



## FRANCE

Joint written submission to the UN Committee on the Rights of the Child  
87th Pre-Sessional Working Group (28 September - 2 October 2020)  
International Coalition

## **Unaccompanied children at risk at French borders: the failure of French authorities to provide effective care and protection**

In France, unaccompanied children (UAC), like all children in danger, must receive care and protection from the authorities, as provided for by both domestic<sup>1</sup> and international law<sup>2</sup>. Without covering all aspects of the wide array of safeguarding difficulties that children are facing on the French territory, this report aims to present the lack of protection of unaccompanied children in the southern and northern border areas<sup>3</sup> (Italy and Spain - see part 1, and United Kingdom - see part 2)<sup>4</sup>.

Organisations intervening at these borders observe that children on the move are left without effective access to protection, to competent jurisdictions and to information regarding their rights. Many of them have suffered from violence in their own countries, on the road, and upon their arrival in France, potentially accumulating traumatic experiences.

At the French borders with Italy, Spain and the United Kingdom, despite numerous alerts<sup>5</sup> formulated to authorities in that respect, the lack of effective access to protection mechanisms continues and this keeps resulting in many children remaining in displacement, exposed to a number of risks that could be mitigated and even prevented.

Since the last observations by the Committee, the French State is still not compliant with several articles from the International Convention on the Rights of the Child (CRC). These violations described, analysed and illustrated below, are transversal to different clusters of rights<sup>6</sup>.

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<sup>1</sup> Article 375 of the French Civil Code and Article L. 112-3 of the French Social Action and Family Code (*CASF*).

<sup>2</sup> Articles 3 and 20 of the International Convention on the Rights of the Child.

<sup>3</sup> For the purpose of this report, the borders are considered to be wide areas, not limited to the linearly represented geographical borders.

<sup>4</sup> The report focuses (part 2) on the situation in two towns, Calais (*Département* Pas-de-Calais) and Grande-Synthe (*Département* Nord). Nonetheless, many more locations along this border are witnessing the same violations of France's obligations regarding UAC.

<sup>5</sup> For instance: *CNCDH*, [Déclaration - Alerte sur le traitement des personnes migrantes](#), 17 October 2017.

<sup>6</sup> General measures of implementation (articles 4, 42, and 44(6)); General principles (articles 2, 3, 6 and 12); Civil rights and freedoms (articles 8, 13 and 16); Violence against children (articles 19, 34 and 37 (a)); Family environment and alternative care (articles 10 and 20); Disability, basic health and welfare (articles 6 (2), 24, and 27, paras. 1–3); Education, leisure and cultural activities (articles 28 and 31); Special protection measures (articles 22, 35, 36, and 37 (b)–(d)).

## 1. Failure to protect unaccompanied children at the French-Italian and French-Spanish borders

Since the last periodic report of France to the Committee, the situation at French borders, and in particular, at its land borders has evolved. Indeed, since 2015, France has reintroduced border controls at its internal borders in application of the Schengen Borders Code<sup>7</sup>, which means, in practice, at French-Italian and French-Spanish border territories<sup>8</sup>:

- Systematic control measures targeting people on the move, including UAC, all along the French-Italian border: on trains, paths, cars, buses, in particular between Ventimiglia / Menton (controls were introduced there in July 2015), but also between Oulx / Montgenèvre / Briançon (especially since 2016), and finally between Bardonecchia / the Fréjus / Modane tunnel.
- Systematic control measures targeting people on the move, including UAC, at the French-Spanish border, and in particular the strengthening of controls west of the border (in the Basque Country, between Irun and Hendaye) on buses, trucks, cars, trains and streets.

Through these controls, the French border police often fails to comply with the legal framework. For example, decisions for refusal of entry are not individually examined by competent authorities<sup>9</sup> and the right to claim asylum is denied. In the case of UAC, the presumption of minority is often not respected and the French administration uses unlawful practices such as justifying push backs of children on the basis of their “adult appearance” (because they have “stubble”), and even, by changing their date of birth in issued documents (in violation of articles 2, 3, 8, 19, 20 and 22 of the CRC).

Within the framework of Covid-19 pandemic, no specific health related protection measures were put in place by French authorities at southern borders: no personal protective equipment was provided nor pushbacks suspended to Italy, a country hardly hit by the pandemic. This situation has created further health risks for UAC already exposed to pushbacks.

The following paragraphs will more specifically present the situation of UAC controlled and pushed back by the French authorities to Italy (from Menton and Montgenèvre) and to Spain (from Hendaye).

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<sup>7</sup> The temporary reintroduction of border controls at the internal borders of France was implemented following the November 13, 2015, Paris attacks (Articles 23 and 24 of the Schengen Borders Code (*CFS*)). This was renewed every six months thereafter (the last extension up to October 31, 2020), on the basis of articles 25, 26, 27 of the *CFS*, despite the fact that this reintroduction should remain an exception for a total duration which cannot, in theory, exceed two years (article 25.4).

<sup>8</sup> These controls can take place in a 20 km perimeter from the border line (described more precisely in the article 78-2 of the French penal code). When border controls at internal borders are reintroduced, identity checks and conditions of entry to the French territory can also take place and lead to the notification to a decision of refusal of entry in a 10 km perimeter from the border line (article L. 213-3-1 from the *CESEDA*).

<sup>9</sup> According to articles L. 213-2 *et seq.* of the Code for Entry and Residence of Foreign Persons and the Right of Asylum (*CESEDA*), any entry refusal procedure must be carried out following an individual examination of the person's situation, in respect of a certain number of rights: right to an interpreter; right to contact a lawyer, a third party; right to a doctor; right to a “clear day” (it refers to a period of 24 hours from the notification of the decision of refusal of entry, during which a person cannot be deported - if such period finishes during weekend or holidays, the notification is postponed to the following day); right to request entry into the territory on the basis of asylum. “Special attention” must be paid to vulnerable people, especially children. In the case of UAC, they must be assisted by an *ad hoc* administrator in order to ensure their legal representation.

## ❖ French-Italian border<sup>10</sup>

The work of organisations<sup>11</sup> at the border (collection of testimonies and observations of the practices of French law enforcement agencies), as well as reports from independent authorities<sup>12</sup>, show that certain UAC are returned to Italy by the French police, regardless of the fact that they are underage. In many cases, the date of birth written on the “refusal of entry”<sup>13</sup> is not that of the child in question, either because they were unable to express it (there is no individual interview, nor an interpreter at the police stations at this border), or because the police disputed their age (in violation of articles 2, 3, 8 and 12). In some cases, children have testified of law enforcement authorities confiscating or even destroying their identity documents (in violation of articles 8, 16 and 19); and their asylum claim is often not considered (in violation of article 22).

As a result, children are returned to Italy without being protected (in violation of articles 3, 6, 19, 20 and 22). Children thus sometimes take more risks to cross the border, risks that can prove fatal<sup>14</sup>.

More specifically, in 2019 in Menton, more than 310 UAC<sup>15</sup> were turned back to Italy by the French authorities, without the subsequent provision of protection measures. In Montgenèvre, in 2018, the organisations undertaking an observation exercise noted the pushbacks of at least eight UAC in less than 48 hours<sup>16</sup>.

The logic of systematic pushbacks by the authorities, associated with age disputes, makes it almost impossible for some UAC to assert their rights (in violation of articles 12 and 22). Local organisations therefore decided to join forces and legal actions were undertaken. Firstly, the failure to accept the age of two minors<sup>17</sup> was reported to the Nice Public Prosecutor in November 2018. In addition, when UAC pushed back to Italy were able to take the case to the administrative court of Nice, it ruled in numerous decisions that pushback of children is illegal. In 2019 and 2020, for six children, the court reaffirmed that any refusal of entry targeting an UAC must be underpinned by special guarantees that ensure the preservation of the child’s best interests.

This failure to protect can be illustrated by the story of S., a 16-year-old UAC. Despite S. self-declaring as a child, he was pushed back to Italy by French police officers on October 6, 2019. S. was able to get in touch with a lawyer and lodge an appeal before the administrative court in Nice. The latter, by ordinance of October 18, 2019, declared the illegality of this return and ordered that S. could present himself again at the Menton border post, so that he could be taken in by child protection services. On October 25, 2019, S. therefore presented himself at this border post, carrying the judge's order, but the police pushed him back

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<sup>10</sup> This report will not contemplate the question of deprivation of children’s liberty at land borders as this topic will be specifically dealt with in an ad hoc contribution by Anafé to the Committee.

<sup>11</sup> Anafé, [PERSONA NON GRATA - Conséquences des politiques sécuritaires et migratoires à la frontière franco-italienne](#), Rapport d’observations 2017-2018 ; Human Rights Watch, [« Ça dépend de leur humeur » - Traitement des enfants migrants non accompagnés dans les Hautes-Alpes](#), 5 September 2019 ; Intersos, [Unaccompanied and separated children along Italy’s northern borders](#), 2017.

<sup>12</sup> CNCDH, [Avis sur la situation des personnes migrantes à la frontière franco-italienne](#), 19 June 2018; CGLPL, [Rapports de visite](#) de 2017 et 2018.

<sup>13</sup> Any refusal of entry shall be in the form of a written reasoned decision (article L 213-3 of the *CESEDA*).

<sup>14</sup> For example, in October 2016, a 16-year-old girl from Eritrea died after being hit by a truck on the motorway while trying to reach France. Similarly, in March 2017, a 17-year-old boy from Guinea died while trying to reach France from Italy via a dangerous path.

<sup>15</sup> According to information gathered by volunteers present daily at the border (Kesha Niya Kitchen collective).

<sup>16</sup> Press release, [Frontière franco-italienne/À Briançon, les violations systématiques des droits des personnes exilées doivent cesser](#), October 2018.

<sup>17</sup> Press article, [Elus et associations alertent la justice sur le traitement des mineurs étrangers à Menton](#), France 3, 20 November 2018.

to Italy again. It was only after another attempt the following day that the young S. could access protection services on the French territory.

### ❖ **French-Spanish border (Hendaye/Irun)**

Organisations working at this border<sup>18</sup> observe almost systematic pushbacks to Spain, targeting people on the move arrested near the border by French police officers. These practices, similarly to those at the French-Italian border, do not respect procedural guarantees, including those for UAC. In practice, age disputes of minors by border officials lead to UAC's forced return to Irun, Spain (in violation of articles 2, 3, 6, 8, 12, 19, 20 and 22).

For example, Anafé, a French non-governmental organisation, met an UAC on June 6, 2019, in Irun, moments after he had been pushed back from France. Even though the date of birth written on the "refusal of entry" demonstrated that he was underage and therefore entitled to be protected, no action was taken in this regard. Similarly, in June 2019, several organisations and lawyers jointly denounced the practice of pushback of UAC from the city of Pau, France, to the Spanish side of the border near the Somport tunnel, thus leaving them to their own devices without care<sup>19</sup>.

At the Spanish and Italian borders with France, the lack of effective rights-based protection towards UAC, contributes to them being pushed back, and therefore returned to a life on the move, without any consideration of their best interests (in violation of article 3.1).

The organisations co-authoring this report therefore call on the Committee to pose the following question to the French authorities: **what measures are the French authorities considering to ensure that push backs of unaccompanied children by French law enforcement agencies to Italy and Spain cease?**

## **2. Failure to provide effective access to care and protection to unaccompanied children at the French-British border**

In the last few years, areas along the France-UK border<sup>20</sup> have seen numerous informal settlements built and destroyed as thousands of displaced people search for a place of safety. The violation of fundamental rights observed in this area have been worsening since the concluding observations of the last periodic report of France, as reported by international human rights defenders<sup>21</sup>. The hardships, discrimination and multiple abuses that affect all people on the move have the greatest impact on the most vulnerable, and the most affected are, inevitably, UAC. They find themselves living alongside adults in degrading and inhumane conditions (in violation of article 37(a)), and responses from those who bear a duty to protect them remain limited and inadequate (in violation of articles 20&22).

On the 28th February 2019, the European Court of Human Rights ruled<sup>22</sup> that the failure of French authorities to provide care and protection for an unaccompanied child in a Calais refugee camp, along with precarious living conditions, were in violation of Article 3 of the European Convention on Human Rights.

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<sup>18</sup> MSF, *Frontière Franco-espagnole : traitement intolérable des migrants par les autorités*, 6 February 2019.

<sup>19</sup> Press article, *Billère : des avocats alertent sur le traitement des mineurs non accompagnés par la police aux frontières*, France 3, June 2019.

<sup>20</sup> Border-treaties were signed between France and the UK concerning frontier controls, which included a number of measures to increase border security and strengthen cross border cooperation in Northern France ([Sangatte Protocol](#) of 1992 and its additional protocol of 2000, [Treaty of le Touquet](#) of 2003, [Sandhurst Treaty](#) of 2018).

<sup>21</sup> UNICEF, *Neither Safe Nor Sound - UAC on the coastline of the English Channel and the North Sea*, June 2016 ; Doctors Without Borders (MSF), *Les mineurs non accompagnés, symbole d'une politique maltraitante*, July 2019; Défenseur des droits, *Exilés et droits fondamentaux, trois ans après le rapport Calais*, December 2018.

<sup>22</sup> [European Court of Human Rights - Khan v. France](#) (no. 12267/16), 28 February 2019.

Today, and despite this decision, French authorities keep failing to fulfil the obligation of protection and care incumbent vis-à-vis UAC at the France-UK border, as provided in the article 20 of the CRC.

For instance, in Calais, over a period of eight weeks, during the recent Covid-19 confinement period, while having a very restrictive presence (8 hours/week), organisations entered into contact with 150 UAC living in a street situation. Among them, 67 were newly arrived (despite restriction of circulation at national level), four of whom were girls. The majority of UAC encountered are boys between 14 and 17 years of age; the youngest presently identified being 11 years old and living in an informal settlement for five months. In Grande-Synthe, in this same period, organisations estimate that a minimum of 90 UAC were living in similar conditions. The limited presence of organisations on the ground due to their access being restricted as a result of high police presence, combined with the mobility of children and continuous evictions, explain the lack of exhaustive data and underrepresentation of the actual UAC presence in those two towns alone.

### **Barriers to accessing the Child Protection System and structural dysfunctions**

In Northern France, provisions put in place by *départements*<sup>23</sup> to respond to UAC protection needs are unequal, insufficient, inadequate and do not cover the expertise needed to provide UAC with appropriate and adapted protection (in violation of articles 20, 22). Each department, defining its own operational scheme, results in children's ability and means to access their rights to be fundamentally different if they first reach Calais or Grande-Synthe, although they are only 38km apart in distance.

In **Calais**, the organisation France Terre D'Asile (FTDA) mandated by the authorities<sup>24</sup> visits sites where UAC are living, on an almost daily basis. Despite the existence of an UAC specific protocol, the lack of means in relation to the number of children present across numerous sites, their mobility and the different needs of UAC, requiring specific and individualized response by trained professionals, result in a limited number of children accessing protection. For instance, A. & M., two 11-year-old UAC, arrived in January 2020. They were reported twice to both *département* and judicial system for their young age, isolation and for a suspicion of human trafficking. They both accessed the emergency temporary shelter. However, the lack of adapted response required for their specific needs, resulted in both returning to live in precarious conditions, in an insecure environment and subject to further risk of abuse and exploitation. A. & M. have now lived unprotected for five months in a street situation. It echoes the situation of many more children at the France-UK border.

In **Grande-Synthe**, the organisation AFEJI mandated by authorities<sup>25</sup> has a dual role, informing and referring both adults and UAC to relevant services. Their reduced presence on the ground, combined with their lack of proactive engagement with UAC, and their presence during forced evictions alongside police forces creates confusion and does not contribute to building positive and trusting relationships, necessary to facilitating children's access to child protection services - including unconditional access to temporary emergency shelter<sup>26</sup>.

In an environment whereby multiple reports were made regarding suspicions of exploitation of children, a child protection protocol together with trained staff and adapted care facilities are crucial<sup>27</sup>. Instead, in

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<sup>23</sup> In France UAC can access child protection through administrative or judicial procedures. Their care is a decentralised competency which falls within the remit of the *départements*.

<sup>24</sup> In Pas-de-Calais *département*, FTDA has different activities targeting UAC: from a *maraude* in charge of information, identification and referral of UAC to FTDA temporary emergency shelter, to the child protection facilities once children are assessed by their dedicated team as such. Their mission is financed in majority by the *département*. Nevertheless, the State (DGCS) gives financial support for the information component provided during outreach activities by the *maraude*.

<sup>25</sup> In Grande-Synthe, AFEJI targets both adults and children whether accompanied or not. Their actions are funded and mandated by both *département* and the State.

<sup>26</sup> In accordance with article L 223-2 and R 221-11 of the *CASF*, as soon as an UAC is identified, an emergency temporary shelter must be systematically provided for 5 days.

<sup>27</sup> CNCDH, *Avis: la création d'un "mécanisme national de référence" en France, pour l'effectivité des droits des personnes victimes de traite des êtres humains*, 28 April 2020.

Grande-Synthe, where AFEJI is mandated, the vast majority of identification and referral of UAC, as well as information provided to them about their rights, is done by non-specialised, non-mandated, nor trained organisations volunteering at the border. Despite authorities<sup>28</sup> being repeatedly informed of children in a situation of danger, response is limited and inadequate, resulting in children disappearing. Limited and insufficient capacity of response to prevent or respond to trafficking suspicions and disappearances of UAC by all stakeholders is of particular concern (in violation of articles 19, 34, 35 and 36). For instance, amidst the Covid-19 sanitary crisis, F., 16 years old, was hospitalized and later referred to a non-child specific centre for homeless Covid-19 symptomatic persons, where his situation could be monitored. F. left the centre the same day, together with a family who was there for the same reasons, being picked up by someone who he testified to be “his smuggler”. Other elements observed by organisations indicated that F. was presumably a victim of exploitation. F. was reported to the prosecutor for suspicion of being a victim of exploitation and having been previously reported to the *département*. No proceedings took place and F. disappeared while reported as a child in danger and being symptomatic (undiagnosed) of Covid-19.

In both locations, the failure to protect is observed at different levels including lack of identification and referral processes described above. Additionally, lack of training and accountability mechanisms combined with under-resourced services lead public health service providers, police officers, state mandated organisations and other local authorities to often fail in their obligation to contribute to the protection of children. Numerous testimonies from UAC and organisations highlight discriminatory treatment towards UAC (in violation of article 2) and reiterated failure to comply with presumption of minority, as well as impediment to access health services (in violation of article 24) or entry doors to protection such as police stations.

For instance, M., 17 years old, arrived in France in September 2019. While living in precarious conditions in Calais, he contracted a contagious pulmonary disease. During the Covid-19 confinement period, M. had to reach out to the hospital for blood analysis and a medical prescription every 15 days. With changing protocol during this period at the hospital, M. unable to speak and read French, failed to find the service he usually attended. M. contacted an association to access the children’s emergency shelter. With restricted movement possibilities at the beginning of the confinement period, the state mandated operator (FTDA) asked M. to reach them at the police station to provide him care and access to health services. Police officers prevented M. from exiting the camp area to access protection. M. had a contact phone to ask for protection. The majority do not.

As children, along the France-UK border, the unequal or lack of access to information about their rights through accessible, reliable, comprehensive, age and language appropriate information is also a primary concern (in violation of article 13). The lack of knowledge around the possibilities of care existing in France, with only partial and uneven information given in unsuitable environments, together with the information given being unsuited to the reality on the ground (whereby children are often under the control of a smuggler), often leads UAC to consider the UK as their sole option. When arriving at border areas, UAC also rarely know of existing safe and legal routes. While emergency accommodation spaces are made available in child protective accommodation, awareness of this option is limited and sometimes restricted, depending on where the child arrives.

Left without information and effective protection by the authorities, children are often living for months in an environment that is unsuited to their child status (in violation of article 6 (2), 28&31), characterised in particular by unhealthy, precarious and unsafe conditions<sup>29</sup>(in violation of article 3, 6, and 27, paras 1-3).

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<sup>28</sup> A wide range of authorities have been contacted by organisations on the ground in the past years through different means: individual cases reported to judicial and administrative competent bodies as well as direct communications at *département* and national levels to competent bodies.

<sup>29</sup> UN Special Rapporteur on adequate Housing, Leilani Farha, [declares](#) in her report, released in March 2020 that she is “deeply concerned about the housing and living conditions of refugees and migrants in the Hauts-de-France near Calais. [...] The practices reported [...] are a gross violation of the right to adequate housing and other human rights, such as the rights to

There they are exposed to state violence on a daily basis, as evictions of informal settlements have increased since 2015, often accompanied by destruction and confiscation of personal belongings (tent, sleeping bag, clothing and documentation)<sup>30</sup>. The volatile and tense nature of these evictions frequently results in acts of police violence<sup>31</sup> (in violation of articles 19 and 37 (a)), regular use of chemical agents (tear gas, pepper spray, etc) and arrests of people present, including children being taken to detention centres<sup>32</sup> (in violation of article 37 (b)-(d)). All these practices constitute additional barriers for children to trust and access the child protection system.

With current gaps in the decentralised child protection system, children who are becoming invisible and are abandoned by the State often return to the makeshift camps to attempt crossings to the UK through irregular routes, risking their lives in the process.

These barriers to accessing child protection are of even more particular concern at the France-UK border amidst an evolving Brexit context. Indeed, current political negotiations around safe and legal routes to the UK, one of the concrete responses to counter the constant movement for some UAC at the border, indicate that the provisions might not remain<sup>33</sup> (in violation of article 10). It is feared that this may trigger an even stronger reluctance to consider entering the child protection system and result in further jeopardizing their integrity, leading them to take even more acute risks to cross the channel by any means.

The journey of Y., a 14-year-old girl, illustrates those gaps within the French protection system described above. Indeed, Y., arrived in Italy after fleeing from Eritrea where she spent a few months before crossing the French-Italian border. She then reached Calais, where she spent two months living in a street situation, before arriving at “Steenvoorde”, an informal settlement in the North *département* where she remained for more than six months. In that period, she risked her life multiple times by trying to get into lorries to reach the UK looking forward to reuniting with her brother. She finally met an association which provided her with the information that she had the right to do so using a safe and legal route. Y. previously never had access to information around this right. Through the support of a non-state mandated association, she was referred to the child protection system where her procedure could be launched and she finally reached her brother safely in the UK.

The journey of Y. is one of many. Many UAC are on the move due to lack of access to information about their rights and child protection systems at borders as well as the misinformation they may have received along their journeys.

The organisations co-authoring this report therefore call on the Committee to pose the following question to the French authorities: **Which immediate measures will the French authorities put in place in Northern France to ensure that information, identification and referral processes are effective, for unaccompanied children to be protected?**

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water, sanitation, health, food, and to physical integrity. The systematic and repeated nature of these forced evictions suggest they also constitute cruel, inhuman or degrading treatment of one of the most vulnerable populations in France [...]”.

<sup>30</sup> The Human Rights Observers Project, [Forced evictions in Calais and Grande-Synthe](#), 1 August 2018 - 1 June 2019.

<sup>31</sup> Human Rights Watch, [Like living in hell - Police Abuses Against Child and Adult Migrants in Calais](#), July 2017; Press article on reported use of violence against an UAC by the police: Médiapart, [Violences contre des migrants: quand des gendarmes brisent l’omerta](#), 20 May 2020.

<sup>32</sup> La Cimade, [Rapport rétention 2018](#): “In 2018, 339 minors (aged between 12 and 17) were detained in administrative detention centres, because the authorities were considering them as adults. The Pas-de-Calais sub-prefecture alone is responsible for 42% of these detentions of minors, most of whom were arrested while trying to cross the France-UK border. Many of them claimed that their date of birth had been arbitrarily assigned to them by the police or by the requested interpreter during their hearing”.

<sup>33</sup> The right of UAC seeking asylum in Europe to reunite with family in the UK is now only guaranteed through provisions contained within the [EU Dublin III Regulation](#) (article 8). The family reunification is becoming increasingly restrictive, as shown in the [new guidance on Dublin III Regulation](#) published in April 2020 by the Home Office. At the end of the transition period of Brexit, this regulation will no longer apply in the UK.

## CONCLUSION

At the French borders with Italy, Spain and the UK, state duty bearers do not sufficiently consider the best interests of the child (in violation of article 3) as a guiding principle to protect UAC and often focus on their “transit situation” and “lack of willingness to remain” instead of their rights-based protection. Experiencing fingerprinting, physical violence, detention, pushbacks and/or deportation, amongst several violations, children tend to lose confidence in authorities instead of considering them as their access to protection.

This contributes to UAC being on the move from the Southern to Northern borders, highly exposed to abuse and exploitation from smuggling networks, leading them to take life-threatening journeys instead of accessing protection in their best interests.

The precariousness of living conditions and ineffective access to child protection have a direct impact on the mental health of UAC. Deprived of their childhoods whilst they transit through Europe, their rights as children are violated.

The organisations co-authoring this report therefore call on the Committee to pose the following question to the French authorities: **What measures will the French authorities take to ensure effective protection of unaccompanied children at the borders, in accordance with the law in force and in compliance with article 4 of the CRC?**