



ALTERNATIVE REPORT

**to the 5th Periodic Report by France
on the implementation of
the Convention on the Rights of the Child**

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**Report co-ordinated by
la Voix De l'Enfant**

A federation of associations supporting children in distress
Registered charity
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Preamble

On 20 November 1989, the General Assembly of the United Nations adopted the international Convention on the Rights of the Child (UNCRC).

To ensure its proper implementation, a Committee on the Rights of the Child (CRC) was set up under the Convention (Article 43). This Committee requires the States Parties to submit a five-yearly report setting out the steps and measures taken over the years by their Governments to enhance the implementation of the Convention in their countries and improve education on the rights of the child.

The Committee sits three times a year to hear the States Parties to the international Convention on the Rights of the Child, after consideration and analysis of their Reports. France, which signed the Convention on 26 January 1990 and ratified it on 7 August 1990, submitted its 5th Report to the Committee on the Rights of the Child in 2012.

The Committee on the Rights of the Child is to hear the French Government representatives in January 2016.

After taking note of the 5th Report by France, *La Voix de l'Enfant* (The Voice of the Child), a federation of 80 associations for the welfare and advocacy of children in France and across the world, decided to inform the Committee on the Rights of the Child, via an Alternative Report, of the shortcomings and failures that persist in France in terms of respect for the rights of all children, whoever they may be and wherever they may live on French soil.

La Voix de l'Enfant wishes to point out that this Alternative Report supplements those already submitted by COFRADE, DEI-France *Agir ensemble pour les droits de l'enfant* and UNICEF, all of whose opinions it shares. The sole aim of *La Voix de l'Enfant* is to draw the attention of the 18 experts on the Committee on the Rights of the Child more specifically to:

- The lack of co-ordination and national strategy in the following areas:
 - Assessing children's needs,
 - Evaluating child-protection policies and tools in the media and on social networks,
 - A status for child witnesses,
 - A policy to combat child prostitution,
 - National frames of reference,
 - Compulsory specialist training for professionals,
 - The pooling of resources, both human and financial.
- The lack of regard for the interests of children in decisions concerning them,
- The lack of any recognition for child witnesses as victims,
- The right of the child to a second chance, a second family,
- The case of unaccompanied foreign minors,
- The legal vacuum surrounding the sale of children,
- The absence of awareness-raising and information campaigns on abuse.

La Voix De l'Enfant welcomes the efforts made by the Minister of State for the Family who, since September 2014, has launched a dialogue on child protection. *La Voix de l'Enfant* places its hopes in seeing the proposals set out here brought into effect and play a full role in achieving respect for the dignity and integrity of all children, whoever and wherever they may be.

Martine Brousse – **Chairwoman, *La Voix De l'Enfant***

1. GENERAL MEASURES OF IMPLEMENTATION

1.1. CO-ORDINATION OF ACTIONS IN SUPPORT OF CHILDREN (UNCRC, Articles 4, 42, 44.6)

In its report to the Committee on the Rights of the Child, the French Government lists the various bodies promoting co-ordination in support of children¹.

La Voix De l'Enfant takes the view that these bodies which, at the Government's request, shed light on thematic issues, are under-utilized.

For instance:

- The National Committee on Support for Parenthood, set up under Article D141-9 of the Social Welfare and Family Code, appears not to have registered any activity since 2012.
- In a mission statement on 26 June 2014², the Prime Minister asked the High Council for the Family (*Haut Conseil de la Famille*) for a report assessing the full range of family benefits, but the findings have not yet been communicated.

Although the Government refers to "substantial inter-ministerial work on children at risk" (§60-65), *La Voix De l'Enfant* wishes to inform the Committee on the Rights of the Child that there has been no follow-up to the Consultation on Vulnerable Children (*Etats Généraux de l'enfance fragilisée*) held in February 2010 (§65). For four years, there has been no national dialogue on the subject, and yet the number of cases in the media involving children subject to abuse, even torture and acts of barbarism, appears to be on the rise.

In November 2014, following her appointment, the Minister of State for the Family launched a nationwide dialogue with the stakeholders involved in child protection, while in June 2014 two Senators, Ms Meunier and Dini, submitted a report on the same topic and in September 2014 tabled a Bill³. This came partially before the Senate on 11 December 2014 but was not debated. Any debate is likely to be piecemeal, particularly since it has been scheduled on several different dates on the 2015 Parliamentary calendar. The lack of co-ordination on children's rights between the governmental and the legislative bodies, and within the legislature itself, is appalling.

La Voix De l'Enfant fears that a few measures will be rushed through, whereas numerous reports have recently been drafted and submitted to the authorities, most of them making identical comments. Consequently *La Voix De l'Enfant* is calling for nationwide co-ordination, extensive dialogue and a consensus round table.

The Government has therefore failed to act upon the recommendation reiterated by the Committee to put in place co-ordination, a national strategy and a plan of action, and to decrease disparity in the implementation of the Convention between the national and the departmental level, including the Overseas Départements and Territories (§ 46-65).

¹ P.12 et seq. of the Report

² http://www.hcf-famille.fr/IMG/pdf/saisine_PM_26062014_programme_de_travail_2014.pdf

³ <http://www.senat.fr/dossier-legislatif/pp13-799.html>

1.2. FINANCIAL RESOURCES (UNCRC, Article 4)

La Voix De l'Enfant welcomes the French legislation on child protection. However, it notes that the financial resources allocated to this sector, while substantial, are inadequate at a time when public opinion views child protection as a priority. There is an urgent need to review the distribution and pooling of both human and financial resources, and to increase them.

For instance, the Report by UNAF⁴ (National union of family associations) dated 25 August 2014 and entitled "Child protection: the role of the family" specifies that 28% of social spending by the departmental General Councils goes to child welfare, including some 80% on placement.

This evidence shows that prevention policies are still precarious and below requirements.

⁴ <http://www.unaf.fr/spip.php?article17628>

2. GENERAL PRINCIPLES

2.1. BEST INTERESTS OF THE CHILD (UNCRC, Article 3)

"The best interests of the child" is one of the basic principles whereby the UN Convention on the Rights of the Child asserts children's rights. This "best interests" principle is seldom applied by local or national bodies (CRC § 35).

For instance, a Bill on "Parental authority and the interests of the child"⁵ was tabled in Parliament on 1 April 2014, but *La Voix De l'Enfant* notes with regret that the notion of "the interests of the child" featured in the Bill without further elaboration. Only new rights for adults were envisaged.

La Voix De l'Enfant regrets that the measures taken, particularly in court cases, are systematically based on the needs of adults, with no assessment of the needs of the children involved.

Moreover, *La Voix De l'Enfant* points out that in many decisions, priority is given to the biological family or administrative authority.

Furthermore, *La Voix De l'Enfant* notes that "the best interests of the child" may be contrary to the wishes or requests of the children concerned, owing to their inability to form their own views, but that in many cases decisions are made which affect them but are not explained to them at all.

The principle of the interests of the child as defined in General Comment No. 14 recalls that the aim is "to secure the holistic physical, psychological, moral and spiritual integrity of the child" and "to have his or her best interests assessed and taken as a primary consideration when different interests are being considered".

La Voix De l'Enfant notes that this principle is still not sufficiently taken into account in decisions relating to the needs and future of the child.

2.2. EXPRESSION OF THE CHILD'S VIEWS (UNCRC, Article 12)

The Government points out that children have been entitled to a hearing, particularly by the Family Affairs Judge (JAF), if they so request since the Law of 5 March 2007 reforming child protection⁶ (§177-179).

The Committee on the Rights of the Child notes that a hearing is subject to the child's own request and that this may lead to discrimination and inconsistencies (§ 39).

La Voix De l'Enfant condemns the fact that an oral request by the child to be heard does not suffice, and that the request must be in writing, otherwise the judge often dismisses the child's wishes; in some cases even written requests are dismissed on the grounds that they are poorly expressed.

⁵ http://www.assemblee-nationale.fr/14/dossiers/autorite_parentale_interet_enfant.asp

⁶ http://legifrance.gouv.fr/affichCodeArticle.do?sessionId=D16D0E6CA9840E4C89A5E738463A82B9.tpdjo11v_1?idArticle=LEGIARTI000006427150&cidTexte=LEGITEXT000006070721&dateTexte=20141006

La Voix De l'Enfant asks that the right of any child to a hearing be systematically granted by the judicial and/or administrative authorities unless there are justified grounds to the contrary, set out in writing, and that the child be accompanied by a professional (lawyer, ad hoc administrator or social worker).

La Voix De l'Enfant also requests that information on "the right to be heard" become a specific feature of the syllabus on civic education.

La Voix De l'Enfant has found that, depending on the *département* and the professionals concerned, institutional responses to a given situation involving children may differ substantially and in some cases even be contradictory.

This is confirmed by the Children's Ombudsperson, in a 2013 report "*Children and their voice in the justice system*" (p. 38)⁷, which found that "*in practical terms, the ability of children to form their own views gives rise to questions, divergence of opinion and incomprehension, particularly on the part of the children themselves who, faced with practices that differ from one court and sometimes one judge to another, have the impression they are subject to the goodwill of a judge who will decide, without meeting them, whether they are capable of forming their own views. Furthermore, public opinion still mistakenly believes that children of a certain age – usually 13 upwards – are systematically heard by the judge without even needing to ask, or that the age at which a hearing is 'compulsory' is actually laid down by law*".

⁷ http://www.defenseurdesdroits.fr/sites/default/files/upload/rapport-enfant-2013_web.pdf

3. CIVIL RIGHTS AND FREEDOMS

3.1. ACCESS TO ORIGINS (UNCRC, Article 7)

The Government draws attention to the decision by the Constitutional Council (*Conseil Constitutionnel*), on 16 May 2012⁸, which found that the provisions of the Law of 22 January 2002 on access to personal origins⁹ complied with the Constitution and that, in Article L.147-6 of the Social Welfare and Family Code (CASF), Parliament's intention was to make it easier for children to know their birth origins (§ 216-218).

The ministers concerned have undertaken discussions to enhance maternity-unit admission and care for women giving birth anonymously, and to improve the information given to the relevant professionals, particularly as to the procedure to follow in asking for their identity and for information to be passed on to the child (§219).

The Committee on the Rights of the Child reiterates its previous recommendation (§44) to take all appropriate measures to fully enforce children's right to know their biological parents and siblings, as enshrined in Article 7 of the Convention.

La Voix De l'Enfant considers that the child's right to know his or her origins should not waive a woman's right to give birth anonymously.

La Voix De l'Enfant asks that maternity staff be reminded of the importance of encouraging a mother who gives birth anonymously or subsequently abandons the child to leave as much information as possible in the interests of the child, on a case by case basis.

3.2. CIVIL STATUS (UNCRC, Article 7.1)

La Voix De l'Enfant wishes to inform the Committee that a number of cases involving child abuse stem from denial of pregnancy and concealed (unregistered) pregnancies.

La Voix de l'Enfant notes that such mothers very often leave the maternity unit without any follow-up care. The Association has obtained this evidence while bringing civil proceedings, for instance in two cases of unregistered children, where one child suffered abuse and the other was drowned in the sea by the "mother".

3.3 WHAT PROTECTION FOR CHILDREN IN THE MEDIA AND ON DIGITAL NETWORKS? (UNCRC, Article 16)

In recent years, *La Voix De l'Enfant* has worked specifically with one of its member associations, *Calysto*, on the use of children's image in the media, the impact of

⁸<http://www.conseil-constitutionnel.fr/conseil-constitutionnel/francais/les-decisions/acces-par-date/decisions-depuis-1959/2012/2012-248-qpc/decision-n-2012-248-qpc-du-16-mai-2012.105814.html>

⁹<http://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000000593077&fastPos=1&fastReqlid=343261976&categorieLien=id&oldAction=rechTexte>

violence in the media and the dangers of advertising and new technologies. France's "Barometer on Children and the Internet" reveals the great influence that social networks including Facebook and Twitter have on the lives of children and especially adolescents. Today, the issue of children and the new social networks is all-pervasive. There is a need for resources to be deployed for prevention/information initiatives focusing on the new forms of violence generated, for instance, by the Internet, social networks and video games, played online or otherwise.

3.3.1 More uniform reporting for greater effectiveness

La Voix De l'Enfant has found that when children encounter problems on the Internet and wish to report them or ask their parents do so, there is a host of different entry points and options:

- => a contact point run by Internet access providers: www.pointdecontact.net
- => the site run by the Ministry of the Interior: www.internet-signalement.gouv.fr
- => a telephone hotline: 0 800 200 000 run by an association.

The many different entry points substantially detract from the assistance potentially available to children and adolescents, some of whom are in situations of acute distress.

La Voix De l'Enfant asks that an assessment of the real effectiveness of these solutions be conducted by the Government to identify the best option. Like the existing option open to children at risk, namely the hotline number 119, a single entry point on the Internet would make the current reporting scheme more effective.

3.3.2. More communication campaigns targeting parents and more use of self-regulatory solutions that work

The agreement on 16 November 2005 between the French Government and Internet Access Providers (IAP) to introduce parental control software free of charge does not appear to have been successful. It has proved fairly ineffective, one reason being that it seems to play a part in eroding parents' responsibility for their children's use of digital tools.

La Voix De l'Enfant has found that these software programmes are very seldom taken up by families (only 20% say they have installed one (cf *Baromètre Enfants & Internet*, February 2012¹⁰).

Moreover, at a time when 7 out of 10 children in France carry smartphones on them at the age of 10 (cf *Baromètre Enfants & Internet*, February 2012), with an Internet connection, it would seem vital to oblige mobile telephone operators to introduce a "protection and security" system for mobile phones whenever they are owned by children.

Furthermore, a large number of platforms such as YouTube offer effective protection solutions for their users, based on self-regulation by Internet communities. The video-

¹⁰ <http://www.generationnumerique.com/wp-content/uploads/2012/02/Barometre-Calysto-F%C3%A9vrier-2012-BD.pdf>

flagging system introduced by YouTube, whereby any users can report a video they may feel is harmful to them and the rest of the community, has proved most successful and would merit being rolled out for many other tools used by children.

La Voix De l'Enfant asks that it be made compulsory for mobile phone operators to offer parental control systems on any smartphones used by children.

La Voix De l'Enfant asks that communication and information campaigns targeting parents be stepped up, in order to remind them of their responsibility as "adults" when providing their children with Internet tools.

La Voix De l'Enfant asks that the platforms used by children be obliged to do more to promote existing self-regulatory protection systems, so as to encourage their familiarity and widespread use.

3.4. FOLLOW-UP TO THE UNITED NATIONS STUDY ON VIOLENCE AGAINST CHILDREN (UNCRC, Article 19 and 39)

In 2009, the Committee on the Rights of the Child recommended that the French Government take all necessary measures to combat violence against children (§56). Four specific recommendations were made.

3.4.1. Prohibiting all violence against children

La Voix De l'Enfant considers that the legal arsenal is fairly satisfactory regarding the incrimination of offences to which children may fall victim. However, it has evidence of major problems with its enforcement and failures at various stages in the identification of child victims, the processing of their complaints, trials, and psychosocial care during and after proceedings.

La Voix De l'Enfant has observed an almost systematic absence of criminal prosecution for some offences. For instance, while engaging in child prostitution and human trafficking are criminal offences in France, clients are seldom prosecuted. These children will never have an opportunity to be heard by the Justice system, or to be recognized as victims of prostitution. Accordingly no appropriate support is possible, as these situations are still taboo (see below §5.4).

The situation of minors who have witnessed serious violence, such as domestic abuse, has not been duly taken into account.

In the event of a parent dying as a result of such violence, minors may be a party to the proceeding, but otherwise will have no role in the case, and the courts will recognize neither the harm done to them nor their trauma.

La Voix De l'Enfant recommends that the status of child witnesses be identical to that of child victims, thereby entitling them to the same procedure of video-recorded testimony as the victims of crimes of a sexual nature (Law of 17 June 1998).

Criminal proceedings should be better adapted to the needs of child victims or witnesses.

At the investigation stage, the Law of 17 June 1998 provides for a procedure confined solely to child victims of crimes of a sexual nature.

This legislation is enforced in piecemeal fashion across the country, depending on habitual practice and the technical resources available:

- not all interviews of children are filmed,
- investigators are not systematically trained in conducting interviews.
- video recordings are seldom viewed by the magistrates,
- there is practically always confrontation of the child and the accused.

La Voix De l'Enfant recommends that the obligation to conduct video-recorded interviews be extended to all interviews of children, regardless of the offence for which the child is being heard. In its May 2014 study "Listening to the voice of child victims", the National Observatory for Children at Risk (ONED, Observatoire National de l'Enfance en Danger) makes a similar recommendation, namely that interview suites for child victims be used for all types of offence (see § 6.4.1).

With regard to training, *La Voix De l'Enfant* has noted that investigators must volunteer for special training in becoming more skilled and operational, not only to afford the child better protection but also to achieve best evidence. However, the number of institutional training courses on offer is minimal. In 2014, owing to a shortage of financial resources, the *Gendarmerie Nationale* training college was unable to hold a week-long training session on "Interviewing minors". And in 2015, only some twenty places are planned.

La Voix De l'Enfant has observed a difference in training between Police and *Gendarmerie* officers. The first conduct interviews while typing out statements on a computer, while the second write notes. *La Voix De l'Enfant* considers that such practices are contrary to the child's interests, since under these conditions the investigators cannot give their full attention to the child confiding in them with details of the abuse suffered.

Multidisciplinary training is crucial, as it fosters genuine change in practices and in care of the child. It forges links between all those working with a child victim and thus leads to more account being taken of the child's words and the requirement to achieve best evidence.

At the prosecution and trial stage, although in France there are no reliable official statistics, *La Voix De l'Enfant* has found -- and the professionals do not deny it -- that many complaints involving physical or sexual abuse against minors are dismissed owing to lack of evidence. Yet in a number of cases the children have suffered harm. It is worth noting the potential difference between the truth as expressed by a child subject to abuse and the truth according to the courts. Legally the child will not be recognized as a victim, but this does not mean that he/she cannot be given support proportionate with that harm. To date, the lack of ties and dialogue between institutions has meant that children, and families, continue to suffer without receiving any support.

Commonly, little explanation is provided for these case dismissals, leaving children and their parent(s) in a state of incomprehension. They commonly receive a standard document with a box ticked for "insufficient evidence". Some judges do however see the children, who feel they have been shown consideration, and the decision is then better understood and accepted. Social and psychological guidance may be given, but this is not systematic.

Many children disclose facts that cannot be substantiated; consequently they do not receive support of any kind and continue to suffer.

La Voix De l'Enfant has observed in recent years that some cases which should have gone before the Assize Court are in fact sent to the Criminal Court. The charges may be changed due to lack of evidence, for example, but this option is often chosen because the Assize Courts are too busy and trials there more costly than in the Criminal Courts.

La Voix De l'Enfant considers that these decisions show a lack of respect for the victims and has passed on this concern to the Ministry of Justice¹¹.

La Voix De l'Enfant has observed in several criminal cases that the parents convicted of withholding care or food, or physical abuse against their children by a person in authority, did not carry out their sentence and the children remained in the family.

Forcing a child to remain with an abusive parent following conviction is unacceptable and intolerable, especially when any educational measures that might be put in place upon conviction are no more than partial. In several cases, including the "illegal confinement" case in Saint-Nazaire or the Inaya case in Melun¹², the parents have re-offended by committing even worse abuse.

It must be said that there are institutional failures not only at the stage of the execution of sentences but also at the stage involving the care, recovery and rehabilitation of child victims and their siblings.

La Voix De l'Enfant wishes to stress that there is little research to provide more insight into the issues raised by such cases and to prevent re-offending.

In short, the absence of a government policy focus on protecting child victims of sexual abuse, physical/psychological abuse and neglect is causing failures and revealing serious flaws:

- Criminal policy that is not very pro-active with respect to child victims
- A shortage of human resources:
 - Experts and trained pathologists,
 - Staff, including child psychiatrists and psychologists for follow-up care,

¹¹ Including correspondence to the Minister for Justice dated 24 July 2013

¹² Articles de presse Affaire Inaya, <http://www.leparisien.fr/seine-et-marne-77/seine-et-marne-l-itineraire-tragique-d-inaya-20-mois-enterree-dans-un-bois-09-02-2013-2554121.php> Affaire de Saint-Nazaire <http://lci.tf1.fr/france/faits-divers/reclus-de-saint-nazaire-les-parents-deja-condamnes-pour-des-faits-7767466.html>

- In residential units, too few places and insufficient special care for these young victims.
- A blatant lack of both initial and continuing training in the detection of and care for cases of abuse; this applies to all professionals likely to work with child victims, including nurses, doctors, social/community workers, psychologists, investigators and judges. At present, such training is either non-existent or incomplete due to lack of time. Victimology is not a compulsory subject in the training curriculum for professionals who may be called upon to work with children.
- A lack of uniform practice across jurisdictions.

La Voix De l'Enfant underlines the urgent need for national frames of reference, such as a template for child victim needs assessments, and detailed job descriptions and mission statements for professionals, a template for expert reports.

3.4.2. Promoting non-violent values and awareness-raising

Practice relating to information and awareness-raising to combat abuse is very piecemeal. Depending on the school, children may be aware of the efforts to combat sexual, physical and psychological violence, but the majority do not have access to this information. Practice varies from one education authority and head-teacher to another. Some schools require associations to be approved by the education authority, others do not. The granting of such approval by these authorities can vary substantially. Some authorities make it compulsory to work in pairs, which is costly, or require a professional qualification (psychologist), without granting relevant subsidies.

Recently, one of the member associations in *La Voix De l'Enfant* saw its application for renewed approval turned down once the authority's inspector had retired, and yet the schools were satisfied with the association's work up to that point and had requested that it continue.

The volunteers or trained professionals involved in this kind of work have observed that sexual abuse is still very much a taboo subject. Teachers have refused to address it, fearing possible disclosures by a pupil and feeling apprehensive about handling the situation.

Some schools explain that they do not require outside intervention as school nurses are supposed to cover the subject, but in fact the shortage of school nurses and doctors means that they cannot talk to every class. More importantly, these people are not systematically trained in addressing such sensitive issues.

Some years ago, *La Voix De l'Enfant* raised these problems with the Ministry for Education, but its initiatives and correspondence went unanswered.

Scope for involvement on other topics such as Human Rights or the Rights of the Child also varies substantially from school to school and from one teacher to another. *La Voix De l'Enfant* and several of its member associations have observed that their work in schools on subjects such as citizenship and accountability is often

undermined by other approaches, some more repressive than educational, that prove to be the only tools in overcrowded classes or with de-motivated pupils.

3.4.3. Providing recovery and social reintegration services

There is no procedure at national level specifically to assess the needs of child victims. At local level, however, practices have been introduced to protect child victims of criminal acts but, again, this depends all too often on the determination of the professionals involved and the training they have received.

La Voix De l'Enfant calls attention to the lack of any framework for assessing and supporting child victims.

Depending on the case, and whether the child is in a serious physical or psychological condition, steps will be taken to protect him/her for the duration of the proceedings, i.e. placement, psychological care. This will be on a case by case basis and, crucially, professionals are not systematically trained for such situations.

La Voix De l'Enfant recommends that early assessment be conducted of a child's needs, whether or not the child is recognized as a victim, by the Justice system.

Institutions are unfamiliar with some issues, and little is done to tackle them; examples include child prostitution and runaways. As a result, these children are very often treated as delinquents by investigators and social/community workers. Such cases are not analysed or addressed as symptoms of a deep-rooted problem.

Expert reports are crucial in assessing harm and compensation, and in providing guidance on care. Yet practice varies substantially with regard to such assessments, and not only does this fail to ensure equal treatment but it may also produce variable conclusions, particularly in terms of recommendations as to the implications for, and needs of, the child victim.

Consequently, expert reports should be based on a standard framework, and time should be taken to meet child victims, a second time if necessary, without asking them to repeat their words but to gather details and gain as complete a picture as possible.

In child-friendly medical/legal interview suites (UAMJP, or *Unites d'Accueil Médico-Judiciaires Pédiatriques*)¹³ in hospitals, psychologists and social/community workers can discuss the child's situation directly with doctors and investigators. This allows a multi-disciplinary approach to the child's case.

An assessment may be carried out of the family's ability to cope with disclosures and protect their child. However, staff shortages mean that child assessments cannot be conducted systematically.

La Voix De l'Enfant recommends an increase in interview-suite (UAMJP) teams

¹³ <http://www.lavoixdelenfant.org/fr/actions/france/accueil-et-audition-des-enfants-victimes/>

so as to develop the medical, psychological and social assessments required by both the courts and child welfare services.

3.4.4. Developing and implementing systematic national data collection and research

The lack of national statistics and epidemiological studies makes it hard to forge a genuine government policy, as the phenomenon of abuse is in fact underestimated, or its very existence denied.

Apart from these recommendations, *La Voix De l'Enfant* wishes to provide the Committee on the Rights of the Child with information to supplement the Report by the French Government regarding arrangements for alerts and the detection of minors at risk, drawing particular attention to disparities in practice.

3.4.5. Alerts and the detection of children at risk

1) Departmental alert units (CRIP, or Cellules départementales de Recueil des Informations Préoccupantes)

The Government mentions these alert units (CRIP), which collect "information giving cause for concern" in the *départements* and help to detect children at risk (§ 313).

However, *La Voix De l'Enfant* wishes to highlight the operating arrangements in these alert units, a collection of diverse structures that vary from one *département* to another.

Some are just "mailboxes", receiving concerns about children at risk and passing them on to local services who may already be aware of the case in hand. Others have multi-disciplinary teams, carry out their own case assessments and forward them to the local professionals.

ONED observed back in 2008¹⁴ that there were five main types of organisation pattern engendering their own practices and operating arrangements:

1. A centralised organisation around a central unit
2. A centralised organisation around child welfare managers
3. Decentralised decision-making, but with centralised information and centralised transfer to the Public Prosecutor's Office
4. Decentralised organisation with several entry points
5. Heavily decentralised organisation with minimal units.

La Voix De l'Enfant regrets, first, that it is abused or at-risk children who suffer the consequences of the lack of uniform operating arrangements in these CRIP alert units and, second, that since the Law of 5th march 2007 a clearer distinction has not been made in the legislation and regulations between abused children (enfants maltraités) and children at risk (enfants en danger).

La Voix De l'Enfant believes that the care and solutions required in each case are very different: children at risk must more specifically benefit from a policy

¹⁴ <http://www.oned.gouv.fr/publications/quatrieme-rapport-annuel-au-gouvernement-et-au-parlement-observatoire-national>

of prevention and support, whereas abused children are emergencies requiring immediate care and protection.

Other bodies have come to the same conclusions:

- A fact-finding mission was set up by the Children's Ombudsperson, Marie Derain, following the case known as Marina, an 8-year old girl who died of abuse at the hands of her parents, convicted of acts of torture and barbarism, in June 2012. In this case, *La Voix De l'Enfant* brought a civil action from the outset of the enquiry.

The Ombudsperson's delegate in this field, focusing on *MARINA'S STORY*¹⁵, listed the following problems: "*confusion between "Information giving Cause for Concern" and "reported cases", problems encountered by professionals in setting boundaries for their intervention, partnership links insufficiently structured and too commonly "vulnerable people", too much red tape in the focal point for children at risk, operational disparities between existing bodies, the need to re-specify in detail the modus operandi for intervention in the home, links between the Public Prosecutor's Office and the child welfare service (ASE) non-formalized as to follow-up, poor communication on tools and skills, an asserted need for information on procedures for children at risk, differing practices in written documents"*.

- The factual report on child protection (*Rapport d'information sur la protection de l'enfance*¹⁶) presented to the Senate on 25 June 2014 confirmed that there were clear disparities across the country, in line with the evidence found earlier by the Court of Auditors (*Cour des comptes*): "*The Senators publishing this report stress that it is up to the central authorities to ensure that Information giving Cause for Concern is assessed in such a way as to guarantee fair treatment for all"*.

These disparities at the initial stage of detection engender de facto differences in the care and protection of children at risk and child victims.

2) The early role of maternity units

Based on the civil cases it has brought, *La Voix De l'Enfant* has found that some child-abuse situations stem from denial of pregnancy or concealed pregnancies.

La Voix De l'Enfant suggests reinforcing and training maternity-unit teams to ensure that pregnancies are social monitored, and to ensure that more attention is paid to mothers at the time of birth in order to detect possible problems (presence or absence of father, siblings, wider family).

¹⁵ Mr. Alain Grevot was commissioned by the Children's Ombudsperson, and invited *La Voix de l'Enfant* to give its views

http://www.defenseurdesdroits.fr/sites/default/files/upload/defense_des_droits_des_enfants/rapport_marina_2_0.pdf

¹⁶ Report on behalf of the Commission des affaires sociales (Social welfare commission) drawn up jointly by Ms Meunier and Dini <http://www.senat.fr/rap/r13-655/r13-655.html> (p.28 et seq).

It asks that maternity staff systematically resume the compulsory 4th month ante natal consultation.

In order to better identify and monitor mothers with problems, La Voix De l'Enfant suggests that the software systems used by maternity and CRIP alert units systematically record the mother's maiden name rather than just the surname of the father acknowledging the child. This would make it possible to monitor a mother with previous children, now carrying the father's surname and placed in care, if she gives birth again in another department.

It is important to move fast when placing child victims in care for their own protection, yet the protection process is often long and complicated, involving investigation and a case assessment.

La Voix De l'Enfant recommends that, in reported cases where there may be doubt as to abuse, a "precautionary principle" be applied, based on specific criteria known to all child welfare professionals and allowing children to be taken into care.

4. FAMILY ENVIRONMENT AND ALTERNATIVE CARE

4.1. CHILDREN DEPRIVED OF A FAMILY ENVIRONMENT (UNCRC, Article 20)

4.1.1 Placement and protection measures

In response to the CRC observations (§61), the Government points out that the Law of 5 March 2007¹⁷ introduced new forms of care (daycare, exceptional or periodic respite care) in order to provide more options than the choice between support in the home and placement (§334).

La Voix De l'Enfant notes that these options are under-utilized (§21 of the advice by the CNCDH, or National Consultative Commission for Human Rights, dated 27 June 2013)¹⁸; the form of respite care known as *placement sequentiel*, whereby placement may be tailored to the child's needs, is seldom used as it is often incompatible with professionals' working hours.

La Voix de l'Enfant has found that:

- Decisions by the child welfare services (ASE) in some *départements* as to family monitoring or changes in placement conditions are not generally put in writing or explained, which is contrary to Article 9 of the UN Convention on the Rights of the Child.
- The child is not heard whenever there is a change in the situation.
- The Children's Judge seldom hears the foster carer, although that person could provide the Judge with information on the child's daily life and development.
- Children are not given comprehensible information about decisions concerning them, such as the grounds for placement, which makes it hard for the child and his/her family to support such plans.
- Placement means an upheaval in children's entire lives. For instance, relations with their extended family but also their friends are not always taken into account with a view to ensuring some continuity. This makes the children doubly "victims". They lose their bearings.
- The judge often delegates parental visiting arrangements to social services, and yet the placement may geographically be very far from the family home, making visits complicated. In some case, social services are even slow in organizing visiting rights.
- When children are placed in care but do not agree with the plans made on their behalf, they find it hard to make their voice heard. In fact in many cases they stay silent and merely endure the situation.

The evidence found in this regard by *La Voix De l'Enfant* has been confirmed by other organisations.

¹⁷ <http://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000000823100>

¹⁸ http://www.cncdh.fr/sites/default/files/13.06.27_avis_sur_le_droit_de_vivre_en_famille_et_les_placements_de_nfants_en_france_1.pdf

The National Federation of Foster Carers (FNAF, or *Fédération Nationale des Assistants Familiaux*)¹⁹ has also found that the children coming into foster care are increasingly vulnerable.

Educational home care (AEMO, or *Mesures éducatives en milieu ouvert*) is insufficiently evaluated. This shortcoming masks any difficulties the child may be encountering and so rules out tailoring the educational care to his/her needs. It is not uncommon to find that, after several years of AEMO care, a decision is taken to move to foster care. This usually comes too late and makes it particularly hard for the child to adjust to the foster family, especially if no multidisciplinary support is put in place. Foster carers are all the more concerned about these belated placement decisions in that it is not uncommon for children to be medicated from a very early age.

As for children who eventually leave ASE care, their exit is often given insufficient preparation and support, as confirmed by the National Federation of Departmental Self-Help Associations for Children in Care (FNADEPAPE, or *Fédération Nationale des Associations Départementales d'Entraide des Personnes Accueillies à la Protection de l'Enfance*), in its open letter on homelessness "*La rue pour toit*"²⁰.

As its contribution to the working group on "Children and the foster family", attended by several federations of foster parents and the FNADEPAPE (Federation of Self-Help Associations for Children in Care and Wards of State), La Voix De l'Enfant has drawn up the following recommendations:

A) When children under 18 are to return to their own families, professionals should make preparations upstream for their return with both children and parents. Support must be set up and the situation monitored.

B) As soon as children reach the age of 16, professionals should anticipate their needs and expectations in preparation for their majority and thus provide them with support. In conjunction with the parents, they should take account of the young person's wishes and aims, be they for vocational training or academic study.

From the age of 18, the child welfare services (ASE) should support young adults in their chosen educational, social or vocational plans, so as to accompany them into adult life.

As part of the scheme known as "Temporary benefit for young adults"²¹ (Aide provisoire Jeune Majeur) awarded by the General Councils, young adults must be accompanied by a person of their choice when signing what is generally called the "Young adult contract"²². This contract should include funding if applicants intend to continue their education.

¹⁹ http://www.fnaf.fr/index.php?option=com_content&task=view&id=78&Itemid=49

²⁰ http://www.unaf.fr/IMG/pdf/la_rue_pour_toitunaf.pdf

²¹ Article L222-5 al.5 of the CASF

²² Article L222-5 of the CASF

4.1.2 Respecting the child's views and interests

The Government refers to the Charter of Rights and Freedoms (§344), and yet the Charter is not systematically disseminated or handed out to children, as they are not considered to be "users" in their own right. To counter this shortcoming, *La Voix De l'Enfant* along with other associations has drafted and presented to the relevant Ministries a "**Charter for Children in Foster Care**"²³.

La Voix De l'Enfant has a Commission comprising associations, lawyers and other legal experts which has looked into how the interests of children in care are taken into account.

The Commission has found that when a conflict of interest arises between the interests of the child and the institution, the child is assisted by a lawyer or an ad hoc administrator appointed by the General Council. This practice does not respect the neutrality that is crucial to the child.

La Voix De l'Enfant condemns the fact that some associations are refused the status of ad hoc administrator when there is a real shortage throughout the country.

La Voix De l'Enfant has also found that the interests of the child often give way to the general interests of the family. In many situations, blood ties are often used as grounds for returning the child to the family, when one or both parents have been convicted of sexual or other abuse.

La Voix De l'Enfant considers that an abused child's interests are not taken into account as long as Children's Judges consider that their main task is to keep the child with the family²⁴ or, for children in care, to encourage a return to the family as soon as possible.

La Voix De l'Enfant also wishes to point out that in child-monitoring arrangements (e.g. AEMO) a single social worker acts on behalf of both the child and the family. That person often establishes a relationship that may be perceived by the child as an affinity between them. So in many cases the child does not feel free to speak up, for reasons of "conflicting loyalties".

La Voix De l'Enfant takes the view that the interests of both parents and children could be fairly represented by the presence of a social worker for the parents and a specialist community worker for the child.

²³ Annex : *Charte de l'enfant confié à une famille d'accueil* (Charter on Children in Foster Care)

²⁴ Article 375-2 of the Civil Code

4.2. NATIONAL ADOPTION (UNCRC, Article 21)

The Government refers to a Bill on child neglect and adoption which was tabled on 21 September 2011 but in fact subsequently dropped (§365).

A new Bill tabled by two Senators on 11 September 2014 partially takes up the earlier recommendation²⁵. It proposes to replace the concept of clear disinterest on the part of parents by another more objective concept, i.e. clear neglect on the part of parents.

La Voix De l'Enfant takes the view that clarification is required on this issue of neglect which calls into question the act of parental abandonment.

For many years now, *La Voix De l'Enfant* has been recommending clarification on the situation and status of children abandoned *de facto* but not *de jure* to the child welfare service (ASE), as their parents no longer have any contact whatsoever with them.

This situation means that several thousand children are unable to look to the future. Some await parents who have no contact with them and so "write their own story", some no longer believe in family life and reject any attachment, while others create a virtual world that they can never attain. In such cases, despite the determination of educational teams, the educational measures put in place fail and the children move from placement to placement; this generates more instability for the children and the adolescents they become, making them all the more vulnerable.

La Voix De l'Enfant reiterates its request that these children, who have in fact been abandoned to the child welfare service, be given "a second chance", a second family and protected status.

If the child is in foster care, the child welfare service (ASE) will propose that the approved foster parent be given priority for adopting the child, subject to the child's consent.

If the child is in a residential unit, *La Voix De l'Enfant* recommends that he/she be "mentored" by a voluntary family, which might lead to ordinary or open adoption (*adoption simple*), subject to the child's consent.

La Voix De l'Enfant recommends, as part of the adoption process, that the care of children from the child welfare service, or wards of state, be extended to cover, first, preparation of the adopting family and, second, compulsory monitoring of both child and family, by an appropriate service, for 3 years following the adoption.

²⁵ <http://www.senat.fr/dossier-legislatif/ppl13-799.html>

4.3. ABUSE AND NEGLECT (UNCRC, Article 20.2)

4.3.1. Data collection

La Voix De l'Enfant remains concerned about the cases of child abuse and neglect already observed in 2009 by the Committee, in particular due to shortcomings and failures in implementing the law, and with the increase in the number of cases (§67) (see above §3.4.5 on Alerts).

It finds that cases of physical abuse are becoming regular occurrences. Data for 2013 from the National Observatory for Delinquency and Punishment (ONDRP, *Observatoire National de la Délinquance et de la Réponse Pénale*)²⁶ show that the number of recorded offences has been on the rise since 2008:

2013 ONDRP	Offences against minors as recorded by the National Police Force		Offences against minors as recorded by the <i>Gendarmerie Nationale</i>		TOTAL Offences against minors	
	Number of offences in 2013	Trend in the number of offences since 2008	Number of offences in 2013	Trend in the number of offences since 2008	Number of offences since 2013	Trend in the number of offences since 2008
Murder of children under 15 years of age	27	+8.8%	35	+52.2%	62	+55%
Violence, ill-treatment and abandonment of children	15 047	+22%	8 234	+160%	23 281	+50.2%
Sexual abuse of minors	8 516	-4.4%	8065	+50%	16 581	+16.1%
<i>Rape of minors</i>	3 074 (or 47.8% of all rapes in areas covered by the Police)	-1.3%	3 046 (or 60% of all rapes in areas covered by the Gendarmerie)	+20.54%	6 120	+8.8%
<i>Sexual harassment and other forms of sexual assault against minors</i>	5 442	-6%	5 019	+76%	10 461	8 638

These figures appear lower than they actually are as they are confined to complaints lodged. Yet many children never reveal the abuse they are suffering, or their disclosures come to nothing in the legal system.

La Voix De l'Enfant condemns the absence of government policy to tackle the reality of abuse and afford greater protection to child victims.

Without specific training in suspecting and detecting abuse, and without evaluation, nothing will change. In particular, *La Voix De l'Enfant* regrets that the Committee's recommendation §68 d) *Ensure that professionals working with children receive training on their obligation to report and take appropriate action, including measures of protection, in suspected cases of domestic violence against children, abuse and neglect*" has practically not been implemented.

La Voix De l'Enfant reiterates its request that any professional involved with children should receive special training on detecting and providing care for

²⁶ http://www.inhesj.fr/sites/default/files/bulletin_annuel_2013.pdf

Synthesis based on Tables (pages 22 et seq) :

AVIP-PN-A et seq on cases of physical assaults recorded by the National Police Force in Metropolitan France from 2008 to 2013
AVIP GN-1 et seq on cases of physical assaults recorded by the National Gendarmerie in Metropolitan France from 2008 to 2013

child abuse. The Association is surprised at the French Government's response to the Committee on the Rights of the Child on this subject.

4.3.2. Access to the Justice system with an ad hoc administrator (UNCRC, Article 20.1)

The Government points out that children without parental support may be represented by an ad hoc administrator appointed to assist them in civil or criminal cases (§375-380), thereby answering the Committee on the Rights of the Child (§62d).

La Voix De l'Enfant notes that:

- These appointments vary across jurisdictions and across *départements*.
- A range of factors - the lack of ad hoc administrators, the wrongful interpretation of their role by jurisdictions and administrations, a lack of training – all justify the need to rethink the way these arrangements work.
- The necessary resources are not provided to ensure that ad hoc administrators can be made available to any child requiring their assistance.

La Voix De l'Enfant recommends that the status of ad hoc administrator be reviewed and that the associations which so request be allowed to play this role, subject to their being recognized as competent.

4.3.3. Training for professionals working with children

Again, *La Voix De l'Enfant* notes that there is no systematic provision of initial or special training in the course of their studies for numerous professionals working for and with minors.

It is not compulsory for professionals working with children to take part at least once a year in participatory work to consolidate their knowledge, discuss practical cases, and enhance their complementarity while respecting individual functions and roles.

Similarly in faculty schools of medicine, child abuse is an optional subject or confined to a few hours' teaching, contrary to the Government's assertion (§381 et seq.).

La Voix De l'Enfant, which provides multi-disciplinary training courses for professionals working in child-friendly hospital interview suites (UAMJP), and for colleges such as those training nurses and judges, urges that special, multi-disciplinary training courses be compulsory in every university and college offering courses for professionals who will eventually work with children.

4.3.4. Revoking parental responsibility for sets of siblings

La Voix De l'Enfant wishes to inform the Committee that the legal vacuum in this area is detrimental to the siblings of a child who is a recognized victim of abuse or has died as a result of abuse.

At the time of the "Marina" case in Le Mans in 2012, or the "Lorenzo" case in Grenoble in 2013, the siblings of these children who died from abuse or neglect on the part of one or both parents are still under the parental responsibility of the convicted parents. The courts refused to rule on this as it did not fall within their competence.

Nor was the legal abandonment procedure applied as provided for in the Civil Code. Consequently for these siblings, accommodated by the child welfare service (ASE), there is no possibility of "a second chance", a new family, an opportunity to rebuild their lives, and yet some of them had witnessed the abuse inflicted on their sister or brother.

In the Grenoble case, the ad hoc administrator and lawyer for Lorenzo's elder brother advocated giving him a chance of being adopted, as he was still only 7 years of age. Although the father had been convicted, following the death of his son, and had never been present or a father to his elder son, his parental responsibility was not revoked.

La Voix De l'Enfant has on several occasions put forward to the Ministry of Justice and the Ministry of State for Family Affairs proposals to amend the legislation on revoking parental responsibility.

La Voix De l'Enfant wishes to underline that, since 2010²⁷, in cases where parents are convicted of the rape or sexual assault of their child, the criminal courts may rule on revoking parental responsibility for not only the child victim but also the victim's minor siblings. However, this provision is seldom enforced.

La Voix De l'Enfant asks that the matter of revoking parental responsibility be systematically raised by the criminal courts in the event of a conviction not only for rape or sexual assault but also any other serious act of abuse suffered by one or more of the children; and that the matter also be raised in respect of the siblings.

²⁷ Article 222-31-2 of the Criminal Code "Incest against minors"

5. HEALTH AND WELFARE

Living standards – child poverty – accommodation and access to housing

The Government acknowledges that the 2007 target to decrease poverty by a third in 5 years has not been achieved and that child poverty, particularly in single-parent families, is "giving cause for concern". (§ 466-467)

Nevertheless, the Government underlines that family benefits account for half of all social benefits. (§470)

The CRC recommends that the Government intensify its efforts to render appropriate assistance to families living in crisis situations due to poverty, absence of adequate housing or separation. (§ 60)

It recommends avoiding the placement of children in alternative care as a result of low parental income. (§ 62)

La Voix de l'Enfant condemns, as does the CNCDH, the problem of poor housing for families with children and the difficult enforcement of the Law on "the Right to Housing".

It denounces the current policy to combat insecurity, considering that benefits paid without any support or planning for the future are merely handouts.

Moreover, accommodating families in hotels, unsuitable for children, costs 2 to 3 times more than in rented accommodation. This option also severely depletes the budgets that *départements* allocate to welfare emergencies.

La Voix De l'Enfant recalls Article 8 of the European Convention on Human Rights, which states that everyone has the right to respect for his family life and penalizes the placement of children in care on the sole grounds of inadequate housing (2006 Wallova Judgment, enforced in France by the Court of Cassation in 2011).

6. SPECIAL CHILD PROTECTION MEASURES

6.1. UNACCOMPANIED ASYLUM-SEEKING AND REFUGEE CHILDREN (UNCRC, Article 22)

6.1.1. Determining age

The Committee on the Rights of the Child had asked that bone tests no longer be used to establish the age of minors (§87-88).

The Government explains that it cannot abandon this practice when civil status documents appear falsified or are non-existent (§ 555-556). Yet there is evidence that some *départements* and jurisdictions are still using the test systematically, even when a minor presents unquestionably authentic civil status documents.

La Voix De l'Enfant recommends that unaccompanied foreign minors be allowed the benefit of the doubt and systematically taken into care by the child welfare service (ASE) until their case has been assessed.

La Voix De l'Enfant, as a full member of the National Consultative Commission for Human Rights (CNCDH), agrees with all the recommendations issued by that Commission in its Advice dated 26 June 2014 (§9 et seq)²⁸.

The Government points out (§534) that it cannot set out all the migration policy measures to which the President of the Republic elected on 6 May 2012 is committed, but that the welfare and best interests of the child will be safeguarded in all of the initiatives undertaken.

6.1.2. Concerns regarding partial care or the refusal of care

La Voix De l'Enfant wishes to inform the Committee about the worrying situation of unaccompanied foreign minors on French soil, which has been worsening for several years now. While the Circular of 31 May 2013²⁹ organises the way in which these minors are spread around the country, based on the number of under- 18 year olds in each *département* rather than on whether it is in the interests of each child to be sent to a particular *département*, the procedure for taking these minors into care is still most precarious, lengthy, and often results in the refusal of care, particularly when minors are 17 years old (i.e. " too near " the age of majority).

In our view, these arrangements run counter to Articles 3 and 20 of the UNCRC.

The umbrella association MIE (standing for *Mineurs Isolés Etrangers*, or unaccompanied foreign minors), of which *La Voix de l'Enfant* is a member, brought the matter before the Rights Ombudsperson in April 2012³⁰. The result was a devastating Opinion published by the Ombudsperson on 29 August 2014³¹,

²⁸ http://www.cncdh.fr/sites/default/files/14.06.26_avis_situation_des_mie.pdf

²⁹ "on the care arrangements for unaccompanied foreign minors, national scheme for care, assessment and guidance", http://www.textes.justice.gouv.fr/art_pix/JUSF1314192C.pdf

³⁰ <http://www.gisti.org/spip.php?article2712> et <http://www.gisti.org/spip.php?article2447>

³¹ <http://www.defenseurdesdroits.fr/decisions/ddd/MDE-2014-127.pdf>

highlighting the welfare and schooling failures and the discrimination suffered by unaccompanied foreign minors in Paris.

Despite that publication, the practices of the child welfare service (ASE) and the Support and Guidance Bureau for unaccompanied foreign minors in Paris (PAOMIE or *Permanence d'accueil et d'orientation des mineurs étrangers isolés* run by the association *France Terre d'Asile*) are not leading to any improvement in the care of these children. They may wait for several weeks before even being interviewed. They must also spend entire days and nights queuing in the open air, at the door of the PAOMIE Bureau, even though some are under 15 years of age.

The PAOMIE Bureau, which reports to the Paris child welfare service (ASE), assesses the validity of the civil status documents presented by these youngsters, leaving unsupported and on the streets 17 year-olds who are unquestionably minors.

It does take into care minors under the age of 17, with no legal status and in housing conditions that do not always respect the rights of the child. Their accommodation in hotels, for instance, with no social or educational care whatsoever, is unsuitable for any minors, whoever they may be. No account is taken of the need for a calm environment in which to study, and the adolescents are given luncheon vouchers to eat elsewhere. There have also been cases of young people being put in hotels and left to prostitution.

Nationally, we have observed that, despite the Circular of 31 May 2013 stating that the choice of *département* for these young people should be based on national guidance (applying distribution criteria based on the share of under-19 year-olds in each *département*), some *départements* refuse to take them into care, even once the courts have ordered their placement. Some *departments* even request a second opinion on bone tests.

Some 15 year-olds have also been asked to travel by train to their new *département* unaccompanied and, what is more, without tickets (not forgetting that these minors are still under the care of the General Council in their original *département*).

The young people accordingly find themselves on the street and without support, even though they are in the care of a *département's* child welfare service; this, on the part of a government administration, constitutes a failure to enforce a court decision, for which it could be liable for prosecution by the Prefect.

Finally, *La Voix De l'Enfant* wishes to underline that there are few services specializing in psychological support for unaccompanied foreign minors, although they are crucially in need of care owing to their exile, the traumatic routes they have taken to reach Europe and the violence they may have suffered in their countries of origin.

La Voix De l'Enfant stresses, therefore, that the best interests of these unaccompanied foreign minors are not respected and, despite the Ombudsperson's devastating conclusions and recommendations, the situation of these young people is giving increasing cause for concern.

La Voix De l'Enfant wishes, in line with Article 22 of the UNCRC, to see unaccompanied foreign minors enjoy the same protection as any other children permanently or temporarily deprived of their family environment.

6.1.3. Access to education for unaccompanied foreign minors

The Committee on the Rights of the Child had expressed concern at the lack of a systematic inclusion of unaccompanied minors into systems of social services, education and language schools (§85), yet the situation remains unchanged.

The provision of educational support for young people in difficulty is part of the mandate of the child welfare service (ASE). In addition to access to education, the ASE must also "provide educational guidance" for the young people placed under its responsibility (L221-1 CASF)³². Yet for various reasons, a large number of youngsters must wait several months before being able to attend school. This delay in access to education is detrimental to their entry onto the labour market and society at large, and may jeopardize their chances of obtaining a residence permit or temporary Young Adult benefit (*Aide Provisoire Jeune Majeur*) upon reaching the age of 18.

Last, the older minors are sometimes left to their own devices and do not generally enter education, despite their desire to return to school. In Paris, the child welfare service has in fact already told some minors that it was up to the umbrella association volunteers manning the ADJIE Bureau (Reception and Protection of Foreign Unaccompanied Youth) to accompany them to make an appointment for the compulsory school-entrance assessment tests conducted by CASNAV (*Centre académique pour la scolarisation des enfants allophones nouvellement arrivés et des enfants issus de familles itinérantes et de voyageurs*, an academic centre for the education of newly arrived non-native speaking children and the children of itinerant and traveller families).

La Voix De l'Enfant demands that a request by any minor to continue his or her education should be heard and respected.

La Voix De l'Enfant recommends that young people be accompanied at the earliest possible date, upon their arrival in care to sit the CASNAV school entrance test for newly arrived non-native speaking children and the children of itinerant and traveller families.

6.1.4. Access to care in Mayotte

La Voix de l'Enfant found evidence in the field, in Mayotte in February 2013, of institutional failings and a complete lack of any child welfare policy or care for children with disabilities.

There are several thousand children living below the poverty line, without water, electricity or access to healthcare and education.

³² <http://infomie.net/IMG/pdf/autonomie-guide-fiche6.pdf>

La Voix de l'Enfant disputes the information presented by the Government regarding Mayotte. The hospital no longer has virtually any paediatric department, and undocumented expectant mothers no longer come to the Maternity Unit for fear of being shipped out of the country to the Comoros (Mission by Martine Brousse/Report by Prefect Matthieu on Mayotte)³³.

The Government has taken into account the CRC's concern (§72): expectant mothers and children with no social security cover now receive hospital care in Mayotte.

La Voix De l'Enfant denounces the absence of any child welfare policy in Mayotte and the sanitary conditions there which cause premature mortality.

6.2. SEXUAL EXPLOITATION, SALE, TRAFFICKING AND ABDUCTION (UNCRC, Articles 34, 35, 36)

6.2.1. Sale of children

La Voix De l'Enfant has brought civil proceedings in two cases involving the sale of so-called "Rom" babies, in which women have agreed to sell their infants, through intermediaries, to couples unable to have children.

La Voix De l'Enfant observes that there is no legal basis on which to incriminate such dealings. The guilty parties are prosecuted merely for infringement of personal civil status (*atteinte à l'état civil des personnes*).

La Voix De l'Enfant asks that the legal loophole regarding the sale of children be closed and has submitted to the French Government a proposal to that end.

6.2.2. Child prostitution

The Committee on the Rights of the Child draws attention to the number of children entering or travelling through France and engaging in theft, begging or prostitution, and urges the Government to intensify its efforts to combat the trafficking of children (§92, 93).

The Government states that numerous steps have already been taken and that the legal arsenal is sufficient (§580). French law³⁴ punishes clients of minors engaged in prostitution (§591).

La Voix De l'Enfant has found, however, that the clients of children subject to prostitution are very seldom prosecuted, owing to a lack of firm criminal policy in this area. All too often, investigations focus on procuring and the clients are not investigated. Yet there is no prostitution without clients.

French law protects juveniles engaged in prostitution even on an occasional basis inasmuch as they are considered to be children at risk (§591).

³³ http://www.defenseurdesdroits.fr/sites/default/files/upload/compte-rendu_mission-protection-droits-enfants-mayotte.pdf

³⁴ Article 225-10-1 of the Criminal Code

La Voix De l'Enfant has to admit that many juveniles, forced into prostitution, disappear as soon as the offence comes to light. They are not protected during disclosures and do not attend the trial.

The Government reports on the comments made by the Special Rapporteur on the sale of children, child prostitution and pornography involving children, in February 2012³⁵, namely that the most vulnerable children are often from dysfunctional families and/or insecure backgrounds (§582). She stresses that their care is impaired by a lack of inter-sectional co-ordination. Here too, *La Voix De l'Enfant* notes that the situation has not evolved since the Report's publication, particularly as to the lack of training among professionals and the shortage of financial resources.

La Voix De l'Enfant points out that investigators, including those from the Family Welfare Brigades (Brigades de protection des familles), are not always trained to deal with these child victims; they often treat as delinquents the children and adolescents who run away and/or are engaged in prostitution.

6.2.3. Combating and protect against traffic and exploitation

With regard to appropriate care for child victims of human trafficking and/or exploitation, *La Voix De l'Enfant* bases its views on the work of the CNCDH (National Consultative Commission for Human Rights), of which it has been an active member since 1986.

The Association accordingly takes as a reference, first, the study on *Human Trafficking and Exploitation in France*, drafted by the Working group and Drafting Committee (p. 277 et seq, p.194, 257-260)³⁶, which included *La Voix De l'Enfant*, and, second, the *Opinion on Human Trafficking and Exploitation in France* adopted by the CNCDH on 18 December 2009 (§88,38)³⁷, together with the *Opinion on the Situation of Unaccompanied Foreign Minors on French soil – Taking stock one year after the Circular of 31 May 2013 on care arrangements for unaccompanied foreign youth*, dated 26 June 2014 (§54).

La Voix De l'Enfant has found that very few criminal cases are brought for human trafficking, even though situations involving children are brought to the attention of the legal authorities. This is particularly detrimental to these young people and hampers their recovery, as they cannot be given appropriate care and are accordingly deprived of a chance to regularize their status when they reach their majority, with the protection this would give them in France.

The issue of human trafficking and child exploitation is also underestimated by the institutions. Despite the seriousness of the offences, criminal policy is not pro-active regarding the crime to which French or foreign juveniles fall victim.

These cases are not given high priority by the legal authorities. They may be dealt with years after being reported, when other related offences come to light.

³⁵ <http://infomie.net/IMG/pdf/rapport-un-vente-prostitution-enfants-france-06-03-2012.pdf>

³⁶ http://www.cncdh.fr/sites/default/files/etude_traite_et_exploitation_des_etres_humains_en_france.pdf

³⁷ http://www.cncdh.fr/sites/default/files/09.12.18_avis_traite_et_lexploitation_des_etres_humains_en_france.pdf

6.3. ADMINISTRATION OF JUVENILE JUSTICE (UNCRC, Article 40)

The Government sets out the prevailing legislation but states that a number of mechanisms are undergoing evaluation and consideration (§ 620).

La Voix De l'Enfant welcomes the repeal of minimum sentences for juveniles under the Law of 15 August 2014³⁸.

La Voix de l'Enfant regrets that, despite announcements by the Minister of Justice, criminal courts for juveniles have not yet been abolished. Set up in 2010, these proceedings, based closely on adult law with generalist judges rather than specialist assessors as in the Children's Court, do not meet the requirements of a criminal justice system adapted to juveniles.

In response to §97c, whereby the Committee on the Rights of the Child reiterated its recommendation to use detention, including police custody (*garde à vue*) and pre-trial detention only as a measure of last resort, the Government states that pre-trial detention is used only when there is no other solution (§633).

While the rights of the child are by and large respected, *La Voix De l'Enfant* points out that there are failures in terms of the resources devoted to the treatment and care of juvenile offenders in the judicial system:

- The time taken to hand down judgments is often too long, especially due to cumbersome procedures.
- There is very often no alternative to prison. Juveniles are put at risk institutionally because of the lack of suitable placements (special supervision centres known as *Centres Educatifs Renforcés*).
- There is a shortage of psychiatric facilities for children and the establishment is in real difficulty as to the provision of care for these young people.

Contrary to the recommendation by the Committee on the Rights of the Child (§97c), *La Voix De l'Enfant* has observed that the Government is still differentiating between the treatment of juveniles aged 13 to 16 and those over the age of 16 (§ 646).

The National Council of the Bar Association in May 2009³⁹, in its update on the draft Bill entitled "*Code of Criminal Justice for Juveniles*", pointed out that protection for young adults (aged 18-21) had completely disappeared.

La Voix De l'Enfant highlights the failure to comply with the European Rules on juvenile offenders subject to sanctions or measures (Recommandation CM/Rec(2008)11, 5th November 2008-§17).

³⁸ <http://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000029362502>

³⁹ http://cnb.avocat.fr/docs/libertes/RP2009-05-15_LDH_Justice-penale-mineurs-code-avant-projet_Attias.pdf

6.4. PROTECTION FOR WITNESSES AND VICTIMS OF CRIME (UNCRC, Article 19)

6.4.1. Protecting juveniles during the judicial proceedings phase

It is crucial for children to be protected during court cases, in order to avoid further trauma. Yet they and their families (when not defendants) are exposed and often find themselves coping alone with proceedings that are hard to understand and may even be hard to recover from. Apart from isolated examples provided by associations, there is no systematic support geared to the specific nature of the offence. Families have questions relating for instance to:

- the length of the trial,
- what the child will have to endure (including expert assessments),
- follow-up to the complaint,
- whether or not a lawyer will be involved,
- measures taken by the justice system to protect the child for the duration of the proceedings, particularly when for instance the accused is a family member or when the offence has occurred at the child's school,
- the psychological counseling required,
- the attitude to be taken vis-à-vis their child and the siblings.

Disclosures about sexual or other forms of abuse are a real upheaval for a family, throwing it out of balance, and there is a need to support and guide these families from the outset.

The child's first interview is crucial, as it will often set the tone for the remainder of the investigation. In France, two basic pieces of legislation govern special criminal proceedings for children involved in sexual abuse, particularly in respect of interviews (Article 706-52 of the Code of Criminal Procedure):

- Law No. 98-468 of 17 June 1998 *on the prevention and repression of sexual offences and the protection of minors* which introduced the recording of interviews for child victims of sexual abuse.
- Law No. 2007-291 of 5 March 2007 *for more balanced criminal proceedings* made it compulsory to record interviews of child victims without requiring their consent "unless technically unfeasible".

Contrary to the provisions of Directive 2012/29/EU, there is no legal obligation to interview victims in premises designed and adapted for that purpose, even if this is recommended by Circular of 2 May 2005 issued by the Ministry of Justice.

No legislation provides for child victims to be prepared for interview. However, in the case of some offences, the Code of Criminal Procedure (Articles 306 and 400) provides for child victims to be heard without the presence of the public.

In practice, child victims are generally interviewed on *Gendarmerie* or Police premises. These are not places where one would expect child-friendly facilities or support for child victims, who must often wait in corridors.

There are no laws or regulations providing for children to be interviewed by people specially trained for that purpose. They may be interviewed by various people if there are several interviews.

A few specialist structures do exist: the Juvenile delinquency prevention brigade (BPDPJ, or *Brigade de prevention de la délinquance juvenile*), and Family welfare brigades (BPF, or *Brigades de protection des familles*), but their mandates vary depending on the *département*. Investigators in these teams have volunteered and received fairly light special training.

Face-to-face confrontation between child and defendant is practically systematic. There is no obligation to take steps to prevent direct contact between the victim and the suspected offender at any time during the investigation or the proceedings.

Depending on the courts, live videoconferencing links may be arranged for some victims, i.e. in the assize courts (for criminal offences), but not yet in the criminal courts, although these are where many offences are judged.

As for closed hearings, these are not commonly requested by victims, as they are not aware of their entitlement. On the other hand, partially closed hearings, i.e. with the press, or closed hearings for child victims to give evidence are becoming increasingly common.

The Government highlights the initiative and work of *La Voix De l'Enfant* since 1999 to set up "hospital interview suites for child victims of sexual and other abuse" (§663). Thanks to business/private donations and some small grants, *La Voix De l'Enfant* has been funding the installation of over fifty of these child-friendly interview suites, plus a protected witness confrontation room in a *Tribunal de Grande Instance* (regional court), all of which have audio-visual facilities.

La Voix De l'Enfant wishes to point out that these interview suites (or UAMJP, see above) are a tool at the disposal of professionals to enhance the conditions in which child victims are heard and to promote multidisciplinary work to achieve best evidence⁴⁰. Practices will still need to evolve so that interview recordings are systematically watched by judges, in particular before the children are heard again.

Moreover, direct confrontation is still too frequent and too traumatic for children.

Nowadays, technological resources enable this to be arranged via live videoconferencing links.

Furthermore, it appears that not all interview suites have the same support staff (psychologist, social worker) and cannot offer similar support to every child interviewed and their family members⁴¹.

La Voix De l'Enfant asks that financial resources be made available to substantially increase the number of hospital interview suites, to fund the post of co-ordinator/children's facilitator and to train the professionals working in these child-friendly interview suites (UAMJP).

La Voix De l'Enfant has also opted to use and make available new technologies for the protection of children during confrontations with defendants. It has initiated and

⁴⁰ <http://www.lavoixdelenfant.org/docs/activites/charte.pdf>

⁴¹ http://www.lavoixdelenfant.org/docs/news/oned_uamj.pdf

opened the first protected confrontation room in the *Tribunal de Grande Instance* (regional court) in Angers.

La Voix De l'Enfant asks that resources be granted to Courts, Police stations and Gendarmeries so that protected confrontation rooms can be set up and made available to investigators and judges, to avoid children having to undergo direct confrontation.

Last, La Voix De l'Enfant asks that the child witnesses to serious domestic violence be considered as indirect victims and rapidly given psychological support.

For offences of a sexual nature involving children who are alone or have issues with their family, an Ad hoc Administrator may be appointed "when the protection of their interests is not fully ensured by their legal representatives or by one of them" (Article 706-50 and -51 CPP) and "any child victim of an offence of a sexual nature shall be assisted by a lawyer when being heard by the examining magistrate" (706-51-1 CPP).

Ad hoc Administrators are regularly appointed but the practice could be more widespread and enhanced with regard to:

- => training,
- => terms of office
- => appointment (it is often the *département* that appoints ad hoc administrators. Yet there may be a conflict of interest when the *département* is responsible for the child victim's care).
- => remuneration.

Furthermore, ensuring that the child is assisted by a lawyer is complicated: the lawyer is very often appointed at the last minute, which does not ensure that the child has a good grasp of his/her situation. In addition, children are given very little preparation for the trial ahead.

6.4.2. Protecting child victims

The Government cites the Law of 9 July 2010 *on Violence against women, violence between spouses and the effects of such violence on children*⁴² (§669, 320), which, as its title suggests, relates solely to spousal abuse.

La Voix De l'Enfant must stress that the emergency procedure set out in this law is confined to a few cases and, what is more, can only be initiated within a strict framework. The application of such a specific procedure to children who are direct or indirect victims within their family would be a suitable response for the protection of the child or children and appropriate to their needs and those of their mother.

Currently, preventive protection measures such as those enabling the non-disclosure of a victim's care and accommodation address are not systematic. Addresses often

⁴² <http://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000022454032&categorieLien=id>

appear in court records, even when the victim's family challenges the legal authorities on this issue.

There is also a glaring lack of resources to implement bans on defendants approaching or contacting victims. Children and their families often live in fear of encountering their abusers. In the end, victims are often forced to move away or, in the case of children, change schools, which makes them doubly victims.

Finally, when abusers have been convicted and imprisoned, their victims are not systematically informed of their release from custody.

As for psychological care, in most *départements* children wait for between 6 to 10 months for their first consultation at a Medical and Psychological Centre (CMP or *Centre medico-psychologique*).

If they are directed to a Children's Medical and Psychological Centre (CMPP or *Centre medico-psycho-pédagogique*), they may wait for a year. In *départements* 93 or 76 for instance, the waiting time for a place in a Medical Educational Institute (IME or *Institut medico-éducatif*) is around two years. These delays have a serious psychological, social, educational and family impact on a child. The fact that care is delayed for so long can have irreversible implications for children.

Since 2011, the French Society for Youth Health (*Société française pour la Santé de l'Adolescent*)⁴³ has condemned the closure of youth health centres (*Espace Santé Jeunes*) and Youth Mental Health Centres (*Points d'Accueil Ecoute*), and the scheduled closure of hospital beds.

La Voix De l'Enfant reiterates its request that a distinction be made between, on the one hand, the care of children placed by a Children's Judge with child welfare services on the grounds of social or financial deprivation and, on the other, the care of children who are at real risk or victims of sexual assault or other forms of abuse. It regrets the lack of dialogue between social services and the justice system, which leads to inconsistencies in the decisions taken to protect child victims.

Last, La Voix De l'Enfant calls for better pooling of resources, both human and financial, to improve the enforcement of existing child welfare legislation and regulations.

⁴³ http://www.sfsante-ado.org/images/documents/dossier_de_presse_sant_des_jeunes.pdf

ANNEX

LIST OF RECOMMANDATIONS

1. GENERAL MEASURES OF IMPLEMENTATION

1.1. CO-ORDINATION OF ACTIONS IN SUPPORT OF CHILDREN (UNCRC, Articles 4, 42, 44.6)

The Government has therefore failed to act upon the recommendation reiterated by the Committee to put in place co-ordination, a national strategy and a plan of action, and to decrease disparity in the implementation of the Convention between the national and the departmental level, including the Overseas Départements and Territories (§ 46-65).

2. GENERAL PRINCIPLES

2.1. BEST INTERESTS OF THE CHILD (UNCRC, Article 3)

The principle of the interests of the child as defined in General Comment No. 14 recalls that the aim is "to secure the holistic physical, psychological, moral and spiritual integrity of the child" and "to have his or her best interests assessed and taken as a primary consideration when different interests are being considered".

La Voix De l'Enfant notes that this principle is still not sufficiently taken into account in decisions relating to the needs and future of the child.

2.2. EXPRESSION OF THE CHILD'S VIEWS (UNCRC, Article 12)

La Voix De l'Enfant asks that the right of any child to a hearing be systematically granted by the judicial and/or administrative authorities unless there are justified grounds to the contrary, set out in writing, and that the child be accompanied by a professional (lawyer, ad hoc administrator or social worker).

La Voix De l'Enfant also requests that information on "the right to be heard" become a specific feature of the syllabus on civic education.

3. CIVIL RIGHTS AND FREEDOMS

3.1. ACCESS TO ORIGINS (UNCRC, Article 7)

La Voix De l'Enfant asks that maternity staff be reminded of the importance of encouraging a mother who gives birth anonymously or subsequently abandons the child to leave as much information as possible in the interests of the child, on a case by case basis.

3.3 WHAT PROTECTION FOR CHILDREN IN THE MEDIA AND ON DIGITAL NETWORKS? (UNCRC, Article 16)

3.3.1 More uniform reporting for greater effectiveness

La Voix De l'Enfant asks that an assessment of the real effectiveness of these solutions be conducted by the Government to identify the best option. Like the existing option open to children at risk, namely the hotline number 119, a single entry point on the Internet would make the current reporting scheme more effective.

3.3.2. More communication campaigns targeting parents and more use of self-regulatory solutions that work

La Voix De l'Enfant asks that it be made compulsory for mobile phone operators to offer parental control systems on any smartphones used by children.

La Voix De l'Enfant asks that communication and information campaigns targeting parents be stepped up, in order to remind them of their responsibility as "adults" when providing their children with Internet tools.

La Voix De l'Enfant asks that the platforms used by children be obliged to do more to promote existing self-regulatory protection systems, so as to encourage their familiarity and widespread use.

3.4. FOLLOW-UP TO THE UNITED NATIONS STUDY ON VIOLENCE AGAINST CHILDREN (UNCRC, Article 19 and 39)

3.4.1. Prohibiting all violence against children

La Voix De l'Enfant recommends that the status of child witnesses be identical to that of child victims, thereby entitling them to the same procedure of video-recorded testimony as the victims of crimes of a sexual nature (Law of 17 June 1998).

La Voix De l'Enfant recommends that the obligation to conduct video-recorded interviews be extended to all interviews of children, regardless of the offence for which the child is being heard. In its May 2014 study "Listening to the voice of child victims", the National Observatory for Children at Risk (ONED, Observatoire national de l'enfance en danger) makes a similar recommendation, namely that interview

suites for child victims be used for all types of offence (see § 6.4.1).

La Voix De l'Enfant underlines the urgent need for national frames of reference, such as a template for child victim needs assessments, and detailed job descriptions and mission statements for professionals, a template for expert reports.

3.4.3. Providing recovery and social reintegration services

La Voix De l'Enfant recommends that early assessment be conducted of a child's needs, whether or not the child is recognized as a victim, by the Justice system.

La Voix De l'Enfant recommends an increase in interview-suite (UAMJP) teams so as to develop the medical, psychological and social assessments required by both the courts and child welfare services.

3.4.5. Alerts and the detection of children at risk

1) Departmental alert units (CRIP, or Cellules départementales de Recueil des Informations Préoccupantes)

La Voix De l'Enfant regrets, first, that it is abused or at-risk children who suffer the consequences of the lack of uniform operating arrangements in these CRIP alert units and, second, that since the Law of 5th march 2007 a clearer distinction has not been made in the legislation and regulations between abused children (enfants maltraités) and children at risk (enfants en danger).

La Voix De l'Enfant believes that the care and solutions required in each case are very different: children at risk must more specifically benefit from a policy of prevention and support, whereas abused children are emergencies requiring immediate care and protection.

2) The early role of maternity units

La Voix De l'Enfant suggests reinforcing and training maternity-unit teams to ensure that pregnancies are social monitored, and to ensure that more attention is paid to mothers at the time of birth in order to detect possible problems (presence or absence of father, siblings, wider family).

It asks that maternity staff systematically resume the compulsory 4th month ante natal consultation.

In order to better identify and monitor mothers with problems, La Voix De l'Enfant suggests that the software systems used by maternity and CRIP alert units systematically record the mother's maiden name rather than just the surname of the father acknowledging the child. This would make it possible to monitor a mother with previous children, now carrying the father's surname and placed in care, if she gives birth again in another department.

La Voix De l'Enfant recommends that, in reported cases where there may be doubt as to abuse, a "precautionary principle" be applied, based on specific criteria known to all child welfare professionals and allowing children to be taken into care.

4. FAMILY ENVIRONMENT AND ALTERNATIVE CARE

4.1. CHILDREN DEPRIVED OF A FAMILY ENVIRONMENT (UNCRC, Article 20)

4.1.1 Placement and protection measures

As its contribution to the working group on "Children and the foster family", attended by several federations of foster parents and the FNADEPAPE (Federation of Self-Help Associations for Children in Care and Wards of State), La Voix De l'Enfant has drawn up the following recommendations:

A) When children under 18 are to return to their own families, professionals should make preparations upstream for their return with both children and parents. Support must be set up and the situation monitored.

B) As soon as children reach the age of 16, professionals should anticipate their needs and expectations in preparation for their majority and thus provide them with support. In conjunction with the parents, they should take account of the young person's wishes and aims, be they for vocational training or academic study. From the age of 18, the child welfare services (ASE) should support young adults in their chosen educational, social or vocational plans, so as to accompany them into adult life.

As part of the scheme known as "Temporary benefit for young adults" (Aide provisoire Jeune Majeur) awarded by the General Councils, young adults must be accompanied by a person of their choice when signing what is generally called the "Young adult contract". This contract should include funding if applicants intend to continue their education.

4.1.2 Respecting the child's views and interests

La Voix De l'Enfant condemns the fact that some associations are refused the status of ad hoc administrator when there is a real shortage throughout the country.

La Voix De l'Enfant considers that an abused child's interests are not taken into account as long as Children's Judges consider that their main task is to keep the child with the family or, for children in care, to encourage a return to the family as soon as possible.

La Voix De l'Enfant takes the view that the interests of both parents and children

could be fairly represented by the presence of a social worker for the parents and a specialist community worker for the child.

4.2. NATIONAL ADOPTION (UNCRC, Article 21)

La Voix De l'Enfant takes the view that clarification is required on this issue of neglect which calls into question the act of parental abandonment.

La Voix De l'Enfant reiterates its request that these children, who have in fact been abandoned to the child welfare service, be given "a second chance", a second family and protected status.

La Voix De l'Enfant recommends, as part of the adoption process, that the care of children from the child welfare service, or wards of state, be extended to cover, first, preparation of the adopting family and, second, compulsory monitoring of both child and family, by an appropriate service, for 3 years following the adoption.

4.3. ABUSE AND NEGLECT (UNCRC, Article 20.2)

4.3.1. Data collection

La Voix De l'Enfant condemns the absence of government policy to tackle the reality of abuse and afford greater protection to child victims.

La Voix De l'Enfant reiterates its request that any professional involved with children should receive special training on detecting and providing care for child abuse. The Association is surprised at the French Government's response to the Committee on the Rights of the Child on this subject.

4.3.2. Access to the Justice system with an ad hoc administrator (UNCRC, Article 20.1)

La Voix De l'Enfant recommends that the status of ad hoc administrator be reviewed and that the associations which so request be allowed to play this role, subject to their being recognized as competent.

4.3.3. Training for professionals working with children

La Voix De l'Enfant, which provides multi-disciplinary training courses for professionals working in child-friendly hospital interview suites (UAMJP), and for colleges such as those training nurses and judges, urges that special, multi-disciplinary training courses be compulsory in every university and college offering courses for professionals who will eventually work with children.

4.3.4. Revoking parental responsibility for sets of siblings

La Voix De l'Enfant asks that the matter of revoking parental responsibility be systematically raised by the criminal courts in the event of a conviction not only for rape or sexual assault but also any other serious act of abuse suffered by one or more of the children; and that the matter also be raised in respect of the siblings.

5. HEALTH AND WELFARE

La Voix de l'Enfant condemns, as does the CNCDH, the problem of poor housing for families with children and the difficult enforcement of the Law on "the Right to Housing".

It denounces the current policy to combat insecurity, considering that benefits paid without any support or planning for the future are merely handouts.

La Voix De l'Enfant recalls Article 8 of the European Convention on Human Rights, which states that everyone has the right to respect for his family life and penalizes the placement of children in care on the sole grounds of inadequate housing (2006 Wallova Judgment, enforced in France by the Court of Cassation in 2011).

6. SPECIAL CHILD PROTECTION MEASURES

6.1. UNACCOMPANIED ASYLUM-SEEKING AND REFUGEE CHILDREN (UNCRC, Article 22)

6.1.1. Determining age

La Voix De l'Enfant recommends that unaccompanied foreign minors be allowed the benefit of the doubt and systematically taken into care by the child welfare service (ASE) until their case has been assessed.

6.1.2. Concerns regarding partial care or the refusal of care

La Voix De l'Enfant stresses, therefore, that the best interests of these unaccompanied foreign minors are not respected and, despite the Ombudsperson's devastating conclusions and recommendations, the situation of these young people is giving increasing cause for concern.

La Voix De l'Enfant wishes, in line with Article 22 of the UNCRC, to see unaccompanied foreign minors enjoy the same protection as any other children permanently or temporarily deprived of their family environment.

6.1.3. Access to education for unaccompanied foreign minors

La Voix De l'Enfant demands that a request by any minor to continue his or her education should be heard and respected.

La Voix De l'Enfant recommends that young people be accompanied at the earliest possible date, upon their arrival in care to sit the CASNAV school entrance test for newly arrived non-native speaking children and the children of itinerant and traveller families.

6.1.4. Access to care in Mayotte

La Voix De l'Enfant denounces the absence of any child welfare policy in Mayotte and the sanitary conditions there which cause premature mortality.

6.2. SEXUAL EXPLOITATION, SALE, TRAFFICKING AND ABDUCTION (UNCRC, Articles 34, 35, 36)

6.2.1. Sale of children

La Voix De l'Enfant asks that the legal loophole regarding the sale of children be closed and has submitted to the French Government a proposal to that end.

6.2.2. Child prostitution

La Voix De l'Enfant has to admit that many juveniles, forced into prostitution, disappear as soon as the offence comes to light. They are not protected during disclosures and do not attend the trial.

La Voix De l'Enfant points out that investigators, including those from the Family Welfare Brigades (Brigades de protection des familles), are not always trained to deal with these child victims; they often treat as delinquents the children and adolescents who run away and/or are engaged in prostitution.

La Voix De l'Enfant points out that investigators, including those from the Family Welfare Brigades (Brigades de protection des familles), are not always trained to deal with these child victims; they often treat as delinquents the children and adolescents who run away and/or are engaged in prostitution.

6.3. ADMINISTRATION OF JUVENILE JUSTICE (UNCRC, Article 40)

La Voix De l'Enfant welcomes the repeal of minimum sentences for juveniles under the Law of 15 August 2014.

La Voix De l'Enfant highlights the failure to comply with the European Rules on juvenile offenders subject to sanctions or measures (Recommandation CM/Rec(2008)11, 5th November 2008-§17).

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La Voix De l'Enfant asks that financial resources be made available to substantially increase the number of hospital interview suites, to fund the post of coordinator/children's facilitator and to train the professionals working in these child-friendly interview suites (UAMJP).

La Voix De l'Enfant asks that resources be granted to Courts, Police stations and Gendarmeries so that protected confrontation rooms can be set up and made available to investigators and judges, to avoid children having to undergo direct confrontation.

Last, La Voix De l'Enfant asks that the child witnesses to serious domestic violence be considered as indirect victims and rapidly given psychological support.

6.4.2. Protecting child victims

La Voix De l'Enfant reiterates its request that a distinction be made between, on the one hand, the care of children placed by a Children's Judge with child welfare services on the grounds of social or financial deprivation and, on the other, the care of children who are at real risk or victims of sexual assault or other forms of abuse. It regrets the lack of dialogue between social services and the justice system, which leads to inconsistencies in the decisions taken to protect child victims.

Last, La Voix De l'Enfant calls for better pooling of resources, both human and financial, to improve the enforcement of existing child welfare legislation and regulations.



THE CHILD'S VOICE

Federative Association, created on the 20th of July 1981, The Child's Voice strives to promote:
"The awareness and protection of children in distress in France and all over the world"

30 YEARS OF COMMITMENT AND ACTIONS !

Through its 78 member associations, The Child's Voice has the means to :

- Act as a **spokesperson** for children in France and worldwide;
- Defend the **dignity and integrity** of the child especially with his family;
- **Represent** the interests of children victims;
- **Act as a platform** of exchange and coordination for the protection and defense of children;
- **Develop and submit** propositions for the application of the International Convention on the Rights of the Child, International treaties and national legislation;
- **Act as a place open for dialogue and partnership** for the member Associations;
- **Initiate** programs;
- **Act as an information** and documentation centre by setting up a database;
- **Act as an intermediary**, when necessary, between the member Associations and Public Authorities.

The Child's Voice is Member of the National Consultative Commission on Human Rights, since 1986.
Several administration boards of foundations ask to get its expertise.

The Child's Voice received the Human Rights Award from the French Republic in 1987 and 1992.

All the Associations of the Child's Voice actively pursue the protection, the fulfillment and the best interest of the child.
Each Association has its own area of actions in France and/or in the world and works in the following fields: health, education, professional training, development, street children, all form of mistreatments and sexual exploitation, child labor, children in armed conflicts, children refugees, abandoned children, children with disabilities.
Through the creation of these Associations in 96 countries spread out in Europe, Africa, America and Asia, The Child's Voice works to make the concerns of suffering children heard and to answer to their needs.

ACTIONS IN FRANCE

A/ Children mistreated or victims of sexual abuse

1. Telephone support / follow up /counseling

Telephone support at the office is relayed by a Legal Phone Assistance:

Wednesday 2.30 p.m. to 6 p.m., tel.: +33 (0) 1 40 22 03 05.

A multidisciplinary approach is ensured to get the good development of a process, in particular for the taking care of children victims. Whenever required, The Child's Voice is associated in court actions with the public prosecutor (Judicial Commission).

A helpline number 8649 (VOIX) for SFR mobile phone costumers or the toll-free number 0800 97 86 49, set up by SFR, a French phone operator, allows to maintain a link between young persons in distress and adults. Do not hesitate to circulate this number which is available 24 hours a day.

2. Considering that children victims are suffering children before being plaintiff children, The Child's Voice begins and participates in the creation of a "Multidisciplinary Emergency Care Units in a hospital environment for children victims of sexual abuse" in: Aix en Provence – Angers – Béziers – Caen – Carpentras – Chalon sur Saône – Cherbourg – Creil – Foix – Mâcon – Marvejols –Montceau les Mines – Niort – Perpignan – Saint Malo – Saint Nazaire – Dunkerque – Abbeville – Dieppe – Amiens – St-Quentin – Compiègne – Metz – Beauvais – Cherbourg – Lisieux – Evreux – Versailles – Le Mans – Quimper – Lorient – Vannes – Nantes – La Roches-Yon – Poitiers – Vichy – Meaux – La Rochelle – Rochefort – Limoges – Tulle – Le Puy-en-Velay – Nimes – Martigues – Guéret – Villefranche-sur-Saône – Bondy et Hôpital Necker and in project : Lagny-sur-Marne – Joigny – Rennes – Nevers – Angoulême – Ajaccio – St Denis de la Réunion – Chartres – Fontainebleau – Troyes...

3. Information

Participation in the creation of a manual compiling legislative steps to follow in case of complaint, including addresses and information on support agencies able to provide information and support to children and their families.

Information provided in schools and creation of pedagogical supports for adults and children.

4. Training

Preparation of interdisciplinary training modules for professionals working with children (teachers and social workers ...). Internships and seminars for trainers on these issues.

B/ Support for children and family in distress

- Single mothers with their children
- Refugee families and children (i.e.: Bosnian – Kosovar, Romanian, etc...)
- Furnishing school supplies and other

C/ Promotion of Children's Rights

Distribution of pedagogical documents created by the member Associations.

Organisation and participation to events on the prevention and protection of childhood.

D/ Evaluation and studies on the application of national legislation, European and international conventions.

National Consultative Commission on Human Rights / Working Group for the Forum of the Internet's Rights / Steering Committee for children victims of sexual tourism / and others ...

INTERNATIONAL ACTIONS

The Child's Voice supports the actions of its member Associations in particular with its "Funding for Aid programs" within the scope of its means.

The International action of The Child's Voice is centered upon :

- > Collection and distribution of information collected from case studies, with the help of a database and a "press" documentation service.
- > Organisation of exchanges and meetings between the associations in order to develop partnerships in the same sector.
- > Setting up of common actions with the same issue (such as street children / children in armed conflicts / fighting sexual violence against children...) or in the same geographical area (Rwanda / Madagascar / France...).
- > Coordination and animation of the French -Madagascan Forum.
- > Evaluation mission of situations involving children victims who need the intervention of one or several associations.
- > Availability of skills to member Associations in ensuring the preparation of project proposals - as well as field actions.
- > Searching financial contributions and charitable donations to support the actions of member Associations.
- > Promotion of Children's Rights through international cooperation; campaign for the right to a civil status for all children.
- > Spokesperson for children with international, European and national authorities when the Children's rights are violated.
- > Organisation and animation of forums to inform and develop future partnerships with other associations, ensuring a greater efficiency to help children.

**“Humanity must give the child the best of itself”
United Nations General Assembly, 21 November 1959**



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*La Voix De l'Enfant***

including

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