

European Union Agency for Fundamental Rights, selection of rights of the child passages from published reports related to France

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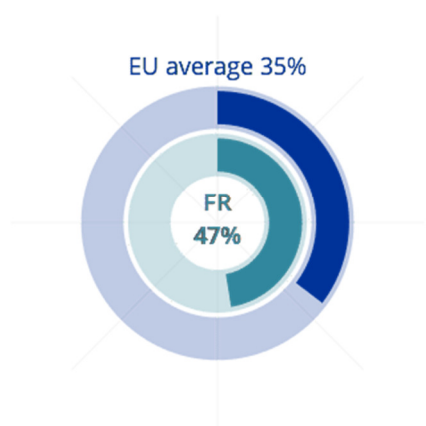
1 Data explorers and tools

1.1 Violence against women: an EU-wide survey (2014)

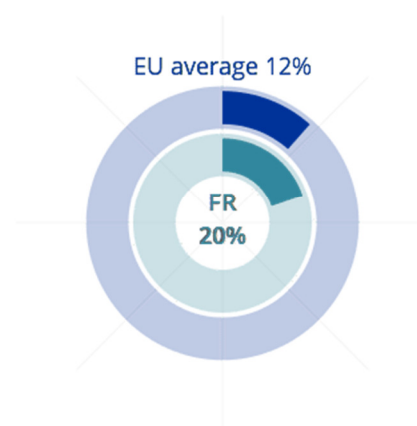
Violence against women: an EU-wide survey data explorer: <http://fra.europa.eu/en/vaw-survey-results>

1. In France- Women who have experienced physical, sexual or psychological violence before the age of 15¹

Women who have experienced physical, sexual or psychological violence before the age of 15



Women who have experienced sexual violence before the age of 15

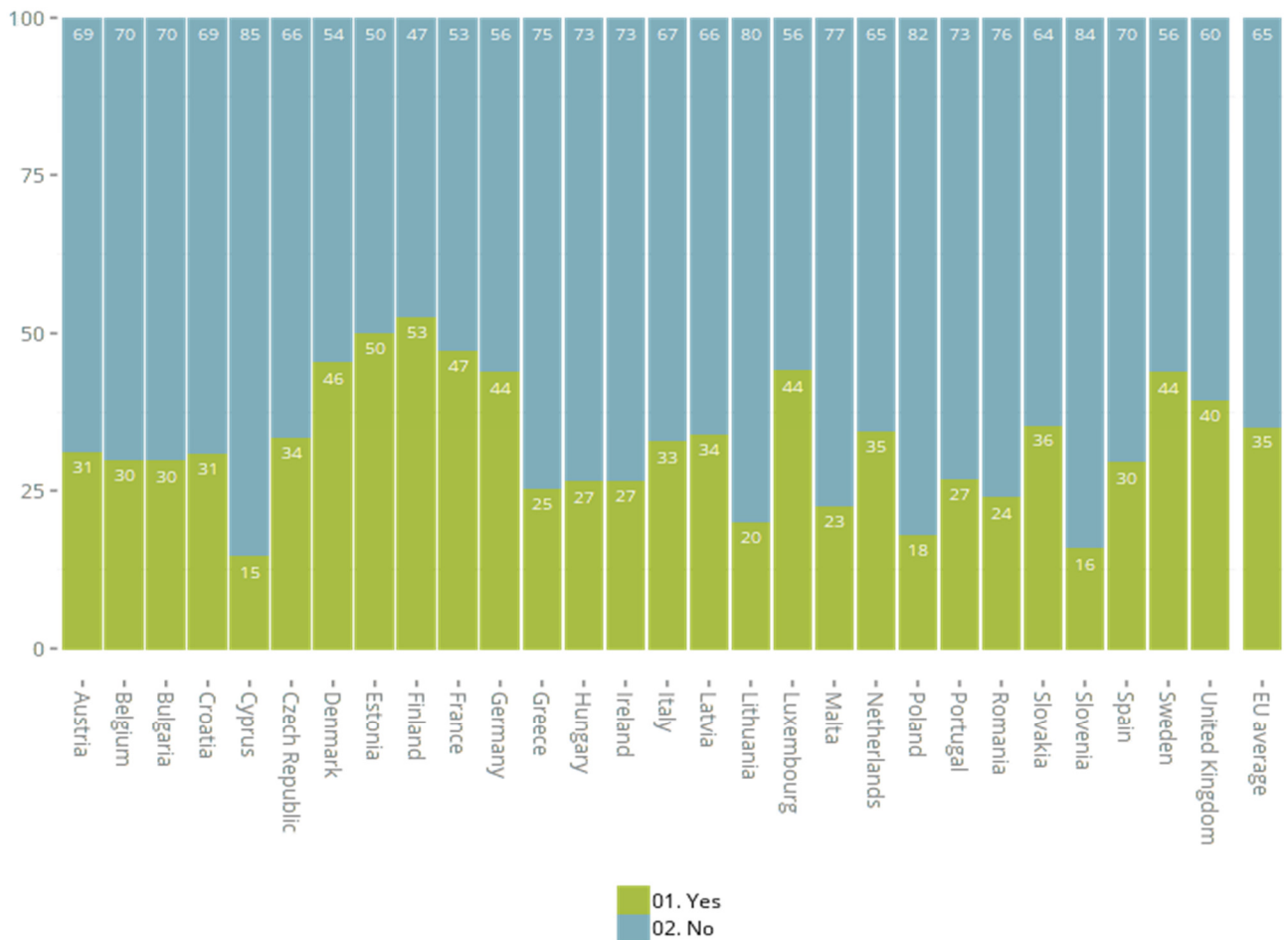


2. In the EU-Experiencing physical, sexual or psychological violence before the age of 15 by an adult perpetrator²

¹ http://fra.europa.eu/en/vaw-survey-results?locale=EN&dataSource=VAW&media=png&width=740&plot=atAGlance&topic=4.+Violence+in+childhood&question=DVS_F01&superSubset=1&country=FR&countryB=EU27

² http://fra.europa.eu/en/vaw-survey-results?locale=EN&dataSource=VAW&media=png&width=740&plot=euBars&topic=4.+Violence+in+childhood&question=DVS_F01&superSubset=1&subset=AllSubset&subsetValue=01--All

4. Violence in childhood / Physical, sexual or psychological violence before the age of 15



© FRA - All rights reserved - FRA gender-based violence against women survey dataset, 2012 | All : All

1.2 EU LGBT survey (2013)

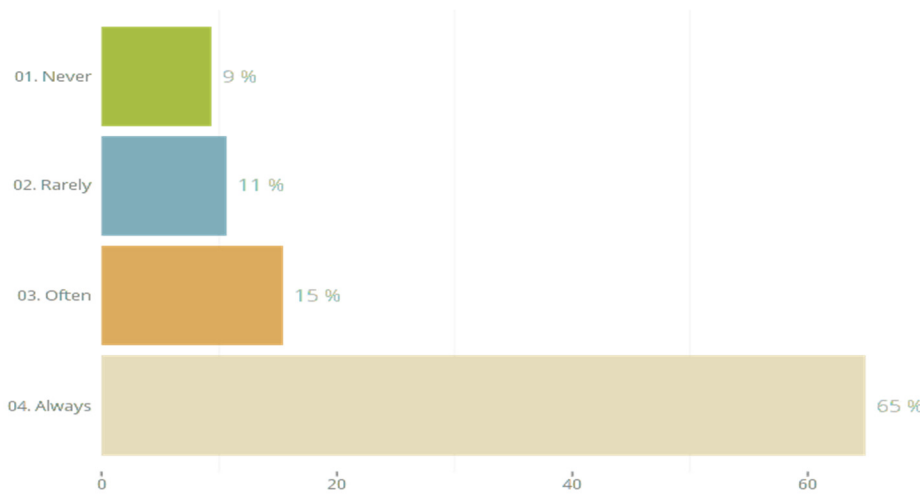
EU LGBT survey data explorer: <http://fra.europa.eu/en/publications-and-resources/data-and-maps/survey-data-explorer-lgbt-survey-2012>

1. In France- During your schooling before the age of 18, did you hide or disguise that you were L, G, B or T at school?³

³ http://fra.europa.eu/en/publications-and-resources/data-and-maps/survey-data-explorer-lgbt-survey-2012?locale=EN&dataSource=LGBT&media=png&width=740&plot=inCountry&topic=2.+Discrimination&question=c9_b&superSubset=1&subset=AllSubset&country=FR

2. Discrimination / Did you hide or disguise that you were L, G, B or T at school?

All

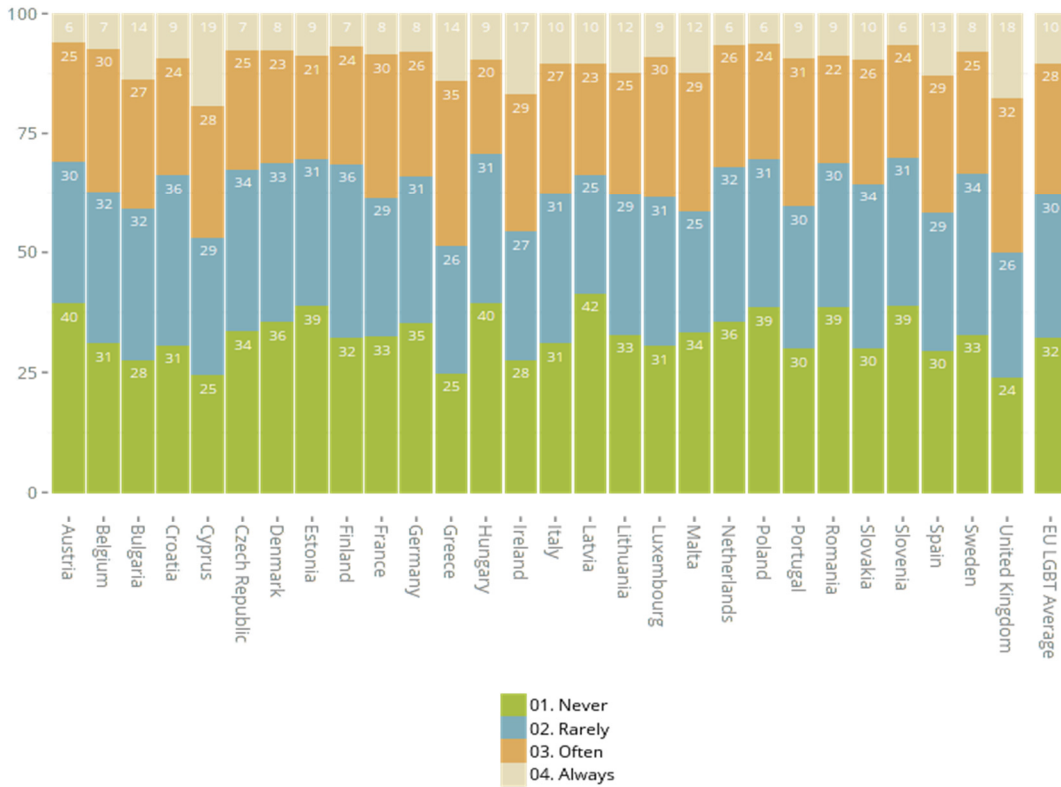


NA - LGBT Survey 2012 | All | France

2. In the EU-During your schooling before the age of 18, did you experience negative comments or conduct at school because of you being L, G, B or T?⁴

⁴ http://fra.europa.eu/en/publications-and-resources/data-and-maps/survey-data-explorer-lgbt-survey-2012?locale=EN&dataSource=LGBT&media=png&width=740&plot=euBars&topic=2.+Discrimination&question=c9_c&superSubset=1&subset=AllSubset&subsetValue=01--All

2. Discrimination / Experienced negative comments or conduct at school because of you being L, G, B or T?



NA - LGBT Survey 2012 | All : All

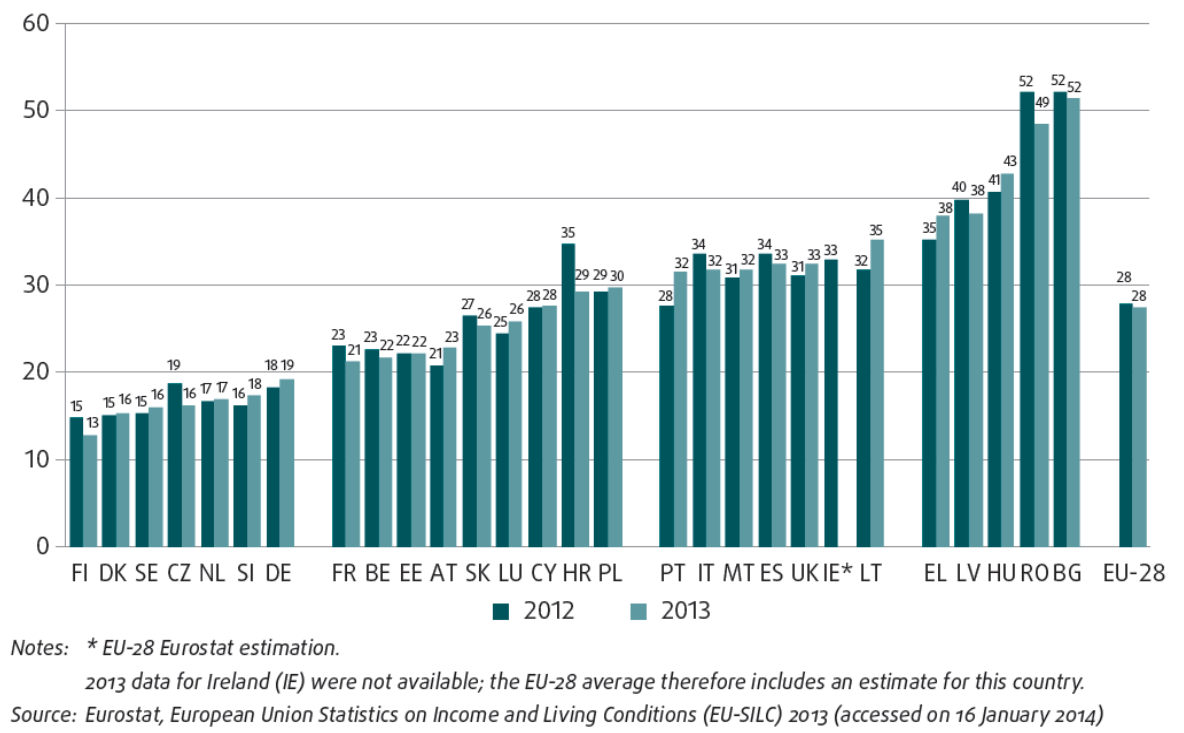
2 Annual reports

2.1 Fundamental rights: challenges and achievements in 2014 – Annual Report 2014 (June 2015)

<http://fra.europa.eu/en/publications-and-resources/publications/annual-reports/fundamental-rights-2014>

“In **France**, a Senate report raised the issue of the limited resources of local child protection monitoring mechanisms”. (p. 132)

Figure 6.1: Children at risk of poverty or social exclusion in 2012 and 2013, by EU Member State (%)



(p.128)

2.2 Fundamental rights: challenges and achievements in 2013 - Annual Report 2013 (June 2014)

http://fra.europa.eu/sites/default/files/fra-2014-annual-report-2013-2_en.pdf

“A wider ratification of the Council of Europe Convention on the protection of children against sexual exploitation and sexual abuse, known as the Lanzarote Convention, represents another accomplishment. So far, 18 EU Member States have ratified it: Austria, Belgium, Bulgaria, Croatia, Denmark, Finland, **France**, Greece, Luxembourg, Malta, the Netherlands, Portugal, Romania and Spain before 2013, as well as Italy, Lithuania, Slovenia and Sweden during the year.” (p. 107)

“The issue of forced marriage has been analysed in a FRA study to be published in 2014. Seven out of 28 EU Member States define forcing a person to marry against his or her will as a specific criminal offence. These states are Austria, Belgium, Croatia, Cyprus, Denmark, **France** and Germany. There is a trend towards criminalising forced marriage across Europe. Three Member States passed specific legislation to combat forced marriage in 2013 (Croatia, **France** and the Netherlands), and three others (Luxembourg, Malta and the United Kingdom) are currently addressing forced marriage in legislative proposals. Certain countries have legal age limits against child marriage, requiring both spouses to be at least 18 years old, such as **France**, Germany, the Netherlands and Sweden.” (p. 112)

“Regional mechanisms were used in 2013 to challenge the legality of physical punishment of children. In July, the European Committee on Social Rights declared a series of complaints admissible under its collective complaints procedure; they claim that Belgium, Cyprus, Czech

Republic, **France**, Ireland, Italy and Slovenia are not complying with their obligations under the European Social Charter, which requires EU Member States to protect children from violence in all settings.” (p. 112)

“The European Commission in a 2013 report addressed recommendations to 11 Member States on female employment, childcare availability and quality, full-day school places and care services. The report finds that just eight Member States, Belgium, Denmark, **France**, the Netherlands, Slovenia, Spain, Sweden and the United Kingdom, have met the targets agreed by the European Council on availability and accessibility of childcare services”. (p. 113)

“The financial crisis has produced a number of cuts in education expenditure in EU Member States. According to a 2013 report published by the European Commission, 20 EU Member States cut their national education budgets in 2011–2012. Cuts of more than 5 % were observed in Croatia, Cyprus, Greece, Hungary, Italy, Latvia, Lithuania, Portugal, Romania and the United Kingdom (Wales), whereas decreases between 1 % and 5 % were seen in Belgium (French Community), Bulgaria, the Czech Republic, Estonia, **France**, Ireland, Poland, Slovakia, Slovenia, Spain and the United Kingdom (Scotland).” (p. 115)

3 Thematic Reports

3.1 Violence against children with disabilities: legislation, policies and programmes in the EU report (2015)

The report includes extensive information regarding France, these excerpts are just a selection. For more detailed information:

<http://fra.europa.eu/en/publication/2015/children-disabilities-violence>

“Not all Member States prohibit corporal punishment in all settings. The European Committee of Social Rights has received complaints regarding corporal punishment in Belgium, the Czech Republic, **France**, Italy, Ireland and Slovenia.” (p. 35)

“Member State legislation also variably defines ‘disability’. For example, in Austria, Belgium, **France** and Romania, it refers to a victim’s vulnerability, punishing crimes committed against “a defenceless or psychologically impaired person”, “invalid, sick or mentally disabled” persons, a person in an “obvious state of vulnerability”, or persons/children in a particular “state of health”. (p. 35)

“In **France** for instance, the criminal code prohibits physical and psychological violence against children in general.”(p. 37)

“Some EU Member States include a victim’s disability as a ground for criminalising a hate crime. As of October 2014, 13 EU Member States explicitly recognise, in one form or another, a disability-bias motivation in their criminal laws: Austria, Belgium, Croatia, Finland, **France**,

Greece, Hungary, Lithuania, the Netherlands, Romania, Slovenia, Spain, and the United Kingdom. This applies equally to adults and children.” (p.38)

3.2 Handbook on European law relating to the rights of the child (2015)

The handbook includes extensive case law related to France, these excerpts are just a selection. For more information: <http://fra.europa.eu/en/publication/2015/handbook-european-law-child-rights>

“Example: The ECSR decision in *International Federation of Human Rights Leagues (FIDH) v. France* concerns France passing a law which ended the exemption of immigrants in an irregular situation with very low incomes from paying for medical treatment, and imposed health care charges. The ECSR ruled that individuals who have not reached the age of majority, including unaccompanied children, must be provided with free medical care.” (p.152)

“Example: *Popov v. France* concerns the administrative detention of a family for two weeks pending their deportation to Kazakhstan, confirms this ruling. The ECtHR found a violation of Article 3 of the ECHR insofar as the French authorities had not measured the inevitably harmful effects on the two children (who were five months and three years old) of being held in a detention centre in conditions that were “ill-adapted to the presence of children”. The Court also found a violation of Article 5 and Article 8 in respect of the whole family and referred to Article 37 of the CRC, which provides that “[e]very child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of his or her age”. (p. 173)

3.3 Child-friendly justice – Perspectives and experiences of professionals on children’s participation in civil and criminal judicial proceedings in 10 EU Member States report (2015)

The report includes extensive information regarding France, these excerpts are just a selection. For more detailed information: <http://fra.europa.eu/en/publication/2015/child-friendly-justice-perspectives-and-experiences-professionals-childrens>

“In most of the 10 EU Member States studied, judges play a key role in hearing children at the trial phase. Judges in **France**, Germany, Poland and Spain generally ask most of the questions, in line with national legal frameworks.” (p. 25)

“In Estonia, Finland, **France**, Germany, Poland, Spain and the United Kingdom, child interviewing practices in criminal proceedings are embedded in specific policy guidelines, of varying degrees of detail and focus.” (p. 26-27)

“In **France**, for example, hearings with children are generally scheduled as priorities under the guidance of the Prosecutor’s office, particularly if the child is exposed to an intra-familial conflict.” (p. 35)

“According to the 2014 European Commission summary report, all 10 Member States covered by this study except for **France** expressly guarantee the right of the child to be heard in family law proceedings”. (p. 38-39)

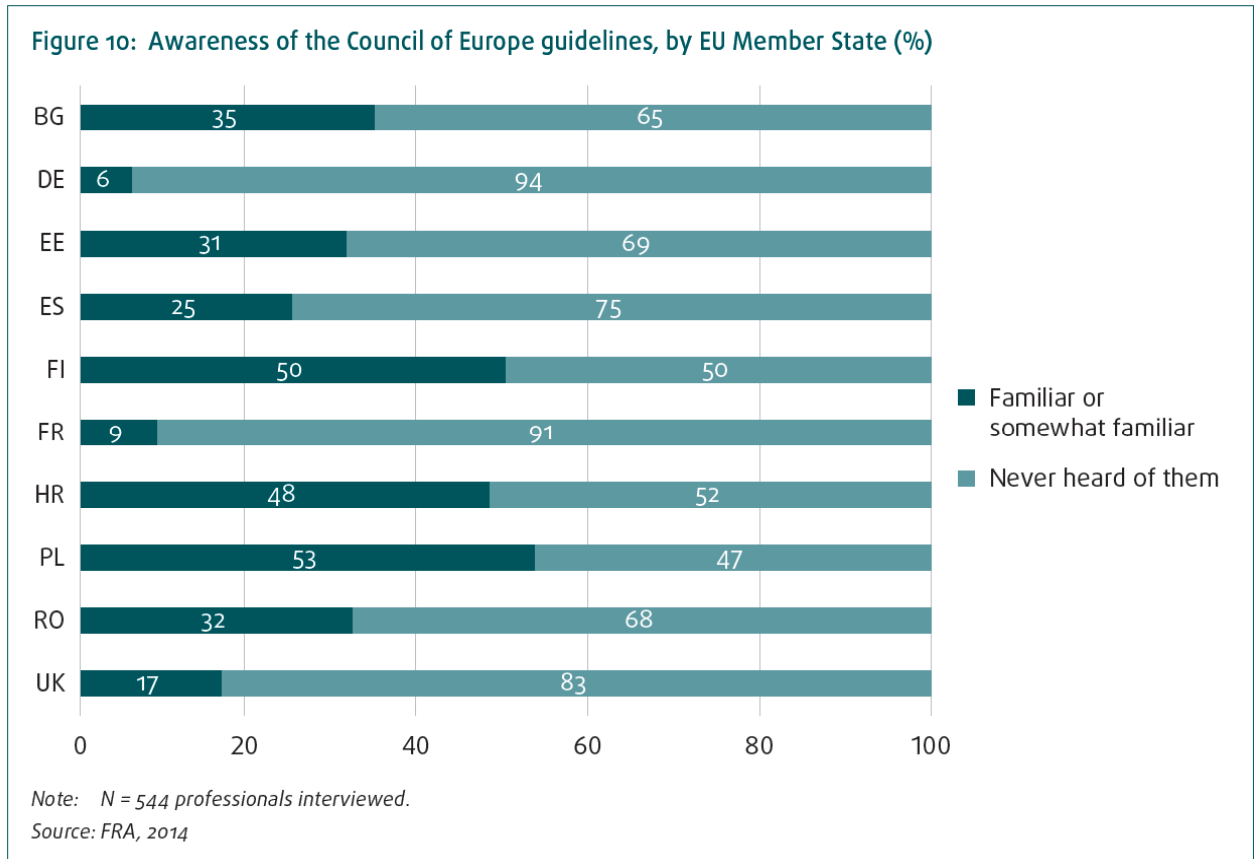
Promising practices examples in France:

- “Tarascon, **France**, has developed a similar practice known as ‘co-hearing’, where judges hear children together with a social care professional during civil proceedings. The judge focuses on the information sought while relying on the social professional to facilitate the child’s expression of his/her point of view. The social worker helps to create a more child-friendly environment by reassuring the child if they find themselves intimidated by the judge. Co-hearing also ensures two separate interpretations of the child’s responses, providing a more fair hearing. The co-hearing project was recognised in the context of the Council of Europe and European Commission ‘Crystal Scales of Justice’ 2012 Prize for innovative practices in the field of civil justice.” (p. 47)
- “In **France**, contact points have been established in several cities where children can access specialised lawyers for information about their rights, and advice and support on civil or criminal legal matters. These meetings are free and confidential, and often offer drop-in services, as well as hotlines and awareness-raising sessions in schools.”(p. 55)
- “In **France**, professionals from both civil and criminal fields emphasised the value of professional groupings and platforms where professionals can share experiences, access continuous training, seek advice or formulate demands. Such groupings were seen as good practices around France. They can be federations (i.e. of victims support NGOs or of ad hoc administrators), associations (e.g. of judges for family and child issues, or social investigators), commissions (*Commission Mineurs*, National Bar Association), or platforms (National Convention of Children’s protection association). The Council of Bar Associations has developed and approved a training kit for lawyers, with sessions for lawyers active in local Bar Associations.” (p. 100)

“Despite the existence of legal and policy frameworks, discrimination remains a major concern for respondents in Bulgaria, Croatia, Estonia, Finland, **France**, Germany and Poland.” (p. 89)

“As Figure 10 shows, Poland has the highest number of professionals (31 of 58) who are either familiar or somewhat familiar with the Council of Europe Guidelines, followed by Croatia (26 of 54) and Finland (25 of 50). In stark contrast, in Germany, **France** and the United Kingdom most interviewees had never heard of the guidelines.” (p. 98)

“In **France**, none of the social professionals surveyed knew the guidelines.” (p. 98)



3.4 Guardianship systems for children deprived of parental care in the European Union report (2015)

The report includes extensive information regarding France, these excerpts are just a selection. For more detailed information:

<http://fra.europa.eu/en/publication/2015/guardianship-children-deprived-parental-care>

“In **France**, for example, to assist a child in asylum and other administrative proceedings, the law provides for the appointment of an ad hoc administrator in certain procedures for unaccompanied foreign minors (*mineurs étrangers isolés*) present in waiting zones at borders and when seeking asylum once on the national territory” (p. 46)

“In **France**, for example, in cases of foreign children the law provides for the appointment of an **ad hoc administrator** (*administrateur ad hoc*). The duration of the appointment but also the specific tasks assigned to him or her are decided upon appointment by the competent judicial authorities.” (p. 22)

“In **France** the initial phase of protection, evaluation and orientation (*mise à l’abri/évaluation/orientation*) has to be carried out within the first five days following the identification of the child (Article L.223-2 of the Code of social action and families).” (p. 47)

“Another way to monitor guardianship activities is to appoint a supervisory council made up of family members of the child. Four Member States (**France**, Greece, Luxemburg and Romania) have adopted this solution.” (p. 49)

3.5 Mapping child protection systems in the EU (2013-2014)

The mapping includes extensive information regarding France, these excerpts are just a selection. For more detailed information:

<http://fra.europa.eu/en/publications-and-resources/data-and-maps/comparative-data/child-protection>

“In 15 Member States (Bulgaria, Croatia, Denmark, Estonia, **France**, Hungary, Ireland, Lithuania, Luxembourg, Poland, Romania, Slovenia, Spain, Sweden and the United Kingdom) reporting obligations are in place for all professionals.”

“In **France** and Romania, vetting is part of the licensing process of foster parents; these licenses must be renewed every five years in **France**.”

“In 10 Member States (Cyprus, the Czech Republic, Estonia, Finland, **France**, Hungary, Ireland, Italy, Slovenia and Spain) coordination responsibilities, including monitoring, lie with the ministry that primarily holds responsibility for child protection. Within the ministry, a specific department-secretariat is typically developed for this purpose.”

“Only eight Member States (Belgium, Denmark, **France**, Latvia, the Netherlands, Slovakia, Spain and Sweden) allocate a specific budget item in their annual state budget to child protection.”

“Only five Member States (**France**, Ireland, Lithuania, Poland and the United Kingdom) have a certification procedure for social workers that includes training requirements. Certified social workers have to complete a required number of training hours within a given timeline (varying from one to three years).”

“Even when provisions exist, responsible authorities may make exceptions. In **France** for example, the president of the Departmental Council (Conseil général) may allow foster parents to accommodate more children than are allowed by law (up to three children), if there are specific needs and if the hosting conditions are appropriate.”

“In many Member States, the child rights impact assessment is part of the human rights or social impact assessment, as for example in Croatia, Denmark, Estonia, **France**, Germany, Latvia, Slovakia, Slovenia and Romania. Some of them (Denmark and Estonia) specifically list child rights, while others (the Czech Republic and Poland) do not specifically reference child rights but list children with other vulnerable groups.”

“In some Member States such as **France** and Romania, there are general provisions concerning the consultation of children and families in their capacity as beneficiaries, which are part of the evaluation process of social services and programmes.”

“In some other Member States such as Germany, **France** and Estonia, some ad hoc practises were identified.”

3.6 The situation of Roma in 11 EU Member States - Survey results at a glance report (2012)

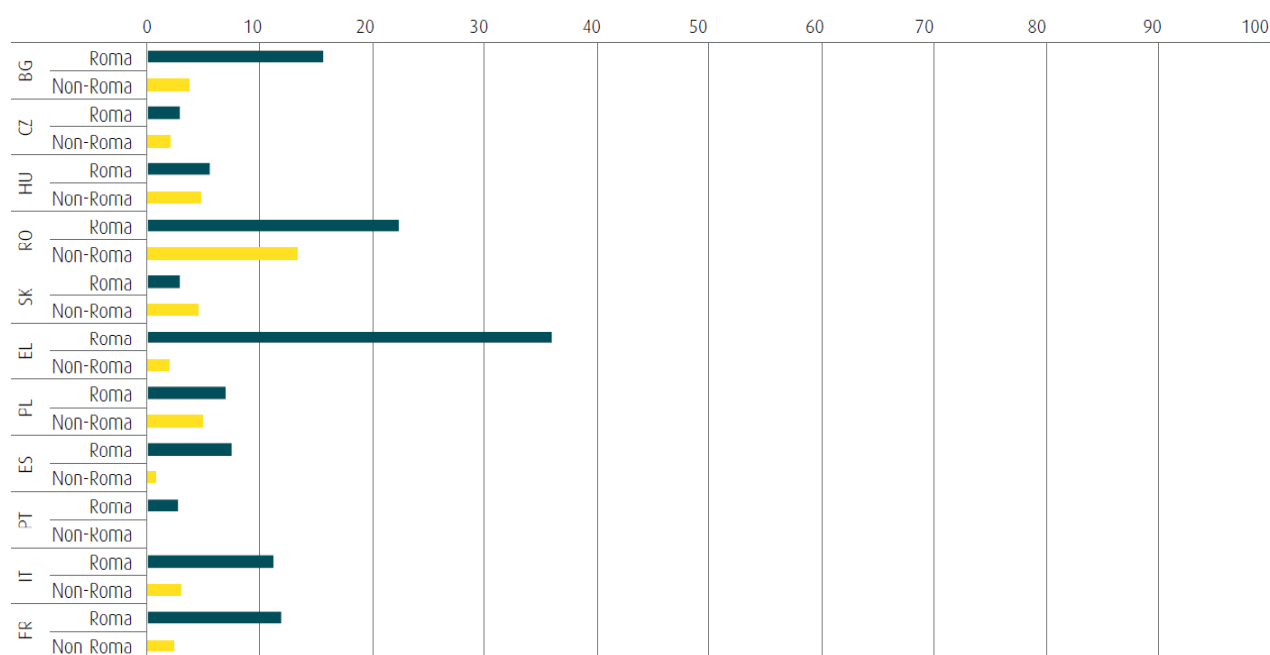
The report includes extensive information regarding France, these excerpts are just a selection. For more information: <http://fra.europa.eu/en/publication/2012/situation-roma-11-eu-member-states-survey-results-glance>

“At least 10 % of Roma children aged 7 to 15 in Greece, Romania, Bulgaria, **France** and Italy are identified in the FRA survey as not attending school, meaning that they are either still in preschool, not yet in education, skipped the year, stopped school completely or are already working.” (p. 14)

“However, in Greece and Romania more than one out of 10 Roma children are reported to be working outside the home, while in Italy, **France** and Bulgaria the proportion is about 6 %.” (p. 19)

1. Figure 3: France – children aged 7 to 15 not in school (%)

Figure 3: Children aged 7 to 15 not in school (%)



Source: FRA Roma pilot survey 2011

(p. 14)

3.7 Education: the situation of Roma in 11 EU Member States. Roma survey – Data in focus (2011)

The report includes extensive information regarding France, these excerpts are just a selection. For more information: <http://fra.europa.eu/en/publication/2014/education-situation-roma-11-eu-member-states>

“In Bulgaria, **France**, Italy and Portugal the share of Roma school-age children not attending school is 11 %–14 %.” (p. 11)

“In Greece and Romania in particular, as well as in Bulgaria, **France** and Italy, Roma children of all ages fail to attend compulsory school.” (p. 12)

“The share of Roma not having completed upper secondary education was highest in Greece, **France**, Portugal, Romania and Spain, at more than 90 %.” (p. 12)

“In **France**, Greece, Portugal, Romania and Spain, however, completing upper secondary school remains rare also for the young age group (below 10 %).” (p. 12)

“In the remaining EU Member States there is a clear pattern: with the exception of Spain, in south-western European countries (**France**, Italy, Portugal) and in Bulgaria, the share of Roma children not in compulsory school is between 10 % and 15 %” (p. 19)

“**France** is a particular case, as Roma children were reported not to attend compulsory school at all ages” (p. 24)

3.8 Separated, asylum-seeking children in European Union Member States comparative report (2010)

The report includes extensive information regarding France, these excerpts are just a selection. For more detailed information:

<http://fra.europa.eu/en/publication/2012/separated-asylum-seeking-children-european-union-member-states>

“In **France**, adult respondents considered inappropriate that children shared accommodation with adults in hotels and hostels in regions where there are many separated children and local authorities cannot provide suitable accommodation for all.” (p. 27)

“In **France**, some children referred critically to the evaluation test administered by CASENAV before enrolment, claiming in one case that they were wrongly assigned to a low educational level.” (p. 38)

3.9 Experience of discrimination, social marginalisation and violence: A comparative study of Muslim and non-Muslim youth in three EU Member States (2010)

The report includes extensive information regarding France, these excerpts are just a selection. For more detailed information:

<http://fra.europa.eu/en/publication/2012/experience-discrimination-social-marginalisation-and-violence-comparative-study>

“At least half of all Muslim and non-Muslim respondents in **France**, Spain and the United Kingdom said they associated themselves with more than one cultural background...” (p. 10)

“**French** youths do not receive religious education in schools, unlike in Spain and the United Kingdom” (p. 10)

“In **France** and the United Kingdom, young people who had experienced general discrimination were also likely to be emotionally violent towards others.” (p. 11)

“In **France** and Spain, young people who had experienced discrimination were far more likely to engage in physical violence than those who were not discriminated against.”(p. 12)

“Although **France** is estimated to host the largest number of Muslims in Western Europe, it provides the lowest number of state funded and subsidised mosques in which to worship” (p.18)

“Research evidence from **France** also suggests that those from minority ethnic groups are more likely to be unemployed than the rest of the population.” (p. 20)

“In **France**, young people do not receive any religious education in schools; therefore, the most common source of teaching about religion reported by the French youths was family members.” (p. 31)

“Overall, 46% of Spanish youths had experienced at least one form of discrimination, which was significantly lower than for the United Kingdom (61%) and **France** (60%).” (p. 40)

“In Spain, respondents from a non-Muslim background were more likely to be involved in using emotional violence, whereas **in France** and the United Kingdom religious background had no impact on this type of violence.” (p. 73)

3.10 Child Trafficking in the EU - Challenges, perspectives and good practices: comparative report (2009)

The report includes extensive information regarding France, these excerpts are just a selection. For more detailed information: <http://fra.europa.eu/en/publication/2009/child-trafficking-eu-challenges-perspectives-and-good-practices>

“Those Member States that do pursue a specific policy on age assessment for unaccompanied minors, use different methods for this purpose. Medical tests are carried out in Belgium, Czech Republic, Denmark, Germany, Estonia, Spain, **France**, Luxembourg, the Netherlands, Poland, Romania and Slovakia.” (p. 54)

“In half the number of Member States (Austria, Belgium, Bulgaria, Denmark, Germany, Spain, **France**, Ireland, Italy, Luxembourg, Malta, Portugal and Slovakia), no formalised policy of non-punishment of child victims or trafficking is pursued.”(p. 70)

“**France** is the only Member State in which the age limit for qualifying for a legal guardian is 21 years.” (p. 78)

“From 13 out of 22 Members States that offer some form of reflection period to (suspected) victims of trafficking it is known that the authorities also grant a residence permit if victims cooperate with the police and prosecution (Belgium, Bulgaria, Germany, Estonia, Greece, **France**, Ireland, Latvia, Malta, the Netherlands, Austria, Finland and Sweden).” (p. 87)

“In **France** detained minors spend their time in specific centres or in closed educational centres.”(p. 94)

“The **French** report makes mention of the fact that the situation in certain waiting zones (in particular at Paris Charles de Gaulle airport) seems to be in violation of **France’s** international commitments. Waiting zones in airports are not considered, under French law, as being part of French territory. As a consequence, minors who remain there are not protected against deportation.” (p. 95)

“Numerous NGOs estimate that in various Member States a substantial number of children disappears from sheltering facilities (e.g. this is the case in **France**).” (p. 114)

“In the Czech Republic, Germany, **France**, Lithuania and Hungary, no formalised strategies to prevent children from disappearing exist.” (p. 117)

“In **France**, Italy, Latvia and Malta, no formalised training strategy is pursued and the national reports on these countries also did not provide any information about other trainings on trafficking in human beings for professionals.” (p. 132)

“Admittedly in nearly all EU Member States some form of data collection takes place (the exceptions being **France** and Latvia), but often this is neither formalised, nor coordinated at governmental level.” (150)