

COMMITTEE ON THE RIGHTS OF THE CHILD  
36th session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER  
ARTICLE 44 OF THE CONVENTION

**Concluding Observations of the Committee on  
the Rights of the Child: FRANCE**

1. The Committee considered the second periodic report of FRANCE (CRC/C/65/Add.26), at its 967<sup>th</sup> and 968<sup>th</sup> meetings (see CRC/C/SR.967 and 968), held on 2 June 2004, and adopted at the 971<sup>st</sup> meeting, held on 4 June 2004, the following concluding observations.

**A. Introduction**

2. The Committee welcomes the submission of the State party's second periodic report prepared in accordance with the General Guidelines Regarding the Form and Contents of Periodic Reports (CRC/C/58) of 20 November 1996 but regrets the fact that it does not contain information on the Overseas Departments and Territories. The Committee welcomes the written replies to its list of issues (CRC/C/Q/FRA/2), although submitted with some delay, which give a clearer understanding of the situation of children in the State party. It further notes with appreciation the participation of a high level delegation and welcomes the frank dialogue and the replies provided by the members of the delegation to the many questions posed.

**B. Follow-up measures undertaken and  
progress achieved by the State party**

3. The Committee welcomes the ratification by the State party of the Optional Protocols to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and on the involvement of children in armed conflict, as well as the ratification of ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour. The Committee notes with appreciation the positive developments related to the implementation of the Convention, such as:
  - a) The adoption by the State party in recent years of numerous laws and regulations, in particular:

- the provisions of the Act of 17 June 1998 on the prevention and suppression of sex offences and the protection of minors;
  - the measures taken following the entry into force on 1 October 1998 of the Hague Convention on Intercountry Adoption of 29 May 1993 (Law no. 98-147 of 7 March 1998) and the related Law of 6 February 2001 related to intercountry adoption;
  - The Act of 30 June 2000, concerning supplementary benefit in the event of divorce;
  - The Act of 3 December 2001, concerning the rights of a surviving spouse and children, eliminating discrimination in inheritance rights against children born out of wedlock;
  - The Act of 4 March 2002, concerning parental authority;
  - The Act of 4 March 2002, concerning surnames;
  - The Act of 2 January 2004 on the protection of childhood;
- b) The measures taken to follow-up to the recommendations of the Committee in particular the establishment of an Ombudsman for Children (Law of 6 March 2000) the establishment of the Commission of Inquiry on the Rights of the Child in France and the Parliamentary Delegations on the Rights of the Child (Law of 13 February 2003) as well as the establishment of a National Observatory for Childhood in Danger (Law of 2 January 2004).

### **C. Principal areas of concern and recommendations**

#### **1. General Measures of Implementation (arts. 4, 42 and 44, paragraph 6 of the Convention)**

##### The Committee's previous recommendations

4. The Committee regrets that some of the concerns and recommendations (CRC/C/15Add.20 of 1994) it made upon consideration of the State party's initial report (CRC/C/3/Add.15 et Corr.1) have been insufficiently addressed, particularly those contained in paras: 11, 17 (on the reservation to article 30); 13, 19, 20 (disparities between the regions); 14 (the right to know ones origin); 22 (minimum age for marriage); 23 (on the expression of their views by children and due weight given); 24 (prevention of child abuse), 26 (juvenile justice), 27 (children who have not completed compulsory schooling). The Committee notes that those concerns and recommendations are reiterated in the present document.
5. **The Committee urges the State party to make every effort to address those recommendations from the concluding observations of the initial report that have not yet been implemented and to address the list of concerns contained in the present concluding observations on the second periodic report. The Committee also urges the State party to incorporate the concept of the child as a**

**subject of rights in all policies, programs and projects and reiterates the invitation to the State party to withdraw its reservation and both declarations.**

#### Legislation

6. The Committee notes the advisory role of the National Consultative Commission for human rights on legislation with a view to ensuring its conformity with the Convention, as well as the active role of non-governmental organizations in this respect. The Committee also welcomes the process of legislative reform related to the rights of the child.
7. **The Committee urges the State party to take all necessary measures to ensure implementation of all legislation relevant to the Convention, taking into account training needs, monitoring mechanisms and the provision of adequate resources. It also encourages the State party to pursue its efforts to adopt legislation in the field of bioethics. The Committee requests the State party to provide in its next report information on the direct applicability of the Convention.**

#### Implementation, co-ordination, evaluation and National Plan

8. The Committee notes the multitude of actors involved in the implementation of the Convention but is concerned, as noted also by the State party, at the lack of coordination between them. In particular, the Committee is concerned that the increased responsibility of the Departments, coupled with inadequate coordination, may result in duplication and in significant disparities in implementation of the Convention. It may also be difficult to identify the competent body responsible for particular issues. In light of article 2 of the Convention, the Committee also is concerned at the fact that the State party report only briefly mentions the Overseas Departments and Territories.
9. **The Committee urges the State party to establish a body for overall coordination of the implementation of the Convention between the national and the departmental levels, including the Overseas Territories and Departments, with a view to decreasing and eliminating any possibility of disparity or discrimination in the implementation of the Convention. The State party should ensure that this body has adequate human and financial resources and an adequate and well defined mandate to perform its task effectively.**

#### Allocation of resources

10. The Committee welcomes in particular the measures taken to harmonize the allocation of social assistance. It remains nevertheless concerned, as noted in its previous conclusions, (CRC/C/15/Add.20 par. 13), by the inadequate measures taken to address the situation of the most vulnerable groups in society and their economic and social rights, in particular related to housing of poor families, such as families of immigrants.
11. **The Committee reiterates its previous recommendation to the State party to pay particular attention to the full implementation of article 4 of the Convention by prioritizing budgetary allocations to ensure implementation of the economic,**

**social and cultural rights of children, in particular those belonging to economically disadvantaged groups, “to the maximum extent of... available resources”.**

#### Data collection

12. The Committee regrets the reluctance of the State party to collect disaggregated data for all areas covered by the Convention throughout the area under its jurisdiction because such data is crucial for the monitoring and evaluation of progress achieved and impact assessment of policies with respect to children.
- 13. The Committee urges the State party to establish a central registry for data collection and introduce a comprehensive system of data collection incorporating all the areas covered by the Convention. Such a system should cover all children up to the age of 18 years, with specific emphasis on those who are particularly vulnerable. Such information should include the Overseas Departments and Territories.**

#### Training / dissemination of the Convention

14. The Committee welcomes information provided in the State party report on the dissemination of the Convention and steps taken by the various ministries to make the Convention known. The Committee is however of the opinion that the spirit of the Convention may not be sufficiently known and understood by all professionals working with and for children.
- 15. The Committee encourages the State party to continue its efforts to provide adequate and systematic training and/or sensitization on children's rights of professional groups working with and for children, in particular law enforcement officials as well as parliamentarians, judges, lawyers, health personnel, teachers, school administrators and others as required.**

#### **D 2 Definition of the child (article 1 of the Convention)**

16. The Committee is concerned that the State party has not established a minimum age of criminal responsibility in spite of the express provision of Article 40, paragraph 3(a) of the Convention, the Committee also reiterates its concern that national legislation establishes a different minimum age for marriage for girls, 15 years, and for boys, 18 years. In addition to discrimination based on sex and effects it may have on the survival and development of young girls, such legislation makes the combating of forced marriages more difficult.
- 17. The Committee recommends that the State party establish a minimum age of criminal responsibility which is at the internationally acceptable level and below which a child shall be presumed not to have the capacity to infringe the penal law. It further recommends that the State party consider reviewing the minimum age for marriage with a view to raising the age for girls to that for boys, creating conditions conducive to countering forced marriages and ensuring to the maximum extent possible the development of the child.**

### **D3. General principles (arts. 2, 3, 6 and 12 of the Convention)**

#### Non-discrimination (art. 2)

18. The Committee welcomes plans to establish an independent authority in 2004 to prevent and combat all forms of discrimination. However, the Committee is concerned that discrimination persists in particular in the field of economic and social rights, hampering social integration, in particular, with respect to children residing in overseas departments and territories, foreign children and so-called “sans papiers” as well as children born out of wedlock and that, in practice discrimination based on origin, color, religion, name or other status still continues in certain areas.
- 19. The Committee reiterates its previous concerns and recommendations (CRC/C/15/Add.20 para. 19 – related to regional disparities) and recommends that the State party review the existing legislation with a view to bringing it into compliance with the Convention and ensuring its effective implementation, including by taking necessary measures to prevent and combat persistence in practice of discrimination based on origin, color, religion, name or other status. Furthermore, the Committee recommends that the State party expedite the process of legislation aimed at removing discriminatory terminology from the law.**
- 20. The Committee requests that specific information be included, in the next periodic report, on the measures and programmes relevant to the Convention on the Rights of the Child undertaken by the State party to follow up on the Declaration and Programme of Action adopted at the 2001 World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and taking account of General Comment no 1 on article 29(1) of the Convention (aims of education).**

#### Respect for the views of the child (art. 12)

21. The Committee welcomes the legislative efforts made by the State party to reinforce the rights of the child to express her/his views freely in all matters concerning her/him and have them duly taken into account. However, the Committee remains concerned at inconsistencies in legislation as well as the fact that in practice, the interpretation of the legislation, and determination of which child is “capable of discernment”, may leave possibilities of denying a child this right or make it subject to the child’s own request and may give rise to discrimination. In addition, the Committee is concerned at the conclusion of the United Nations Special Rapporteur on the sale of children, child prostitution and child pornography that, in practice, most judges are not willing to hear children, and that in the past justice has failed child victims of sexual abuse (E/CN.4/2004/9/Add.1, paras. 85 and 89).
- 22. The Committee recommends that the State party review legislation with a view to removing inconsistencies related to the respect for the views of the child. Furthermore, it is encouraged to continue to promote and facilitate, within the family, schools, institutions as well as in judicial and administrative proceedings, respect for the views of children and their participation in all matters affecting them, in accordance with article 12 of the Convention, as a right they are**

**informed of, not merely a possibility. It further encourages the State party to provide educational information to parents, teachers and headmasters, government administrative officials, the judiciary, children themselves and society-at-large with a view to creating an encouraging atmosphere in which children can freely express their views, and where in turn, these are given due weight.**

#### **D4. Civil rights and freedoms (arts. 7, 8, 13-17, 19 and 37 (a))**

##### Birth registration (art. 7)

23. The Committee notes the Law adopted on 22 January 2002 related to the right to know ones origins However, the Committee remains concerned that the rights enumerated in article 7 of the Convention may not be fully respected by the State party and that the right to conceal the identity of the mother if she so wishes is not in conformity with the provisions of the Convention. Furthermore, the Committee is concerned at the poor level of birth registration in French Guyana.
- 24. The Committee recommends that the State party take all appropriate measures to ensure that the provisions of article 7, especially the right of the child to know, as far as possible, his or her parents, be fully enforced in the light of the principles of non-discrimination (art.2) and the best interests of the child (art.3). It also encourages the State party to continue and strengthen its efforts to address the situation of birth registration in French Guyana.**

##### Freedom of Religion (art. 14)

25. The Committee notes that the Constitution provides for freedom of religion and that the 1905 law on the separation of church and state prohibits discrimination on the basis of faith. The Committee equally recognizes the importance the State party accords to secular public schools. However, in light of articles 14 and 29 of the Convention the Committee is concerned by the alleged rise in discrimination, including that based on religion. The Committee is also concerned that the new legislation (Law n° 2004-228 of 15 March 2004) on wearing religious signs in public schools may be counterproductive, by neglecting the principle of the best interests of the child and the right of the child to access to education, and not achieve the expected results. The Committee welcomes that the provisions of the legislation will be subject to an evaluation one year after its entry into force.
- 26. The Committee recommends that the State party, when evaluating the effects of the legislation, use the enjoyment of children's rights as a crucial criteria in the evaluation process and also consider alternative means, including mediation, of ensuring secular character of public schools, while guaranteeing that individual rights are not infringed upon and that children are not excluded or marginalized from the school system and other settings as a result of such legislation. The dress code of schools may be better addressed within the public schools themselves, encouraging participation of children. The Committee further recommends that the State party continue to closely monitor the situation of girls being expelled from schools as a result of the new legislation and ensure they enjoy the right of access to education.**

Access to information (art. 17)

27. The Committee is concerned at the absence of appropriate laws or guidelines relating to the sale or accessibility of CD ROMs, video cassettes and games, and pornographic publications facilitating access of a child to information and materials which may be injurious to her or his wellbeing.

**28. The Committee recommends that the State party take necessary measures, including legal ones, to protect children from harmful effects of the print, electronic and audiovisual media, in particular violence and pornography.**

Torture and other cruel, inhuman or degrading treatment or punishment (art. 37(a))

29. The Committee is concerned at the lack of information in the State party report related to article 37(a), its previous recommendation (CRC/C/15/Add.20 para. 26) related to children deprived of their liberty and allegations of acts of ill-treatment by public officials and detention conditions that may amount to ill-treatment.

**30. The Committee urges the State party to include, in its next periodic report, specific information on conditions of detention and treatment of children and any follow-up it has made to its decision to eradicate all forms of ill-treatment. The Committee recalls that deprivation of liberty should always be envisaged as the very last resort and for the shortest possible period of time, and that particular attention should also be paid to psychological recovery and social reintegration.**

**D5. Family environment and alternative care**  
**(arts. 5, 18 (paras. 1-2), 9-11, 19-21, 25, 27 (para. 4) and 39)**

Family reunification (art. 10)

31. The Committee is concerned at the length of family reunification procedures for recognized refugees, which may often take over a year.

**32. The Committee recommends that the State party take all necessary measures to ensure family reunification procedures are dealt with in a positive, humane and expeditious manner.**

Adoption (art. 21)

33. The Committee notes that the majority of intercountry adoptions are made with countries of origin that have not ratified the 1993 Hague Convention and is concerned at the high percentage of intercountry adoptions which are not made through the accredited bodies but through individual channels.

34. The Committee is concerned that legislation and practice regarding domestic adoption in French Polynesia may not be in full conformity with the provisions of the Convention.

**35. In light of article 21 and other related provisions of the Convention, the Committee encourages the State party to:**

- a) ensure that practice is in conformity with the new legislation in the area of adoption;**
- b) ensure that the State programme and subsidiary regulatory instruments necessary for the implementation of the legislation are elaborated;**
- c) ensure that sufficient human and other resources are made available for the effective implementation and monitoring of the legislation;**
- d) ensure that the cases of intercountry adoption are dealt with in full accordance with the principles and provisions of the Convention, in particular article 21, and the 1993 Hague Convention ratified by France;**
- e) adopt legislation and practice related to domestic adoption in French Polynesia to avoid practices which may give rise to abuse and ensure that the rights of children are upheld.**

Abuse and neglect (art. 19)

36. The Committee welcomes the information provided in the State party report on the Plan of Action to combat child abuse announced in September 2000. It is also encouraged by the law “sur l'accueil et la protection de l'enfance” adopted on 18 December 2003 allowing medical personnel to report cases of abuse and ill-treatment without being subject to disciplinary sanctions. However, information on the number of children under-15 who die each week under troubling circumstances is cause of great concern to the Committee. The Committee is also particularly concerned at the lack of implementation of the Act of 17 June 1998 which allows, inter alia, for a video or audio recording of a victim's testimony to be made.

**37. The Committee recommends that the State party pursue its efforts to prevent and combat child abuse and neglect, to sensitize the population, including professionals working with and for children, on the magnitude of the problem with a view to preventing further occurrences and providing adequate treatment programmes for victims of abuse and neglect. Furthermore, it urges the State party to fully implement the Act of 17 June 1998 and to ensure training in this respect.**

Corporal punishment

38. The Committee welcomes the fact that the State party considers corporal punishment totally unacceptable and inadmissible, however it remains concerned that corporal punishment is not explicitly prohibited in the family, in schools, in institutions and in other childcare settings.

**39. The Committee encourages the State party to expressly prohibit corporal punishment by law in the family, in schools, in institutions and in other childcare settings. It further recommends awareness raising and promotion of positive, non-violent forms of discipline, especially in families, schools and care institutions in light of article 28(2) of the Convention.**

**D6. Basic Health and Welfare**  
**(art. 6, 18 para 3, 23, 24, 26, 27 paras 1-3)**

Children with disabilities (art. 23)

40. The Committee welcomes the programmes for the integration of children with disabilities in mainstream schools, such as plan Handiscol, and progress made in this respect. Nevertheless, the Committee is concerned that these remain insufficient and that too many children are not included in these efforts and remain without appropriate care with the main burden upon the families alone. Furthermore the Committee is concerned that efforts aimed at detecting disabilities may not be adequate
41. **The Committee encourages the State party to actively pursue its current efforts and to continue to:**
- a) **review existing policies and practice in relation to children with disabilities, taking due regard of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and of the Committee's recommendations adopted at its day of general discussion on "Children with disabilities" (see CRC/C/69);**
  - b) **make efforts to detect disabilities within the educational system and ensure better evaluation of the overall needs of students;**
  - c) **pursue efforts to ensure that children with disabilities may exercise their right to education to the maximum extent possible and facilitate inclusion in the mainstream education system;**
  - d) **undertake greater efforts to make available the necessary professional (i.e. disability specialists) and financial resources, especially at the local level and to promote and expand community-based rehabilitation programmes, including parent support groups;**
  - e) **strengthen public awareness campaigns to change negative public attitudes.**

Health and health services (art. 24)

42. The Committee welcomes the information contained in the State party report related to protection of mothers, infants and school aged children. However the Committee notes that this aspect of health care and services is the responsibility of Departments, and, in this respect, is concerned at possible inequalities among the various regions. The Committee is concerned in particular at the:
- a) lack of psychiatric services
  - b) "conditioned" access to health care by undocumented migrants;
  - c) lack of a national body to promote and encourage exclusive breastfeeding.

**43. The Committee recommends that the State party:**

- a) **strengthen its efforts to ensure the provision of adequate and sustainable allocation of resources (e.g. human and financial), including training of sufficient numbers of health care professionals, provision of adequate salaries for health care workers, and investments in health care infrastructure, especially in the most disadvantaged areas;**

- b) establish a national mechanism for the promotion of breastfeeding, including evaluation and coordination.**

#### Adolescent Health

44. The Committee welcomes the Conference on the Family focusing on adolescents scheduled to take place in June 2004 and the legislative measures and other actions of the State party, such as to reduce the use of tobacco, in particular among children under 16 years of age. It notes the concern of the State party with respect to the high rate of suicides representing the second cause of death for this age group, the relatively high number of teenage pregnancies, insufficient mental health services and that health services provided may not be tailored to the need of adolescents, thus reducing their willingness to access primary health services.
- 45. The Committee recommends that the State party increase its efforts to promote adolescent health policies and strengthen the programme of health education in schools. It further recommends measures, including the allocation of adequate human and financial resources, to evaluate the effectiveness of training programmes in health education, in particular as regards reproductive health, and to develop youth-sensitive and confidential counseling, care and rehabilitation facilities that are accessible without parental consent when this is in the best interests of the child. The Committee further recommends the development of a mental health programme and services for adolescents which include specialized psychiatric services.**

#### Standard of living (art. 27 paras 1-3)

46. The Committee, while noting that the primary responsibility of securing the necessary living conditions for the child lies with the parents, shares the concerns of the Committee on Economic, Social and Cultural Rights related to the increasing levels of poverty (E/C.12/1/Add.72) the Committee is concerned that such a situation adversely affects the physical, mental, spiritual, moral and social development of children. The Committee is also concerned at the existence of restrictions in access to family allocations of certain groups of children.
- 47. The Committee encourages the State party to take measures to assist parents and others responsible for children by strengthening efforts to improve the standard of living of all children and providing material assistance and support programmes in accordance with article 27 of the Convention. Allocations to families should not be subject to the modalities of entry of the child onto the territory of France.**

#### **D7. Education, Leisure and Cultural Activities** **(arts. 28, 29, 31)**

48. The Committee welcomes the efforts of the State party to provide free compulsory schooling through the age of 16 years and at the fact that the school is considered a place of integration and equality. It is nevertheless concerned at the labeling of some

schools “sensitive” and at the lack of meaningful child participation in decision-making processes within schools. Furthermore, it is concerned that thousands of children with disabilities are deprived of their right to education.

- 49. The Committee urges the State party, taking into account its General Comment No. 1 on the aims of education, to pursue its efforts to ensure that all children enjoy the right to education consistent with articles 28 and 29 of the Convention, and that children with disabilities are integrated into the mainstream education as far as possible, in keeping with article 3 of the Convention. It encourages the State party to increase the level of public expenditure for compulsory education. Furthermore, the State party is encouraged to contribute and support the participation of children in decision making processes concerning school life.**

**D8. Special Protection Measures  
(arts. 22, 32-36, 37 b-d, 38, 39, 40)**

Unaccompanied Minors (art. 22)

50. The Committee notes the efforts of the State party to address the situation of unaccompanied minors to be assisted during their time in the holding area by an “ad hoc administrator” which replaces a legal representative. However, the Committee also notes that the number of minors in such situations has been steadily increasing and that the difficulties of addressing the problem appropriately remains while the implementation, in practice, of the provisions of the new legislation remains a challenge. Foreign unaccompanied minors continue to be deprived of their liberty and placed in detention with adults. The Committee is also concerned that unaccompanied children arriving at the airport may be returned to the country of origin without judicial intervention and without an evaluation of their family situation. It is further concerned at the absence of clear instructions to coordinate and facilitate access to basic services by these children for the protection of their rights. In addition to this, the age determination process allows for errors which may lead to minors not being accorded protection they are entitled to.

- 51. The Committee recommends that the State party pursue its efforts in this area, and, in particular to:**

- a) ensure a coordinated approach to collection of information and statistics, allowing a response commensurate to the needs;**
- b) establish norms that orient and coordinate actions aimed at guaranteeing access to basic services, in particular education, health and legal assistance;**
- c) consider introducing recent methods of age determination which have proven more accurate than the method in use.**

Economic Exploitation (art. 32)

52. The Committee welcomes the legislative and other efforts aimed at providing protection of children from economic exploitation. However, the Committee is concerned that illegal networks of forced labour continue to operate and that foreign children fall victims of networks which are not countered vigorously enough.

**53. The Committee recommends that the State party, in accordance with article 32 of the Convention, and the ILO Conventions No. 138 on the minimum-age for admission to employment and No. 182 on the worst forms of child labour, which the State party has ratified vigorously pursue measures, at the national and international level, to dismantle trafficking and exploitation networks, in particular of foreign children, which continue to operate and to strengthen its cooperation and support to non-governmental organizations working in this area.**

Sexual exploitation, trafficking (art. 34)

54. The Committee notes that, following the World Congress against sexual exploitation of children in Stockholm in 1996 a National Plan of Action was adopted to protect children against abuse and ill-treatment. The following year, in 1997, protection of abused children was declared a national priority. However, the Committee is concerned at the occurrence of trafficking of children, prostitution and related issues, as noted in the Report of the Special Rapporteur on the sale of children, child prostitution and child pornography following his Mission to France in November 2002.

**55. The Committee recommends that the State party:**

- a) conduct a comprehensive study to assess the causes, nature and extent of trafficking and commercial sexual exploitation of children;**
- b) undertake measures to reduce and prevent the occurrence of sexual exploitation and trafficking, including by sensitizing professionals and the general public to the problems of sexual abuse of children and trafficking through education including media campaigns and establishing cooperation;**
- c) establish or strengthen existing cooperation with the authorities of countries from which children are trafficked;**
- d) increase protection provided to victims of sexual exploitation and trafficking, including prevention, witness protection, social reintegration, access to health care and psychological assistance in a coordinated manner including by enhancing cooperation with non-governmental organisations taking into account the Declaration and Agenda for Action and the Global Commitment adopted at the 1996 and 2001 World Congresses against Commercial Sexual Exploitation of Children;**
- e) ensure that a confidential, accessible and child sensitive mechanism is established to receive and effectively address individual complaints of all children, including those in the 15-18 years age group;**
- f) train law enforcement officials, social workers and prosecutors on how to receive, monitor, investigate and prosecute complaints, in a child-sensitive manner.**

Substance abuse (art. 33)

56. The Committee is concerned by the increase in drug abuse in general and in particular of drug abuse among young children.

**57. The Committee encourages the State party to continue and expand its activities in the area of prevention of substance abuse and to support rehabilitation programmes dealing with child victims of drug abuse.**

Juvenile justice (art. 37, 40)

58. The Committee reiterates its concerns related to legislation and practice in the field of juvenile justice, in particular with respect to Law no. 2002-1138 of 9 September 2002 on the orientation and programming of justice and Law no. 2004 -204 of 9 March 2004 on the adaptations of justice to the evolutions of criminality and the tendency to favor repressive over educational measures, including the extension of the detention of minor suspects in police custody for up to four days, and the detention by the police of children aged 10 to 13 years for 24 hours. It also notes concerns expressed by the Ombudsman with respect to the possible transfer of responsibility of protection of children in danger only to administrative authorities leaving to judicial authorities only the repressive functions. The Committee shares the concerns expressed by the Ombudsman for children related to the increase in the prison population of minors and the resulting worsening of conditions. Furthermore, the impact of the introduction of closed educational facilities is not yet clear.

**59. The Committee reiterates its previous recommendation that the State party:**

- a) **ensure the full implementation of juvenile justice standards and in particular articles 37, 40 and 39 of the Convention, as well the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules) and the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), and in the light of the Committee's 1995 discussion day on the administration of juvenile justice;**
- b) **use detention, including pre-trial detention, only as a measure of last resort, for as short a time as possible and ensure that minors are separated from adults;**
- c) **review national legislation to ensure that punitive measures are taken only by judicial authorities, with due process and legal assistance;**
- d) **in light of article 39, take appropriate measures to promote the recovery and social reintegration of the children involved in the juvenile justice system, including adequate education and certification to facilitate that reintegration;**
- e) **strengthen preventive measures, such as supporting the role of families and communities in order to help eliminate the social conditions leading to such problems as delinquency, crime and drug addiction.**

Children belonging to minority groups (art. 30)

60. The Committee welcomes information provided in the State party report noting that all children in France are equal before the law and have a right to freedom of religion, expression in their own language in private affairs and right to cultural activities. However, the Committee remains concerned that equality before the law may not be sufficient to ensure equal enjoyment of rights by certain minority groups, such as the

Roma among others, which may face de-facto discrimination. The Committee regrets that the State party has not considered reviewing its position and withdrawing its reservation to article 30 of the Convention.

**61. The Committee encourages the State party to continue measures to prevent and combat racism, xenophobia, discrimination and intolerance, by, inter alia, ensuring follow-up to the recommendations of the United Nations treaty bodies and ECRI, in particular as they relate to children. The Committee urges the State party to review its position with respect to children belonging to minority groups and to consider withdrawing its reservation to article 30.**

#### **D 9. Dissemination of the report, written answers, concluding observations**

**62. In light of article 44, paragraph 6, of the Convention, the Committee recommends that the second periodic report and written replies submitted by the State party be made widely available to the public at large and that the publication of the report be considered, along with the relevant summary records and concluding observations adopted thereon by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention and its implementation and monitoring within all levels of administration of the State party and the general public, including concerned non-governmental organizations. The National Day on the Rights of the Child (20 November) should be used to gain momentum in the implementation of the Convention including in particular these concluding observations by encouraging participation of representatives of the State, including the Departments, non-governmental organizations, the Ombudsman for children and others.**

#### **D 10. Next report**

**63. The Committee underlines the importance of a reporting practice that is in full compliance with the provisions of article 44 of the Convention. An important aspect of States' responsibilities to children under the Convention includes ensuring that the United Nations Committee on the Rights of the Child has regular opportunities to examine the progress made in the Convention's implementation. In this regard, regular and timely reporting by State parties is crucial. The Committee recognizes that some State parties experience difficulties in initiating timely and regular reporting. As an exceptional measure, in order to help the State party catch up with its reporting obligations in full compliance with the Convention, the Committee invites the State party to submit its combined 3<sup>rd</sup> and 4<sup>th</sup> periodic reports, which should not exceed 120 pages (see CRC/C/118), by 5 September 2007, and the Committee expects the State party to report every five years thereafter, as foreseen by the Convention. The report should contain information on the implementation of the Convention in the French Overseas Departments and Territories.**