number of children with disabilities in inclusive education and in separate schools; and
- (d) Number of reported cases of torture, inhuman or degrading treatment and neglect and sexual violence against children with disabilities placed in institutions, number of investigations and prosecutions carried out and sentences issued.

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

- (a) Number and rate of children with health insurance; and
- (b) Number of paediatric and mental health services and professionals specialized in young children and adolescents, disaggregated by region.

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

- (a) Number of adolescent mothers;
- (b) Number of children with drug and alcohol abuse; and
- (c) Number of sexual and reproductive health services available to adolescents, disaggregated by region.

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

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

50. Please provide data, disaggregated as described in paragraph 36 above, in respect of:
- (a) Number and proportion of children aged between 16 and 18 years not attending school;
 - (b) Number and proportion of children dropping out of school;
 - (c) Number of children in segregated classes in regular schools;
 - (d) Number and proportion of children attending early childhood education and the average years of attendance; and
 - (e) Number of children in public and private, including religious, schools.

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

51. Please provide data, disaggregated as described in paragraph 36 above as well as by country of origin, and accompanied or unaccompanied status, on:
- (a) Number of asylum-seeking and refugee children;
 - (b) Number of children in situations of migration;
 - (c) Number of asylum-seeking and refugee children, and children in situations of migration detained, including in waiting zones;
 - (d) Number of asylum-seeking and refugee children, and children in situations of migration attending school and with access to health care.
52. Please provide data, disaggregated as described in paragraph 36 above and by types of violation reported, on
- (a) The number of reported cases and the number of children involved in trafficking;
 - (b) The number of such children who have been provided with access to rehabilitation programmes; and
 - (c) The number and percentage of such cases that have resulted in sanctions, with information on the country of origin of the perpetrator and the nature of the penalties imposed.
53. Please provide data, disaggregated as described in paragraph 36 above, and by type of crime, on:
- (a) Number of children in detention facilities and the average stay, disaggregated by pre-trial detention, such as in police cells, and in prison; and
 - (b) Number of children referred to diversion and non-custodial sentencing options.

J. Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography

54. Please provide data, disaggregated as described in paragraph 36 above, on:
- (a) The number of reported cases of the sale of children, child prostitution, child pornography;
 - (b) The number of such cases that have been investigated, prosecuted and sanctioned; and
 - (c) The number of child victims of such crimes who have been provided with recovery assistance or compensation.

K. Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict

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

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

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