



Periodic report to the United Nations Committee on the Rights of the Child

FRENCH COUNCIL OF ORGANISATIONS FOR
THE RIGHTS OF THE CHILD (COFRADE)

2020 Edition

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Foreword

The numerous alternative reports produced in particular by the many NGOs who contributed to France's previous periodic review, the constructive dialogue with the French government, and then the Committee's observations in January 2016, are gradually leading France to take the UNCRC and the rights of the child into consideration as a frame of reference.

The COFRADE also welcomes the establishment of a follow-up monitoring of observations by the DGCS¹ for the first time in France and its monitoring by the Children's Ombudsperson.

Although the reference framework seems to be gaining traction, a development which the COFRADE welcomes, in the field much of the work still remains to be done.

The organisation focused its report around four themes that reflect areas where inadequacies regarding children's rights are acute, and that show a worrisome progression for our children:

Part 1: Right to education, promotion of the rights of the child, right to adequate information

Part 2: The digital world: screens, bullying and pornography

Part 3: Sexual violence and prostitution

Part 4: The right of the child to health

Due to word count restrictions, this first cross-disciplinary report cannot include all breaches of rights - they will be tackled in the second phase of the periodic review. The report by the COFRADE is based on observations and analyses of its member organisations. In the conclusion a fifth point is raised: What is France's strategy when it comes to children?

¹ DGCS : Direction Générale de la Cohésion Sociale, Directorate General for Social Cohesion.

Part 1: Right to education, promotion of the rights of the child, right to adequate information

A. Right to education and failings

1. Discrimination in the right to access education and schooling

In different situations, refusals have been recorded, as well as delays or impossibilities for children to join a school and to access education. Denying young people a benevolent integration can lead to a sense of exclusion, to suffering and frustration, to marginalisation, entry into illegality and increased precariousness.

- ◆ **Children who rely on Child Protection Services²** can see their schooling disrupted when they change accommodation, their enrolment can be delayed or doesn't take place, they lose their routines and reference points, and are separated from their friends. When decisions regarding these children are made, schooling is not considered to be of major importance. At the age of 17, 23% of them are no longer in school.³ **There is an urgent need to make the national prevention and child protection strategy for 2019-2022 effective.**
- ◆ **Foreign speakers:** In 2017/18⁴, 2 382 out of 64 350 didn't attend school. Many have to suffer delays in their enrolment.⁵ Young foreign speakers in MLDS⁶ have the longest wait times for enrolment: only 38% of them are in school two weeks after their placement test, and 17% are still not in school three months after taking their test.

INFOGRAPHIC

64350 students, speakers of French as a second language, newly arrived in France, enrolled in 2017-2018, of which:

30385
in primary school

27110
in college (middle school, 11-15 yo)

6855
in lycée (high school, 15-18 yo)

77% of students were already attending school before they arrived in France

² Over 300 000 children, according to Child Protection Services (ASE, Aide Sociale à l'Enfance)

³ 9% for the whole of that age group.

⁴ Source: DEPP (Direction de l'Évaluation, de la Prospective et de la Performance) memo – Ministry of National Education and Youth, latest figures.

⁵ 50% of college (middle school) level students and 46% of lycée (high school / sixth form) level students waited less than two weeks to be able to join a school after their placement test. However, for foreign speakers 11% of collège students and 20% of lycée students had to wait over three months to be able to join a school after their placement test.

⁶ MLDS: Mission de lutte contre le décrochage scolaire, Task Force for School Dropout Prevention.

- + 1983 were followed by Task Force for School Dropout Prevention
- + 2382 young people still waiting to be enrolled in school

- ◆ **Children living in temporary accommodation or who are homeless:** around 100 000 children⁷ remain away from school, just for metropolitan France.⁸ Several organisations⁹ wrote a letter on 30 April to the Ministry of Education. During this 2020 term, these children still do not have access to schools when they reopen, just as they did not have access to learning continuity mechanisms during lockdown. Every time a family is evicted, this results on average in six months away from school for the children. School enrolment is also a major issue: some city councils continue to refuse enrolment in primary school illegally, on the grounds of lack of a permanent address. Enrolment in secondary education is also problematic given how far away schools can be.¹⁰
- ◆ **Unaccompanied foreign minors** fall victim to the same refusals and delays, which are made worse by long delays for their cases to be processed. There does exist a denial of the right to education, caused by several factors.¹¹ For these children, in the absence of protection, of a safe environment, of decent living conditions, school enrolment and attendance is deeply problematic. The intake process does not really take into consideration the health of unaccompanied minors, or the mental health and psychological support they might need. The priority should be to overcome the language barrier: all unaccompanied foreign minors who do not speak French should have access to French as a second language classes, as well as access to a full training pathway.¹²

QUESTIONS

- What measures, incentives and recommendations can government ministries put forward in order to uphold the right to education for all?
- In order to act in accordance with human rights and the respect due to all persons, it is necessary to invest more financial and human resources into services that welcome and support young people. What concrete measures does the government intend to take?
- Why not set up a full ombudsman role, whose duty would be to take the needs of each child into account?
- As regards immigration, what measures for reception and prevention does the government intend to take to uphold the rights of children?

⁷ According to the Ecole pour Tous collective.

⁸ Isolated minors, children living in slums, in squats, in temporary social services hostels, or on the street, travellers on temporary settlement sites.

⁹ UNICEF, Fédération des acteurs de la solidarité, Ligue des droits de l'homme.

¹⁰ Collèges, lycées and mainly vocational colleges.

¹¹ Delays, refusals due to the child's minority not being established, refusals by school rectors to enrol children over 16 years of age, for the motive that school in France is compulsory only until 16 years old.

¹² Source: ALEFPA, Association Laïque pour l'Education, la Formation, la Prévention et l'Autonomie, May 2020.

2. Restricted educational inclusion for children with special needs

Too often school inclusion is made on a trial basis and is not perceived as a right, but as something that is tolerated, which places all stakeholders¹³ in a precarious and confusing situation.

- ◆ **Wheelchair and disability access in schools.** Since 2015, all buildings that are open to the public should be wheelchair- and disability-accessible in theory. However, many schools at primary and secondary level do not have the adequate equipment, nor the adequate means and the materials for various disabilities.¹⁴
- ◆ **Lack of medico-educational establishments.** Moreover, there is a worrying lack of medico-educational establishments to welcome students with disabilities who cannot attend school. It is unacceptable that children should be forced to stay home or to attend school in ordinary establishments without help.
- ◆ **Student support.** The number of students with a disability keeps increasing in French schools, both in ordinary classrooms and in specialised classrooms, but the question of what support they can receive still remains to be answered.¹⁵

In primary school, only 6 out of 10 students requiring it do receive support, and 75 000 students receive no support. That support is full time for 14 111 students only, part time for 51739 students and shared for 44 694 students. The proportion is higher for autistic students (75.8%), but again, a quarter of students receive no support.

In secondary education, a third of students requiring education inclusion measures receive some form of support,¹⁶ and again, very few of them receive full time support.¹⁷ Others receive part-time¹⁸ or shared¹⁹ support. More than 97 000 students receive no support.²⁰

COVID-19 in focus: Lockdown, and then the progressive relaxing of lockdown, highlighted the specific difficulties faced by children with disabilities. Educational continuity arrangements were possible for only one third of students in specialised schools. Return to school was gradual, with a good diversity of support on offer, but transportation issues arose, as well as concerning

¹³ Parents and children, teachers and establishments.

¹⁴ According to Ministry of Education District Delegates (DDEN). Inquiry by the Observatory for Safety and Accessibility (ONS) of the Ministry of Education and Youth; 2014, 2015 and 2016 reports:

- Primary schools – 2014 ONS report – 25 % of schools built after 2008 are not fully accessible.
- Collèges / Middle school establishments – 2016 ONS report – only 1/5 are fully accessible at that date, and 25.5% are not accessible at all. Of those built after 2008, 53.9% are fully accessible.
- Lycées / High school establishments – 2015 ONS report – a little over 1 in 10 are fully accessible: teaching rooms, student halls of residence and cafeteria.

Facilities considered are: access ramps, lifts, signage, connected objects that are indispensable to students.

¹⁵ Increase remains marginal compared to the total number of students.

¹⁶ 36.3 % or 55 200 students.

¹⁷ 4 159 students.

¹⁸ 22 239 students.

¹⁹ 28 820 students.

²⁰ Statistics and data from Ministry of Education and Youth – RERS 2019 (Repères et Références Statistiques report).

issues with low numbers of disability support staff (AESH, Accompagnant des élèves en situation de handicap).²¹

- ◆ **Educational inclusion conditions.** These conditions are not favourable: overcrowded classes, with sometimes several students with a disability in the same class;²² teachers do not receive adequate support and feel powerless despite their goodwill, and disability support staff work on casualised contracts and only receive 60 hours of training. The number of support staff remains insufficient; they are often responsible for several students and they sometimes receive their nomination only after school has started, with periods of vacancy when a staff member leaves.

The fourth Autism Strategy presented in 2018 has already caused disappointment. Around half of promised measures haven't yet been implemented, which creates unacceptable dead end situations for parents and their children. Without a willingness to integrate autistic children into the school system and the necessary resources for proper support, this plan risks missing its objective.

For students receiving educational inclusion support, all this translates into interrupted, discontinuous schooling, or schooling in difficult conditions, unsuitable for a smooth learning process and a favourable evolution of their inclusion.

QUESTIONS

- In view of the Ministry's memoranda and strategy, as well as the CNH's²³ commitment of February 2020, what concrete and effective measures to increase the number of disability support staff is the Ministry of Education putting in place to achieve its own goals?
- Why are there such delays in the implementation of the 4th Autism Strategy for 2018 and its 20 concrete measures?
- What appropriate support is the government planning to put in place in terms of training and support for teachers and support staff?
- What plan is the government implementing for the creation of medico-educational structures and for making school buildings accessible, in order to meet the obligation to provide schooling for all children?

3. Inequalities increase in school

Several observations have repeatedly shown that the education system is not properly fulfilling its mission of educating, emancipating and valuing students. Inequalities are revealed both in

²¹ Source: ALEFPA, Association Laïque pour l'Education, la Formation, la Prévention et l'Autonomie, May 2020.

²² The same class can have a child diagnosed with hyperactivity, one with dyslexia, one visually impaired, one autistic...

²³ National Committee for Disability.

the results of the international PISA survey and in the guidance students receive when choosing secondary and higher education pathways.

Young people have been sharing their own observations during youth debates organised by the COFRADE on the topic “Why is education a right?”²⁴

◆ **Inadequate consideration of academic difficulties in school.**

There is unequal treatment of academic difficulty within school itself. Resources allocated to ensure that educational difficulties are taken into consideration in their global, complex and singular dimension continue to decrease catastrophically. Neither the training of professionals, nor the number of budgeted roles, nor current education policies are moving in the right direction.²⁵

Indeed, district resource centres²⁶ are not always able to meet expectations, given how large their scope of responsibility is.²⁷

◆ **Socio-economic determinisms still weigh very heavily**²⁸ between more advantaged students and those from disadvantaged backgrounds. A typical disadvantaged student has less than one chance in eight of attending the same school as other students²⁹. Moreover, they are less ambitious than their academic performance would warrant. More than two out of five disadvantaged students say they do not know where to find information on student funding schemes.

◆ **School progress** is highly dependent on the social background of students. In the REP+³⁰ priority establishments, children of working-class parents or parents not in employment account for 74.3% of students.³¹ Disadvantaged socio-professional categories are also over-represented in vocational secondary schools / technical colleges: over 57% of students. Their school attendance also suffers more.³²

◆ **Perception of the school climate** is also less positive. Only 66 per cent of students in technical colleges (LP) rate the school climate as good, compared with almost 80 per cent of students in general education high schools. More than a third of technical colleges report many serious incidents, compared with a quarter in other schools. More students report being victims of violence and bullying (twice as many as in other schools).

◆ Poverty, lack of care and lack of means further accentuate the discrimination and inequality they suffer. **In France 3 million children live in poverty**. The consequences on their schooling and their academic success are significant: malnutrition, signs of poor

²⁴ See description and quotes in the appendix.

²⁵ Observation by the National Federation of Rehabilitative Educators in National Education (FNAREN).

²⁶ Comprising psychologists, school doctors and specialised teachers.

²⁷ According to Ministry of Education District Delegates (DDEN).

²⁸ Gap of 107 points in the PISA survey (OECD average 88).

²⁹ In the top 25% of performance in writing in PISA test.

³⁰ Réseau d'Éducation Prioritaire, Priority Education Network.

³¹ RERS 2019.

³² 18.3%, three times more than students in general or polyvalent (teaching both general and technical pathways) high schools.

health,³³ lack of equipment at home (computers, books...), lack of personal work space: home schooling during the COVID-19 health crisis has highlighted these inequalities, which are very detrimental to achieving consistent schooling.

Dropping out of school, failure at school, and lack of qualifications weaken and impoverish a whole section of the population. Social integration becomes problematic. Psychological suffering weighs heavily on the future of individuals.

QUESTIONS

- Measures taken (compulsory schooling from 3 years of age, halving the number of pupils in the first year of primary school in REP+...) must be continued and extended. It is essential to treat educational difficulties as early as possible. What resources does the National Education system have in place to better address inequalities?
- What other measures can be taken to support all schooling in terms of guidance and the reevaluation of technical and vocational education?
- Success in school also depends on the material and care environment for the child. This requires coordinated efforts by all government departments to take into account all aspects of the rights of the child. Wouldn't it be advisable to have an inter-ministerial body to implement this? What strategy should be put in place?

4. Navigating the school system and obtaining proper career guidance is an issue

Students often receive guidance that is based, not on implementing the student's personal project, but on other parameters, which creates dysfunction, suffering and bitterness.

Particularly in adolescence, the students' training and career project, which requires them to project themselves into a future that is still unclear, is sometimes difficult to put together. Within the school system, this orientation depends on educational achievements on the one hand and, on the other hand, on conditions and numbers of places in the sections and courses requested.

Furthermore, how far away the schools are, the cost of transportation or boarding – and the uprooting that this implies – can dampen requests for training.

The consequences for students who have been 'misdirected' are severe, in terms of self-esteem and school involvement. The rigidity of the system locks them into a path they have not chosen. Suffering students experience negatively what they perceive as injustice; they are more likely to drop out and become disruptive. The lack of a diploma is tied to a chaotic career in the world of work (unemployment, odd jobs, etc.) and to insufficient income.

To avoid this suffering and this waste of opportunities, it is necessary to act on several parameters: helping students better prepare their project, creating opportunities and sections to help students with academic requirements, gateways, possibilities of reorientation, making

³³ 23 % of children of employees and factory workers are overweight, compared to 11.5% for children of managers; lack of access to dental care for example.

gateway structures in schools evolve according to the choices of the students and the evolutions in the job market...

QUESTIONS

- What plan will the Ministry of Education implement to make its structures evolve and allow for more flexibility and better adaptation to the needs and projects of students (remedial academic courses, gateways, reorientation pathways...)?
- How is the Ministry gradually changing the content of training to achieve a better match with changes in the job market?
- Does the government plan to increase tuition aid to enable students and families to meet real needs?
- Generally speaking, what salary and social revaluation is the State putting in place to make the training necessary for the proper functioning of a country attractive (working conditions, salary levels, social recognition, etc.)?

B. Lack of awareness of the rights of the child

The COFRADE and the Children's Ombudsperson denounce the lack of knowledge of the rights of the child. The new Council for Children and Adolescents of the HCFEA³⁴ also references the investigations carried out by the COFRADE in 2015 and by the Children's Ombudsperson in 2016 to point out the lack of awareness of the CRC in France.

- ◆ According to the survey conducted by the Defender of Rights in 2016, **68% of French people have never heard of the CRC**. According to the study carried out for the COFRADE, **63% of adults and 71% of children are not aware of the contents of this Convention**.³⁵
- ◆ **This ignorance of children's rights leads to a lack of ownership of rights and a lack of responsiveness of public opinion when these rights are violated**. The Council for Children and Adolescents, in its 2017 report,³⁶ calls for progress to be made.³⁷
- ◆ **30 years after France ratified the CRC, the COFRADE hopes that France will go further and faster**. The role of the school is to educate young people about the rights of the child. This education cannot be limited to a poster or a lesson. Since they do not

³⁴ Haut Conseil de la Famille, de l'Enfance et de l'Âge – High Council for Family, Childhood and Old Age.

³⁵ It should be noted that these two surveys provide very consistent results. In her report “Children’s rights in 2017: Mirroring the International Convention on the Rights of the Child”, the Children's Ombudsperson notes a persistent lack of knowledge of the CRC in our country, including for professionals in contact with children.

³⁶ HCFEA report on the implementation of the International Convention on the Rights of the Child for the year 2017, adopted by consensus on 20 February 2018.

³⁷ - Development of child-friendly versions of the CRC, according to age.

- Inclusion of the CRC in the national school curriculum.

- Development of the Young Ambassadors of the Children’s Ombudsperson system, set up by the Children’s Ombudsperson in secondary schools and other places where children spend time.

- That the 20th of November become the object of real public action to raise awareness of the CRC.

- That new parents be made aware of the rights of the child as defined by the CRC.

- That all stakeholders concerned with children be informed and made aware of the rights of the CRC.

- To invite the generalization of the training on the rights of the child for professionals working with children.

have legal training, young people do not have the necessary knowledge to understand the rights of the child.

Young Ambassadors of the Children's Ombudsperson³⁸ (JADE) often succeed in getting the message across to the students they meet, peer to peer, but they are too few and only present in secondary schools in a few districts.

Sports and cultural organisations that welcome young people outside of school hours should also highlight and emphasise the rights of the child; this is not currently the case, as the facilitators and coaches are not themselves trained in the CRC.

The ignorance of the majority of our fellow citizens regarding the CRC comes as an unpleasant surprise. The thirtieth anniversary of the Convention gave rise to an event on 20 November 2019 at UNESCO in the presence of the President of the Republic, this was a first and is to be repeated.

At its level, the COFRADE has endeavoured to give a voice to young people through the creation of the Estates General of the Rights of the Child (EGDE) in 2018. Every year, on the anniversary date of the CRC, these Estates General are now held.

It will be necessary to implement measures in order to foster a culture of children's rights in the general public.³⁹

QUESTIONS

- How can we train the trainers in order to foster a culture of children's rights among teachers who, in turn, will find the pedagogical angles to educate their students?
- Does the SNU (Universal National Service), which is intended to cater for all young people, have a module on the rights of the child in the compulsory section devoted to rights? Can AAI (Independent Administrative Authorities) and the voluntary sector contribute to this?
- Why not make better use of Youth Ambassadors of the Children's Ombudsperson? How can we anchor the prerogatives of the Children's Ombudsperson within the office of the Defender of rights, and make it more visible?
- What training in the rights of the child should youth educators and coaches receive?
- What training in the rights of the child should parents, social workers, lawyers... receive?
- What information campaigns and television programmes are needed to raise awareness of the rights of the child and build a better world with our children?

³⁸ Jeunes Ambassadeurs du Défenseur des Enfants - Young Ambassadors of the Children's Ombudsperson, having completed their National Civic Service, provide training on the CRC in middle schools and high schools.

³⁹ Regular information campaigns, television broadcasts on public service channels

C. The right to adequate information

We are becoming progressively more aware of the fact that it is necessary to associate youth and involve them in the construction of our society.⁴⁰

- ◆ In fact, youth participation is now solicited in various assemblies, **yet adequate information, which young people need in order to understand the world and co-construct it with adults, is still scarce.** In this information age, young people are bombarded with information and it is difficult for them to find their way around it.

Media education is reinforced in the school curriculum, but no assessment of the system is available. At school, from primary school right to the final year of secondary school, the citizen awareness pathway is built around moral and civic education and **media and information education.** This enables pupils to learn to read, to decipher information and images, to sharpen their critical thinking and to form an opinion, all of which are essential skills for exercising enlightened and responsible citizenship in a democracy.

- ◆ In reality, **media education, although reinforced since 2018, is rarely delivered to young people.** However, reading the press is encouraged at school through the Week for Press and Media at School.
- ◆ Youth press is dynamic, this was evident for example during the Covid-19 confinement, when youth magazines made content available on the web.

According to the results of the 2018 edition of Junior Connect, the annual survey conducted by Ipsos on **youth press, a majority of children and teenagers still read it:** more than 60% of young people had read at least 1 youth press title during its last publication period.⁴¹

- ◆ **On the other hand, public broadcasting in France offers few programmes for young people.** On the contrary, at prime time, it broadcasts images of violence and sex as well as advertising that is often dangerous.

France 4, a generalist public service television channel dedicated to young people, is even expected to shut down in August 2020 and to continue to offer its youth programmes online only. This channel played a key role during the period of the COVID-19 health crisis, enabling young children who did not have access to the Internet and who had lost contact with their teachers to pursue a minimum distance learning programme. The COFRADE is committed to the preservation of the channel and sent a letter to the Prime Minister on 20 April 2020.

Many privately owned TV channels, such as Canal J or TIJI, are dedicated to a young audience of different age groups; Gulli, the free DTT channel, has proved very popular with both children and parents.

⁴⁰ This is reflected in the Equality and Citizenship Act of 27 January 2017 and the pilot launch of the SNU (Universal National Service) in 2019. The Equality and Citizenship Act is intended to promote the emancipation of young people, to recognise and highlight their involvement, to facilitate their participation in organisations or in the management of a student newspaper, and to encourage local authorities to set up youth councils.

⁴¹ 74% for children aged 1-6 years, 71% for children aged 7-12 and 43% for children aged 13 - 19.

- ◆ **YouTube is the number one social network for 15-24 year olds, and it is now replacing television in the lives of young people**, sometimes with interesting content such as “Hugo décrypte” for deciphering news, but most often with shocking and violent content.

In summary, a growing awareness of the need for adequate information is a recent phenomenon, there is no consensus on it yet and it has not led to any operational strategy.

QUESTIONS

- How should the Equality and Citizenship Act of 27 January 2017 be reviewed?
- How can we assess the results of the MIE (Media and Information Education) dispensed in schools? How many hours have been taught? What skills have been acquired?
- Doesn't public service television have a role to play in the dissemination of adequate information for young people?

Part 2: The digital world: screens, bullying and pornography

A. Smartphones, tablets, etc.: The risks of screens

The massive presence of screens in the daily lives of children and teenagers, due to the multiplication of smartphones, digital tablets and computers, is leading to the permanent exposure of children to screens, **whose harmful effects on their development and personal fulfilment are now known**. Digital tools can have very positive applications against failure in school,⁴² when maintaining family ties or in the acquisition of certain skills; they certainly must not be systematically rejected, since they will be part of the future of children.

Nevertheless, in view of the worrying figures reflecting the increasing use of screens by children,⁴³ we must remain vigilant with regard to children's early and intensive exposure to screens.⁴⁴ On average, children get their first video game console at 7.3 years old, their first tablet at 6.9 years old and their first smartphone at 9.9 years old.

Early childhood health professionals **are seeing the emergence of worrisome behaviours such as attention, sleep and communication disorders, increased aggression and even obesity**.⁴⁵ The exposure of some increasingly younger children to passive screens (television) is a concern. This is emphasised by figures published by Inserm in 2019 as part of the Elfe cohort,⁴⁶ which highlights that 10% of children under the age of 2 have high exposure to screens.

Other sources refer to **the emergence of behavioural addictions**⁴⁷ that endanger children's health. Although the use of screens is not explicitly mentioned among the causes highlighted, figures from the Ministry of Education show an increase in intellectual and psychological disorders in children since 2010.⁴⁸

⁴² OECD, "Students, Computers and Learning: Making the Connection", 14 September 2015. This study indicates that "limited use of computers at school may be better than not using computers at all, using them more intensively than the current OECD average tends to be associated with significantly poorer student performance." (p. 16)

⁴³ IPSOS, Junior Connect 2017: Children aged 1 to 6 spend an average of 4h37 hours a week on the Internet (compared to 2h10 in 2012), this figure rises to 6h12 for 7-12 year olds and 15h11 for 13-19 year olds. In addition to these figures, there has been a clear increase in the rate of smartphone ownership, which is 81% for 13-19 year-olds.

⁴⁴ A recent study conducted by OPEN (Observatory on Parenting and Digital Education) and Médiamétrie, highlights that children receive their first device at a considerably younger age, regardless of social background.

⁴⁵ See Daniel Marcelli, "Early exposure to screens is a new neurodevelopmental disorder", accessed 22 October 2019: https://www.lemonde.fr/sciences/article/2018/04/30/1-exposition-precoce-aux-ecrans-est-un-nouveau-trouble-neuro-developpemental_5292675_1650684.html

⁴⁶ <https://www.elfe-france.fr/>

⁴⁷ A study conducted by the University of Montréal and the INRS-IAF on a cohort of children born between 1997 and 1998 who had follow-up appointments at ages 4, 12 and 13 shows that having a television set in one's room at age 4 was associated with a high body mass index, less healthy eating, less sociability, a higher level of emotional distress and depressive symptoms.

⁴⁸ Ministry of Education, see studies on the number of school children with disabilities: While intellectual and cognitive disorders increased by 24%, mental disorders and speech and language disorders increased by 54% and 94% respectively.

In light of these observations, it seems unavoidable that we should deal with the following issues:

- ◆ **Give an in-depth assessment of awareness campaigns:** It is essential to review the various public awareness and information campaigns on these issues,⁴⁹ which clearly do not work well or do not achieve the desired outcomes.
- ◆ **Reinforce actions towards vulnerable groups (children under 3 years old):** Set up information and awareness-building actions aimed at parents of children under 3 years old by prioritising messages that empower parents and emphasise the importance of parenting skills in the development and basic needs of children. This is what the National Academy of Medicine and the Academy of Technologies recommend, following the example of the Defender of Rights:⁵⁰ limiting the use of screens before the age of three and setting a framework for the time of use, in the presence of parents or trained adults.⁵¹
- ◆ **Ensure the sustainability of research funding (longitudinal studies):** Scientific research is in its infancy on this topic and it is essential to be able to encourage it by ensuring the development and continuity of longitudinal studies, the only ones that can effectively measure and evaluate these phenomena over time. The lack of long-term funding visibility and the permanent understaffing of the Institutes for science make it impossible to use the data collected in a satisfactory time frame.
- ◆ **Strengthen actions to support parents and the training of childcare professionals, as well as National Education stakeholders:** The lack of precision and clarity in the various studies, as well as the many institutional contradictions concerning screens and the possible risks linked to their use, only make parents' worries worse without providing concrete answers.

It seems urgent to strengthen actions to support parenting on these topics by diversifying the places and methods of information, in order to account for the socio-professional specificities and the diversity of family structures.

Childcare professionals (crèche staff, activities, educators, etc.) and National Education staff are also at a disadvantage because they lack skills and knowledge on this topic. It is essential to strengthen initial professional training by including these themes.

⁴⁹ High Council for Audiovisual matters (CSA) campaign, “No screens before 3 years”, 3-6-9-12 campaign, etc...

⁵⁰ Defender of Rights – 2018 Annual Report on the Rights of the Child: “From Birth to 6 Years: The Beginning of Rights”.

⁵¹ See the report: “The Child, the Adolescent, the Family and Screens” of the National Academy of Medicine and the Academy of Technology, 9 April 2019, in which it is recommended that children under 3 years of age should not be left unsupervised in control of a technological tool.

QUESTIONS

- What support can be offered to parents and staff in charge of children so that they become aware of the dangers of screens for the youngest children and limit exposure time?
- How can we develop research, evaluation and decision-making tools on this topic?
- Most prevention campaigns are not as effective as expected because they are based on negative injunctions that stigmatize parents. Why not launch public information campaigns highlighting the basic needs of children that would include a discussion of screens?
- The sustainability of research is essential on these complex and changing issues. Why not ensure budgets make a place for long-term funding for longitudinal cohorts, which are the only ones capable of taking these issues into consideration over the long term?
- How can we allow a rapid evolution of initial professional training standards for childcare professionals that take these public health concerns into account?

B. Exposure to pornography

Early exposure of children and teenagers to pornography is right now increasing exponentially in France and all over the world.

According to several studies⁵², on average children first come across pornography at an increasingly younger age, now between 11 and 14 years old. Of these young people, 53% have been inadvertently exposed, and nearly one boy in two and one girl in three believe that pornography has contributed to what they know about sex and intimacy.

In light of these findings, two important child protection issues emerge:

- ◆ **In order to protect the youngest children, stronger legislation and better international cooperation are necessary.**

The emergence of the so-called ‘Tubes’⁵³ has made access to this content considerably easier – it only takes a few clicks for any Internet user who wishes to access it, regardless of age. However, most countries are equipped with a legislative arsenal prohibiting the dissemination to minors of such content reserved for adults. The way in which such content is distributed online makes these legislative provisions inapplicable as they are now. It is therefore urgent to change them.

In France, prompted by a member of the COFRADE⁵⁴, a bill is under consideration, proposing the temporary blocking of Internet sites that are unable to offer technical solutions in order to prevent minors from logging on. However, blocking sites at the level of a single country makes no sense, so this first initiative must be followed by many other European countries if it is to be truly effective.

⁵² Among which one study by OPEN (member of the COFRADE) / IFOP - 2016.

⁵³ Illegal pornography broadcasting platforms like Youporn and Pornhub.

⁵⁴ OPEN, Observatoire de la Parentalité et Education au Numérique (Observatory for Parenting and Digital Education)

In addition, a charter of commitment was signed in early 2020. It brings together many stakeholders in the field of child protection, including OPEN and the COFRADE, private Internet providers and several regulators such as the Conseil Supérieur de l'Audiovisuel (CSA, High Council for Audiovisual matters) and ARCEP. The signatories commit among other things to setting up a resource website for parents to offer them technical solutions and educational resources to protect children from inappropriate content.

◆ **Strengthening sex education classes and answering teenagers' legitimate questions by drawing from more diverse information sources.**

The hyper-consumption of pornographic content by French teenagers demonstrates the failure of “sexual and emotional education” classes to which too few teenagers have access, showing that their content does not correspond to the needs and expectations of young people in 2020. This is confirmed by a study published by the HCE (High Council for Education) in 2016, which shows that the 2001 law, which requires three annual sessions of sexual and emotional education for middle and high school students, is not respected at all.

It is therefore urgent to promote educational actions, from the youngest age, based on respect for differences, respect for others and their sexuality, but also consent, and to follow children throughout their development into adults.

◆ **Reinforcing training for professionals and raising awareness for parents.**

Many specialists and professionals working with children are sounding the alarm about the psychological and behavioural consequences that the repeated and uncritical viewing of these images can have on fragile children or teenagers. Although it is important to remember that no study to date demonstrates any impact of pornography on the sexuality of adolescents or adults, observations made by professionals in the field are often alarming when it comes to certain high-risk behaviours.

The training of professionals and awareness building in parents, who are often powerless to deal with these problems, is therefore a key issue in protecting the youngest and in supporting teenagers.

These actions must imperatively take into account many pedagogical and educational components to be effective, including teenage behaviour on digital platforms.

QUESTIONS

- How can we ensure that the commitments made by the various ministries, especially the Ministry of Education, are monitored and enforced?
- What role can the State and voluntary sector play in promoting existing and effective online sources of information on sexuality?
- What commitments (financial, material, human resources) can public authorities make to ensure that professionals are adequately trained in, and that parents are aware of, these sensitive topics?

C. Harassment and bullying

Obtaining reliable figures on harassment and bullying remains complicated, which makes it difficult to understand and prevent it. **1 pupil in 10 is said to have been a victim of bullying in France.**⁵⁵ Of the various types of harassment, online harassment is on the rise and takes increasingly diverse forms.

According to an IFOP study conducted in January 2019, **8% of French people have been victims of cyberbullying, and that number rises to 22% among 18-24 year olds.** The latest figures from the #moijeune survey conducted by Opinionway in 2019 show that among these offences, 29% are insults, 27% are mockery and 21% are compromising pictures. As far as children are concerned, the figures are almost non-existent and only come from private stakeholders or organisations whose biases raise questions.

In light of these observations, the response lies in both legislation and prevention:

- ◆ **In recent years lawmakers have been particularly responsive in adapting the law to new forms of online harassment.**

This has recently been the case with “pack harassment”: the definition of these behaviours was inserted in the law of 3 August 2018 against sexual and sexist violence. This law supplemented the articles of the Criminal Code relating to moral and sexual harassment, which now provide that these offences are constituted:

- When these offensive words or behaviours are inflicted on the same victim by more than one person, in a concerted manner or at the instigation of one of them, even when each perpetrator did not act repeatedly;
- When these words or behaviours are inflicted on the same victim, successively, by several persons who, even in the absence of concerted action, know that these words or behaviours constitute a repeat of a previous occurrence.

This definition thus makes it possible to protect the victims of cyber-bullying by criminalizing any person who has participated, even by a single act, without consultation, in the group harassment of a person.

Since 2016, the same has also been the case with what is commonly known as “revenge porn”. The penalties incurred for the perpetrators of these offences have been reinforced in a new paragraph in the Penal Code; the new Article 226-2-1 thus extends the possibility for victims to take action since:

- it is now possible to act in the case of images taken in public places and no longer in private places only;
- victims will also be able to act if the images were taken with their consent, but disseminated without their consent, in the case of images of a sexual nature.

These amendments, while they are a step in the right direction, must be qualified when it comes to the ability of the police and the judiciary to take these facts into account.

⁵⁵ According to the latest figures from the Ministry of Education in 2019.

◆ **Training of police/gendarmerie personnel in taking complaints must be strengthened.**

Cyber bullying is increasing, yet the treatment of victims by law enforcement remains very uncertain.

Many parents often report that when they go to the police station or gendarmerie, they are simply and irrevocably refused the admissibility of their complaint. Statistics provided by the Ministry of the Interior speak for themselves: **in 2018 there were 497 complaints lodged at the national level, 95 of which were lodged by minors under the age of 12.**

We believe it is essential to provide **better training for law enforcement so that victims can obtain reparation and can see their bullies punished by the courts.**

◆ **Gender inequality in digital spaces must be better taken into consideration.**

Debates organized among teenagers in 2019 by the COFRADE at the National Assembly on the topic of digital technology left their mark, thanks to the young participants who argued clear, strong positions.

One of the main points to emerge from the many discussions was that girls were much more exposed to the problems of cyber-bullying on social media than boys. Whether in cases of “revenge porn” or comments left by boys who openly judge that a given picture is too daring, teenage girls make it very clear that they are victims of many reprehensible acts.

In view of this, it is urgent to implement information and awareness campaigns that are effective and not merely communicative. The constant increase in these crimes shows the urgency of fine-tuning preventive approaches in order to make them more effective. This requires collective reflection, to enable victims to be considered as such, and better collaboration between professionals in the field and the institutions concerned.

◆ **Simplifying points of reporting for greater efficiency:**

In France, there are too many different helplines for dealing with online or offline harassment issues, and it is therefore difficult for victims to know which one to contact.

There is the **119⁵⁶** helpline, the **3020** helpline for harassment, the helpline for victims and the **contact point reporting helpline.**

This greatly contributes to the lack of visibility and legibility as to whom to contact in risk situations; urgent decisions are slowed down when minors are in immediate danger in the case of online crimes.

As the Ministry of National Education points out, cyberbullying situations are in most cases the continuation of pre-existing harassment situations.

⁵⁶ Single phone number to signal violence against children.

We believe that it is necessary and urgent to set up a single helpline dedicated to harassment, whether that harassment happens online or offline, in order to make it easier and faster to process cases and help victims.

QUESTIONS

- How can the training of law enforcement officials and child professionals be strengthened in order to provide better support for victims?
- Most cases of cyberbullying are "classic" harassment situations that spill over online. Why not offer a one-stop-shop dedicated to harassment to improve the efficiency of victim support?
- Why doesn't the Ministry of Education include respect for the physical and moral integrity of young girls in digital spaces in the framework of civic education and/or sex education courses?

Part 3: Sexual violence and prostitution

A. The issue of age of consent

Several States parties to the CRC have recognized by law the incapacity of children to consent to sexual relations with adults. With different age thresholds, mostly varying between 13 and 16 years, these States have established that any sexual act committed by an adult on a minor qualifies as sexual assault or rape. Unlike many States parties, France has not adopted an age of consent in its legislation.

1. State of the debate in France so far

Any minor present on French territory, regardless of his or her age, and regardless of the age of the adult person with whom he or she may have a sexual relationship, is deemed to consent to this sexual relationship, as long as no evidence of coercion, violence, threat or surprise is provided. Thus, France recognizes that a child, even an extremely young one, may have sufficient discernment and maturity⁵⁷ to express free and informed consent to sexual relations with adults. The Government, through the Minister of Justice and the Secretary of State for Women's Rights, has expressly opposed the adoption of provisions recognizing, in a simple or irrefutable manner, the incapacity of a child to give consent to sexual relations with an adult.

2. Response of the French State

Act 2018-703 of 3 August 2018⁵⁸ was adopted with a view to providing a satisfactory answer. However, in no way does it establish a legal age of consent. The new legislation merely **clarifies the circumstances in which judges may use the concepts of coercion or surprise**. At the same time, the offence of sexual offence committed by an adult on a minor under 15 years of age remains in the penal arsenal.

This is proof, which has since been confirmed by numerous court rulings based on article 227-25 of the Criminal Code,⁵⁹ that France still recognises a child's capacity to consent.

On 19 June 2018, the National Consultative Commission on Human Rights (CNCDDH) took up the matter on its own initiative to examine this law. It said it was *“dismayed by [its own] legal approximations”* and regretted that *“these provisions do not reflect contemporary concerns relating in particular to the recognition of the rights of the child”*.⁶⁰

It is up to judges to arbitrarily rule on the discernment and sexual maturity that a child – even a very young one – might have had at the time of sexual abuse. As a result, similar cases of

⁵⁷ Intellectual, emotional and sexual.

⁵⁸ More precisely, Article 2 of Act n° 2018-703 of 3 August 2018, reinforcing measures against sexual and sexist violence.

⁵⁹ Article 227-25 of the Criminal Code punishes any sexual offence (« atteinte », misdemeanour) committed by an adult against a minor under 15 years of age. This is an offence punishable by 7 years' imprisonment, and necessarily implies that the minor was consenting. If the minor was found to have been coerced, the offence would normally be that of sexual assault.

⁶⁰ CNCDDH, Déclaration sur le projet de loi renforçant la lutte contre les violences sexuelles et sexistes (Declaration regarding the bill of law to reinforce measures against sexual and sexist violence), 19 June 2018: https://www.cncddh.fr/sites/default/files/180619_declaration_pjl_violences_sexistes_et_sexuelles.pdf.

sexual violence may be qualified, depending on the jurisdiction, as mere abuse or offence, thus creating disparities in the application of the law and, consequently, unequal access of children to the rights granted to them.

The most emblematic case, one that caused an unprecedented mobilisation of associations and resulted in the drafting of the above-mentioned bill is known as the “Pontoise affair”. It involves a man aged 28 at the time of the events, suspected of having sexually penetrated a girl then aged 11. The public prosecutor's office had initially referred the accused to the criminal court on the charge of sexual offence.⁶¹ Despite the new provisions of the Act of 3 August 2018, new similar cases have arisen in which suspects are accused of sexual offence (« atteinte sexuelle », a misdemeanour in French law, as opposed to a crime) when their alleged victims are under the age of 15.

QUESTIONS

- On what grounds does France refuse to adopt a legal age of consent?
- How does France intend to protect all children equally, regardless of the jurisdiction in which their aggressors are tried? What about equal treatment before the law?

B. Sexual health education

With regard to sexual health and the fight against sexual violence, prevention programmes in schools are the most effective means of limiting the risks, both from the point of view of potential victims of violence and from the point of view of potential perpetrators. As the Defender of Rights points out, although “*sexual health education for children and adolescents is not expressly provided for in the [CRC] [...] several provisions of the Convention are in line with the objectives of sexual health education and make clear the need for it.*”⁶² Also that “*the right to the enjoyment of the highest attainable standard of health enshrined in Article 24 of the Convention must be understood in a broad sense, which includes sexual health.*”⁶³

The Education Code provides that “*information and education on sexuality shall be provided in schools, collèges and lycées for at least three lessons per year*”.⁶⁴ In addition, other articles of law specify the content of these sessions, such as the fight against sexual violence⁶⁵ or the issue of prostitution.⁶⁶

- ◆ Despite the comprehensiveness and precision of French law in this regard, **there remain serious gaps in school-based prevention of sexual violence.** It is important first to

⁶¹ During the trial, the court finally remanded the case for further investigation with the qualification of rape. The judicial investigation is still ongoing.

⁶² 2017 Defender of Rights Report on the rights of the child.

⁶³ *Ibid.*

⁶⁴ Article L312-16 adopted by Act No. 2001-588 of 4 July 2001 on voluntary termination of pregnancy and contraception.

⁶⁵ Article L312-17-1 adopted by Act No. 2010-769 of 9 July 2010 on violence specifically against women, violence within couples and its impact on children.

⁶⁶ Article L312-17-1-1 adopted by Act No. 2016-444 of 13 April 2016 aimed at strengthening the fight against prostitution and procuring, and supporting sex workers.

point out the shortcomings of the National Education system in terms of the number of sessions actually carried out.⁶⁷ Although every child, from the earliest age, should benefit from the prevention programme, no less than 25 per cent of schools stated that they had not put in place any sex education measures.⁶⁸

- ◆ It should be pointed out that **the prevention lessons do not meet the qualitative requirements laid down by law either**. Indeed, “*when sexuality education is integrated into teaching according to subjects, it is largely focused on giving a scientific understanding of it (reproduction) rather than being integrated in a cross-disciplinary manner in relation to its civic dimension and gender equality.*”⁶⁹ Although anatomical considerations are indispensable, they are nevertheless insufficient to meaningfully contribute to a positive sexuality and a reduction in the trend of sexual violence. This is why the Defender of Rights recommends “*promoting a comprehensive approach to sexuality, integrating its emotional, psychological and social as well as reproductive aspects*”.⁷⁰ The notions of respect, consent and integrity must therefore be taught during these sessions.

- ◆ Known obstacles to the implementation of prevention programmes are **threefold**: lack of funding, lack of qualified staff and the resistance of some families to these issues being addressed in school.

For the law to be enforced, it is therefore the duty of the Government to invest the necessary funds to train and pay for the services of consultants and speakers. These investments will likely have as a long-term consequence a downward trend in health and justice spending because of the potential violence that will not have been committed. There is an increasing number of sexual offences committed by minors and a heterogeneous response to gender-based and sexual violence in schools.

QUESTIONS

- How does France intend to engage in structural reforms to improve the sexual health of children and to reduce the trend of sexual violence committed against and by minors?
- Why are school prevention programmes not financed in a way that is commensurate with the needs, particularly in terms of training and the hiring of qualified staff?

⁶⁷ Haut Conseil à l'égalité entre les femmes et les hommes (High Council for Equality between Women and Men), Report No. 2016-06-13-SAN-021 on sexual health education, 13 June 2016.

⁶⁸ *Ibid.*

⁶⁹ *Ibid.*

⁷⁰ *Op. cit.*

C. Sexual exploitation

1. Prostitution and procuring in France

As a child approaches the age of civil majority, the State's commitments related to the above-mentioned article tend to be less respected. Indeed, due in part to the persistent belief in a hypothetical “sexual majority”, many children over the age of fifteen are considered by police to be consenting to prostitution, and are thus deprived of assistance.⁷¹ In addition, a common method used in investigations is to deliberately leave children in pimping rings – sometimes for several weeks – for the purpose of identifying offenders and dismantling the rings.⁷² In other words, while children are known to be sexually exploited, are identified and located, public authorities are failing in their duty to protect and respect their rights, placing the focus on law enforcement objectives instead.

In contempt of the above-mentioned Article 34, but also of Article 4 of the Council of Europe Convention on Action against Trafficking in Human Beings,⁷³ French national law recognises that a child may consent to prostitution. Two legal provisions support this finding. On the one hand, the French Criminal Code punishes the use of prostitution by minors in a specific offence which provides for penalties of up to seven years' imprisonment.⁷⁴ **If child prostitutes were really considered to be sexually exploited, then the French justice system would have to take into consideration the notion of coercion**, and thus prosecute clients of prostitution on charges of sexual assault or rape, punishable by up to 20 years' criminal imprisonment.⁷⁵

The French criminal arsenal provides for the offence of human trafficking for all persons prostituted against their will.⁷⁶ This offence, which is similar to the offence of procuring,⁷⁷ differs from it by having an intrinsic dimension of coercion and exploitation. These two concepts are, according to national legislation, automatically adopted for all children in prostitution, since no one can claim that children can volunteer for prostitution.⁷⁸ However, the offence of procuring a minor is still in force and almost systematically supplants the offence of human trafficking, even when coercion and violence are proven by investigations.⁷⁹ The French

⁷¹ Agir Contre la Prostitution des Enfants (ACPE), *Exploitation sexuelle des mineurs en France*, 2018 (2018 report on Sexual exploitation of minors in France).

⁷² *Ibid.*

⁷³ According to Article 4 (c) of the Council of Europe Convention on Action against Trafficking in Human Beings, “The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered ‘trafficking in human beings’ even if this does not involve any of the means set forth in subparagraph (a) of this article”.

⁷⁴ Articles 225-12-1 and 225-12-2 of Criminal Code.

⁷⁵ On the basis of Articles 222-23, 222-24, 222-27 and 222-29 of the Criminal Code.

⁷⁶ Article 225-4-1 of the Criminal Code lists the different forms of coercion as follows: “1° Either with the use of threats, coercion, violence or deception against the victim, their family or a person in a habitual relationship with the victim; 2° Or by a legitimate, natural or adoptive ascendant of that person, or by a person who has authority over the victim or abuses the authority conferred on them by their functions; 3° Or by abuse of a situation of vulnerability due to age, illness, infirmity, physical or psychological disability or pregnancy, apparent or known to the perpetrator; 4° Or in exchange or by the granting of remuneration or any other benefit or promise of remuneration or benefit.”

⁷⁷ Articles 225-5 and 225-6 of the Criminal Code do not rely on coercion to define the acts falling within the scope of, or being assimilated to, procuring.

⁷⁸ According to point II of article 225-4-1 of the Criminal Code: “Human trafficking in respect of a minor shall be constituted even if it is not committed in any of the circumstances provided for in 1° to 4° of I.”

⁷⁹ ACPE, *op. cit.*

courts therefore officially recognize that children consent to being in procuring networks and that they have not been coerced into doing so.

QUESTIONS

- Why does the Public Prosecutor's Office retain the offences of using a minor for prostitution and procuring a minor, instead of the offences of sexual assault and human trafficking?
- What financial resources are allocated for the training of police and judicial professionals as well as youth professionals in combating the sexual exploitation of children?
- What budget is allocated to the establishment of specialised services for the specific support of child victims of sexual exploitation?

2. French nationals engaging in remote sexual assault of foreign children

A new technique of paedocriminality is emerging on platforms: live streaming. This technique consists in paying to watch, through live streaming, live sexual assaults on children living in developing countries, often in Southeast Asia.

For the first time, on 13 January 2020,⁸⁰ a conviction was pronounced on French territory. This is a strong signal from the Ministry of Justice.

This is an issue with regard to the CRC since States parties are accountable to other countries. It is a question of setting up a collective responsibility of the international community to ensure that the rights of the Child are respected all over the world.

QUESTIONS

- How can international cooperation be strengthened and legislation harmonised to combat this new form of paedocriminality?

3. Sexual violence online

Article 34 of the CRC commits States parties to preventing all forms of sexual abuse or exploitation of children, including their participation in pornographic productions.

⁸⁰ The National Assembly adopted Bill No. 2478, which allows for the recognition of such sexual assaults committed abroad by telecommunication means.

- In 2019, France ranked third in the world for the hosting of digital child pornography content.⁸¹ Moreover, there are no less than 100,000 connections in France to download such content.⁸²
- The resources allocated by France to the fight against child pornography are below the levels required by contemporary criminal activities. There are only 13 investigators specializing in the fight against cyber sexual violence against minors throughout the national territory. In comparison, the United Kingdom has 250 officers assigned to these missions, and there are 120 in the Netherlands.⁸³

Young people aged 11 to 15 are most at risk of sexual violence online. They show great ease and speed in adopting new technological platforms, but remain vulnerable because of their cognitive and, above all, emotional and affective development. It is important to be able to make them aware of the digital risks.

Specialized cyber-crime investigators are few in number and many victims do not have the opportunity to benefit from the skills and expertise of professionals specifically trained in these techniques.

QUESTIONS

- What is France doing to massively raise awareness among young people and their families about the risks of cyber-pedocrime?
- Why are there so few investigators specialising in cyber-pedocrime when France is one of the countries hosting the most content?

⁸¹ INHOPE network statistics reported by the association Point de Contact in its 2019 annual report published on 27 May 2020.

⁸² Statistics of the Central Office for the Suppression of Violence against Persons (OCRVP), January 2020.

⁸³ *Ibid.*

Part 4: The right of the child to health

Despite satisfactory child health indicators in France, progress remains to be made in paediatric care. The problems raised show the lack of preventive attitudes on the part of all stakeholders. Whether in the postnatal period, childhood or adolescence, children, their parents and the professionals around them are asking for help to meet the challenges of emerging chronic diseases in our society. The prevention approach must be constructed to meet the needs in the field. Only health or education professionals and the voluntary sector have the data and experience necessary for large-scale rollout for the generations of tomorrow.

A. Analysing and responding to failures in paediatric management

1. Infant mortality has been stable over the past ten years after decades of declining rates.

The INSEE study of infant mortality in France shows that its geographical distribution is very heterogeneous: some French departments are better than the best European country (Finland) while others are poor performers. Infant mortality is highest in the overseas departments, even though France is in the middle of the European Union average.

Two points may shed some light on this observation:

- ◆ Major social, cultural and health inequalities in metropolitan vs. overseas France. We know that these inequalities are currently increasing.
- ◆ Lack of investment in prevention, whether before conception, during pregnancy or after birth.

Economic problems and access to healthcare are now the main reasons for this stagnation.

2. Developing new missions for Mother and Child Protection services facing great difficulties

Early childhood care, in particular through Mother and Child Protection (Protection Maternelle et Infantile, PMI), is an essential instrument for the effectiveness of children's right to health and the reduction of social and territorial inequalities, but it is currently in a worrying situation. In addition to the lack of financial resources, there is also a shortage of well-trained medical staff, compounded by strong territorial disparities. **Faced with these difficulties, the number of PMI centres and their activity is declining.**⁸⁴

As the only decentralised health authority, the PMI represents only a marginal share of the budget of the departments, relying exclusively on their own resources. It is thus subject to competition from other public spending, and has seen its resources decline for several years.

⁸⁴ M. Peyron's report, "Acting now to save PMI" (March 2019): While in 1995 nearly 900,000 children were seen in PMI consultations, in 2016 only 550,000 consultations took place. Moreover, infant home visits by PMI nurses have been halved in 25 years, and only 6% of early prenatal care needs are covered by PMI.

As a result, it is now facing a major crisis, particularly acute in overseas territories, where there is persistent excess infant mortality.⁸⁵

On Mayotte, the PMI missions face serious and recurrent difficulties due to deteriorating working conditions and lack of staff. More generally, the government recently set up a commission on the first 1000 days of the child.⁸⁶ The resources allocated for this plan must absolutely allow its homogeneous deployment: PMI services are one of the tools to be supported because their missions are in both the medical and social fields.

The same observations can be made in the context of school medicine, which should follow on from the actions of PMI services. Staff (doctors, nurses, social workers, psychologists, etc.) working in the field of support and prevention medicine are insufficient in number and poorly paid, and are unable to carry out their work satisfactorily.

QUESTIONS

- What financial investment by public authorities in the first 1000 days of a child's life? For all childhood and adolescence doctors: What budgetary measures? What measures relating to training? What statutory measures?
- Is there a plan to provide a national fund for Mother and Infant Protection, under the supervision of local health boards?
- What is being done to strengthen the attractiveness of the professions?
- What strategy for a concerted development of school medicine?

3. Deterioration of the health care system impacts on paediatric care

According to the World Health Organization, “the future of all societies depends on children, whose health, growth and development must be ensured. Enabling young children to achieve their full developmental potential is a human right and an essential requisite for sustainable development.”

- ◆ **On 10 July 2019, France adopted a law on the prohibition of ordinary educational violence.**⁸⁷ It finally acknowledged the ravages of so-called “ordinary” violence on children's development and, above all, on their health.⁸⁸

⁸⁵ CNCDH, Opinion on the right to health protection in the overseas territories, adopted on 17 October 2017, JORF No. 0270 of 19 November 2017, text No. 26.

⁸⁶ Establishment of a committee of experts responsible for working with all stakeholders to gather all the knowledge and formulate recommendations on public policies that can be implemented, see: <<https://solidarites-sante.gouv.fr/actualites/presse/communiqués-de-presse/article/installation-de-la-commission-des-1000-premiers-jours-de-la-vie-de-l-enfant-428421>> (accessed 22 October 2019).

⁸⁷ Act No. 2019-721 of 10 July 2019 on the prohibition of ordinary educational violence, known as the “Anti-Spanking Act”, supplements Article 371-1 of the Civil Code with a third paragraph stating that “parental authority shall be exercised without physical or psychological violence”. The Secretary of State for Child Protection announced that it would appear on the front page of all children's health records.

⁸⁸ Gershoff, ET & Grogan-Kaylor, A (2016, April 7), “Spanking and Child Outcomes: Old Controversies and New Meta-Analyses”, *Journal of Family Psychology*.

- ◆ **However, paediatric hospital care is completely disregarded.**⁸⁹ Paediatrics is a multi-factorial medicine (prevention, diagnosis, treatment, etc.) practised by some 5,000 hospital paediatricians in the public service who provide emergency care (more than 5 million admissions per year), care for children who are hospitalised (around 2 million children per year) or admitted to follow-up and rehabilitation units (37,000 stays).

There are no longer enough inpatient beds in paediatric wards where outpatient medicine is developing, in order to reduce hospital expenditure. For several years now, children suffering from bronchiolitis attacks can no longer be hospitalised in their area of residence. Intensive care units, which are saturated during the winter period, transfer children to other regions regardless of the financial and human costs. *A transfer of a small child from the Paris region to a provincial hospital requires an ambulance with professional staff, and profoundly disrupts family life: one parent stays with the other children at home and the other parent accompanies the sick child for several days in the hospital of a region or city that they do not know and where they sometimes have to stay for prolonged periods.*

- ◆ In 2019, an error of assessment by the health authorities led to an insufficient number of general medicine interns in thirteen hospitals in the Greater Paris area: there wasn't enough staff to keep paediatric emergencies at full operating capacity. A redistribution of posts made it possible to re-establish these services without harming children. This incident is indicative of the deterioration in paediatric care.

The specific aspects of caring for sick children must be respected and developed. They must not be assimilated or extinguished in adult care, which never have the same cross-disciplinary needs. For this population, **their educational needs, their development, their family relationships, their autonomy and their sexuality must be taken into consideration.** These elements are never included in adult organizations because they are irrelevant.

They are essential for children to become socially integrated adults like any other citizen.

QUESTIONS

- What strategy can be developed to ensure specific paediatric care?
- How, in accordance with their ethics, can caregivers be supported in their role in care, prevention and reporting at all stages of childhood?
- How can we assess and redefine hospital care in paediatrics?

⁸⁹ “Children are on the front lines”, the paediatricians' shocking forum on the hospital crisis. In one open letter, 2,000 paediatric professionals draw attention to the cruel lack of resources in hospitals, which is severely affecting sick children. See <<http://www.leparisien.fr/societe/sante/crise-a-l-hopital-les-enfants-sont-en-premiere-ligne-la-tribune-choc-des-pediatres-13-11-2019-8192493.php>>

B. The challenge of social behaviours

1. Risk from new technologies / screens

See part 2 of this report PAGE???

2. Violence within the family

A child witnessing domestic violence is an abused child. He is or will be a victim. In this field as in others, prevention is an indispensable and necessary tool that should be developed in parallel with the judicial tool.

However, there is as yet no serious plan in place for protecting these children.

Parents, teachers and all health professions must be helped to become involved in the support system for children who witness or are victims of domestic violence. A willingness to take collective responsibility for anticipating the consequences of violence on children must now emerge, and human and financial resources must be made available.⁹⁰

A bill of law⁹¹ provides for the suspension of visiting and child accommodation rights for the parent who committed a crime against the other parent in the context of judicial supervision.

INFOGRAPHIC

Impact of domestic violence between partners on children and teenagers

Infants - less than 3yo	Toddlers, children of pre-school age	Primary school age children, 5-12 yo	Early adolescence, 12-14 yo	Late adolescence, 15-18yo
Delays in physical development (height, weight)	Aggression	Brutality towards others	Violence towards partner	
Attention deficit	Dependence	Generalized aggression	Brutality	Risk-seeking behaviour (alcohol or drug abuse)
Disrupted of eating patterns	Anxiety	Depression	Lack of self esteem	Home desertion
Disrupted sleeping patterns	Cruelty towards animals	Anxiety	Psychosomatic problems	Running away

⁹⁰ 2017 Report « Mieux protéger et accompagner les enfants co-victimes des violences » (Better protection and support for child co-victims of violence) ORVF / Centre Hubertine Auclert.

⁹¹ Proposal for a law to protect victims of domestic violence, Article 3.

Delays in cognitive development	Destructive acts towards inanimate objects	Social withdrawal	Suicide	
PTSD symptoms				
		Oppositional behaviour	Absence from school / Low school attendance	Sudden drop in school performance
		Destruction of inanimate objects		Sudden drop in school attendance
		Lack of respect towards women		
		Stereotyped beliefs on the gendered roles of men and women		
		Poor school performance		

Symptoms of PTSD:

- Replaying / acting out violent behaviour during play
- Having trouble sleeping (nightmares, insomnia, difficulty falling asleep)
- Having difficulty paying attention and focusing
- Regressive behaviour (thumb-sucking, inability to sleep on one's own)

QUESTIONS

- What cross-professional development can help identify these at-risk children?
- How can children suspected of living in a context of domestic violence be cared for as early as possible to reduce after-effects?
- What care plan can be devised for these children, in collaboration with the judicial system?
- What kind of mediation profession could be invented to best liaise with all stakeholders?

3. Mental health and addictions

Concerns with children's mental health and possible addictive behaviours are pressing, and this is all the more so in the case of teenagers, who live through a period of overexposure to risks.

- ◆ Alcohol remains the first cause of avoidable death and ill health in young people.

- ◆ Of particular concern is the increasing use of drugs by teenagers.⁹² For example, the increasing use of cannabis is having disastrous health consequences. In addition to causing memory impairment and impaired psychomotor performance, it is a risk factor for revealing underlying schizophrenia. As the CNCDH NBP pointed out, drugs and their use are a civic and political issue, which implies that the vulnerability of the individual must be considered.⁹³ The vulnerability of children and teenagers should be the object of prevention policies.⁹⁴
- ◆ It should also be noted that there is a lack of health care for homeless children, such as unaccompanied foreign minors, who are particularly fragile. Marginalized and in a situation of profound health and social distress, they are exposed to drug use⁹⁵ and many of them develop risk behaviours.⁹⁶ Although it is difficult to take care of them precisely because they are difficult to locate, the risks for themselves and for public health are such that a prevention policy is particularly necessary in their case.

UN experts denounce “*harmful trade practices*” for children's health, as children are exposed to the marketing of brands of highly processed foods, sugary drinks, alcohol, electronic cigarettes or tobacco.

QUESTIONS

- What are the obstacles to the implementation of an ambitious prevention policy for teenagers?
- What new professions can be developed to meet the specific needs of this developing population?
- What international plan should be developed with NGOs to meet the needs of unaccompanied foreign minors?

C. Investing for the future

1. Restoring the rights of children with disabilities

Acting in the best interests of the child means that children with disabilities should be treated like other children, i.e. without discrimination in access to their rights.

⁹² Académie nationale de Médecine, « La prévention en santé des adolescents », C. Dreux, *Ethique et Droit*, 17/06/2014: 68% of teenagers aged 17 have smoked at least once, 25% of those aged 13, and almost half smoke regularly.

⁹³ CNCDH, Notice on “Drug use and human rights”, adopted 8 November 2016, JORF n°0055 of 5 March 2017, text n° 31.

⁹⁴ Inserm (National Institute for Health and Medical Research), *Conduite addictive chez les adolescents*, 2014. In a 2014 collective assessment devoted to addictive behaviour among adolescents (uses, prevention and support), Inserm summarised the prevention interventions presented as effective in the scientific literature.

⁹⁵ Observatoire français des drogues et des toxicomanies, *Drogues et addictions données essentielles*, 2019 (2019 report “Drugs and addictions – essential data”).

⁹⁶ CNCDH, Notice concerning the deprivation of liberty for minors, adopted 27 March 2018, JORF n°0077 of 1 April 2018, text n° 48.

However, as the Committee on the Rights of the Child⁹⁷ has pointed out, children with disabilities are still victims of discrimination, suffer abuse and rarely see their wishes taken into account in the decisions that affect them, even though they must be consulted systematically, wherever they live. The Committee thus recommended that *“a human rights-based approach to disability should be adopted without delay (...) and measures should be taken to facilitate and ensure access to appropriate assistance (...) and to guarantee the allocation of sufficient resources”*.

The CNCDH⁹⁸ is concerned about their right to protection, to health – a fundamental right, the access to which is riddled with obstacles for children with disabilities. For example, access to health care for children with disabilities is impeded by poorly adapted care, sometimes inaccessible services, inadequate training of health professionals, and difficulties in diagnosis and treatment, particularly in child psychiatry (especially in cases of mental disability).

Territorial inequalities are to be deplored.⁹⁹

The situation of children with Autism Spectrum Disorders (ASD) is of particular concern, in view of the lack of solutions and structures adapted to their needs, and the abuse they may suffer.

In 2017, 6,000 autistic persons, including 1,500 children, had to go to institutions in Belgium.¹⁰⁰ Difficulties persist despite the adoption in 2018 of the strategy for autism within neurodevelopmental disorders (NDD) 2018-2022.

The issue of people living with disabilities must be a matter of public debate.

QUESTIONS

- Why is disability not one of the government's priorities to “ensure ... the full enjoyment of all human rights and fundamental freedoms by all persons with disabilities, without discrimination of any kind on the basis of disability”?
- How can specialized professional training in the field of disability be developed to meet the needs of persons with disabilities?
- How can ombudspersons be mobilized to enforce the rights of children with disabilities?

⁹⁷ Concluding observations of the Committee on the Rights of the Child on the fifth periodic report of France, 29 January 2016, CRC/C/FRA/CO/5.

⁹⁸ National Consultative Commission on Human Rights.

⁹⁹ Defender of Rights – 2017 Annual Report on the rights of the child: « Droits de l’enfant en 2017 : Au miroir de la Convention internationale des droits de l’enfant ».

¹⁰⁰ Senate report “Care of disabled persons outside the national territory”.

2. Addressing the challenges of climate influence on health

◆ **Lack of consideration of children's health in environmental medicine research**

The recent UN report¹⁰¹ alerts leaders and citizens to the urgency of making children's health a priority in the face of the consequences of environmental degradation, climate change and abusive trade practices that lead to risky behaviour. Among the threats to the health of future generations, the report cites **air pollution and “intensifying climate threats”** as the most important.

◆ **Parents' concern for the health of their children in some geographical areas is real.**¹⁰²

- ◆ Young activist Greta Thunberg and fifteen other young people from twelve different countries together submitted a Communication on climate issues to the Committee on the Rights of the Child at the time of the New York summit in September 2019, denouncing the lack of ambition of five countries, including France. **They believe that the deadly and foreseeable consequences of climate change violate their right to life as recognized in Article 6 of the CRC.** They also invoke Article 3 and of course Article 24. Basing their claims on the WHO definition of health, the petitioners list both the pathologies and mental health issues they suffer due to the deleterious effects of climate change¹⁰³.

The conclusions of the UN report call on national leaders to tackle CO2 emissions as a matter of utmost urgency to ensure that children have a future on this planet and also to make sure that the voices of younger citizens are included in policy decisions and to systematically assess the effects of these decisions on child health.

There is a lack of real political will in France to consider children as a population with specific health needs. **Solving the problems identified, taking into account new social behaviours and investing in prevention and research are to be developed in the coming years to ensure the good health of future generations.**

¹⁰¹ *A Future for the World's Children?*

¹⁰² It is echoed by local media in Haute-Savoie, for example in April 2019 in *Le Temps*: “In recent months, in Passy, the last settlement before the climb to Chamonix, doctors have been overwhelmed by cases of asthma attacks, even among experienced mountain dwellers. Cases of bronchiolitis in infants, bronchitis and sinusitis are exploding, while “pollution alerts” follow one another and are similar in the Arve valley. “I have been observing a progression of this type of infection and disease for several years now,” laments Doctor Mallory Guyon. “We have an incredible number of ear infections in children, respiratory allergies. Sometimes we have to send them to the hospital. We are completely powerless.” Not to mention a phenomenon so widespread that it has earned a nickname, “the cough of the valley”, a laryngitis that can last two months...”

¹⁰³ Christine Cournil, March 2020, Draft for publication in the *Revue juridique de l'environnement*, special issue 2020, forthcoming.

QUESTIONS

- How can environmental medicine research be developed in France?
- What actions and strategy could our country take within the European Union to make this field a priority in research and in action?
- How can actors in the field (associations, NGOs, industrials...) be involved in the determination of indicators concerning children's health?

Conclusion – What policy strategy for childhood?

Following the observation of the Committee on the Rights of the Child on the lack of a policy strategy for children in our country, the French government created the CNPE¹⁰⁴ and a Council for Children and Adolescents, a new advisory council under the authority of the Prime Minister within the HCFEA¹⁰⁵.

However, the CNPE has not been given any resources, while the HCFEA has so far had little audience. Within the HCFEA, the Council for Childhood and Adolescence is a place of reflection under the auspices of the CRC.

Beyond these two new bodies with very limited powers, **the follow-up measures to the 2016 observations are still not operational.**

While the situation of children under 18 years of age as a whole is fairly satisfactory, France does not give itself the capacity and means to give the most fragile, vulnerable children and victims of discrimination and abuse their chances of resilience and social success.

What is more, the Ministry of Children, Families and Age was abolished with the new term of office in 2017, depriving organisations of a contact institution. Following numerous protests, a Secretariat of State for Child Protection was created in 2019.

The COFRADE still denounces the lack of a strategy for Childhood and calls for the creation of a Childhood Taskforce.

QUESTION

- What vision and political impetus to express and implement a strategy for children in France?

¹⁰⁴ Conseil National de la Protection de l'Enfance, National Council for the Protection of Children.

¹⁰⁵ Haut Conseil de la Famille, de l'Enfance et de l'Âge – High Council for Family matters, Childhood and Old Age.

Appendix – Youth Debates organised by the COFRADE

Since 2006, the COFRADE has been organizing youth debates, thereby giving young people aged 14 to 18 a space to exchange ideas and express themselves, in accordance with article 13 of the CRC:

“The child shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child’s choice.”

From the outset, **the diversity of the participants, coming from different cultures and social situations, has been at the heart of the project** in order to allow a better representation of the voice of young people to the public authorities. The participants come from both public and private schools, youth movements, leisure centres and youth councils. For several years now, the debate has benefited from the presence of young foreign speakers.

Each year, **the theme of the debate** is chosen by the COFRADE for the questions it raises among young people on a right of the child or on current social issues:

- *Protection, yes, but from what, of what, and to what extent?*
- *Equal and different, how to live together?*
- *Can we learn to be free?*
- *Fraternity, yes, but how and to what extent?*
- *Activism: why and for what?*
- *Why is education a right?*
- *Internet, social media: wealth or danger?*
- *Freedom of expression! Yes! But how and to what extent?*

At the end of a preparation process within their class or group in a context of trust, freedom of expression, mutual listening and respect for the word of others without judgement, a summary is sent to the COFRADE, in order to prepare the final debate which brings together the young participants in the presence of personalities and experts who listen to them and dialogue with them.

Assessment and feedback on the debates

Each year, these debates allow over 200 young people to participate in a final debate in the National Assembly. The specificity of the COFRADE Youth Debates is that they allow young people to share their thoughts with their peers from different socio-cultural backgrounds who have taken the same approach. This quest for balance between groups leads us to limit the number of participants.

Each year, the teachers and headmasters who took part in the debate were amazed by the capacity of their students to reflect and listen.

Lycée Jean-Pierre Timbaud d’Aubervilliers:

“Thanks to the reflection carried out in the groups, and the interclass debate organised for the Lycée Jean-Pierre Timbaud, our young people dared to express themselves with a lot of thoughtful reflection, they were attentive and able to bounce back from others’ contributions to

the debate; as one of our students who did not want to come told me: "It was great sir, I almost spoke out! "All the facilitators appreciated the morning's intermediate debates, which allowed the groups to mix and the facilitators and young people to meet other teenagers from different socio-cultural backgrounds. The vast majority of the students were able to speak up thanks to these morning debates."

Lycée St Nicolas, Paris:

"I would like to share with you a short message from the Première TMA¹⁰⁶ class and its two educators, to thank you very sincerely for yesterday.

It was a challenge for us, a real challenge: to be open to others, to be open to the world, to reflect on societal issues, to listen to others, to consider their points of view, to participate in a common reflection. I think that a positive group dynamic will emerge, with, for our young people, a little more self-confidence."

Liens Horizon Danse de Toulouse:

"Our local youth, whose image is often associated with acts that are not very civic-minded, need to take part in positive activities, in which they are authors and actors. What is at stake is to show that young people can also express how they see their roles as citizens through the exchange of ideas, debate, reflection and sharing, which is the basis of our action to raise awareness among young people of the importance of being active citizens.

It's often difficult to get teenagers to participate in projects of their own accord. Certain conditions are indispensable if young people are to become involved and benefit from the expected impact in terms of responsibility or autonomy.

Debates that allow young people to express themselves, to consider the ideas of others, to listen, to argue, to question, to confront other perspectives... These sow and germinate seeds of citizenship in our young people, so that tomorrow they can become committed stakeholders with full agency.

Finally, it seems very important to us that the voice of young people be heard and relayed thanks to the speakers present."

In 2020, the youth debates are evolving: the COFRADE will now organize debates in each region, with a **final regional debate** bringing together young people from participating regions. In the morning, an intermediate debate brings together young people who reflected on a specific topic with their educators or teachers: they can take part in different workshops for a preliminary debate, so that everybody can have a word and exchange ideas with facilitators and their peers about their topic of reflection and what proposals and suggestions they have.

After the final regional debate, each regional leader prepares the participation of the youth delegation of his or her region in the General Assembly on the Rights of the Child, taking place in November 2020, which will be a forum to take the proposals of young people to the government.

¹⁰⁶ TMA: Technicien Menuisier Agenceur, a vocational secondary school course leading to an A-level in carpentry and construction techniques

Other remarks from young people collected during the debates:

“I think that in school you’re taught to always obey orders and hierarchy; that’s not normal, in the country of freedom and equality, to always obey hierarchy and its often very rigid commands. We should change our methods today. There are other educational methods around and it would be good to change that. For example, there are countries in the European Union that have done so, I am thinking of Finland, which was inspired by the methods of Steiner or Montessori, where they have a very good level of education. They are doing very well, they have very good results.”

“Today everything happens on paper: grades are on paper, curricula are on paper... One-to-one, personalised support isn’t really a thing; both students and teachers are looked down upon, whereas they should receive more appreciation.”

“Gaps in your academic achievements, dropping out, that happens everywhere, not just in ZEPs (Priority Education Zones). To tackle this, it’s necessary to support students with better career guidance and remedial academic support. We already have AP (Accompagnement Personnalisé, personalised support), which exists in some secondary schools, but I don’t think it’s enough because we’re granted 1h30 or 2 hours a week of remedial classes in certain subjects. There’s a lot of talk about personalized support, that’s supposed to help each individual student, not just the class as a whole. There are teachers who use the AP classes like normal teaching hours, there’s this pressure to always go faster, to finish the whole curriculum, but that curriculum is just overwhelming; whereas we could be taking more time to reexplain certain concepts. So support needs to be more personalised, on-to-one, and teachers should be more approachable to help students better.”

“I’m in my final year of high school, studying Economics and Social Sciences, I’m in the process of applying to universities and choosing courses for next year and, just for a start, I find that the system of sectorization is totally absurd: to be given priority to enroll in prestigious universities like Assas or the Sorbonne just because you live in Paris, that’s not fair.”

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Editorial board

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Caméléon

The remarks of young people who participated in the debates were reported by Henriette Aubay, Vice-President and COFRADE Youth Debate organiser.

COFRADE's members

