



## PRESS RELEASE

**On 4 February 2009, the “Défenseure des enfants” (Children’s Ombudswoman) has presented her evaluation report on the application of the International Convention on the Rights of the Child to the UN Committee on the Rights of the Child in Geneva – Paris, 2 February 2009**

The Défenseure des enfants, Dominique Versini, has been heard on 4 February 2009 by the UN Committee on the Rights of the Child in Geneva. During the hearing she has spoken about her report on the current state of the fundamental rights of children living in France, following the numerous recommendations (57) made by the Committee in 2004.

The United Nations Committee on the Rights of the Child is composed of 18 independent experts who are elected by the UN Members States and has its headquarters in Geneva.

Under the terms of the current United Nations procedure, several months before the hearing granted to the representatives of the French government (which has already submitted its 3<sup>rd</sup> report to the Committee on the Rights of the Child), the Committee receives and examines the evaluations undertaken on the same issues by the independent Institutions who are responsible for defending the rights of the child, as well as the associations. The official debate between the Committee on the Rights of the Child and the French government will take place next May in Geneva.

The report written by the children’s Ombudswoman takes into account the thousands of complaints she has received from parents, children or adolescents themselves or associations regarding individual or collective situations in which the rights of the child are not respected. The report also contains details of enquiries and the elaboration of proposals for reforms that she has been engaged in over the course of the last few years.

Dominique Versini notes that substantial legislative work has been carried out over recent years in order to ensure that French law conforms with the commitments entered into by France when it ratified the Convention in 1990 and also that it reflects the 57 recommendations issued by the Committee on the Rights of the Child, so that the vast majority of children who live in our country enjoy reasonably good living conditions, a protected state of health, guaranteed access to education and fundamental rights that are generally respected.

**However, certain categories of children continue to live in extremely fragile situations and the measures taken to ensure greater respect for their rights are still insufficient and, in some cases, are not at all in keeping with their interests:**

- children living in precarious conditions and poverty (there are 2 million poor children, despite the allocation of substantial social benefits)
- children and adolescents suffering from mental distress (40,000 suicide attempts, increase in self-harming, cyber-dependency...)
- children with disabilities (full-time education and the taking into care of children with certain disabilities)
- children who are separated from their parents (parental separation, placement with the Aide sociale à l'enfance – Child Social Aid Body, foreign minors...)
- children living in certain Overseas Departments, Territories and Communities (Guyana, Mayotte)
- children of travellers and Roma people
- children of migrant parents whose situation has not been regularised
- delinquent children and adolescents

The children's Ombudswoman considers that **good progress has been made as a result of the law introduced on 5 March 2007, which makes the provision of housing compulsory (the DALO law)**; however, she still believes that the housing situation remains a major cause for concern for the most vulnerable families, especially single-parent families and large families living in a precarious situation. She therefore calls for considerable efforts to be undertaken to build housing that is made available to low-income families at an affordable rent and for the requirement to provide 20% of social housing in towns with a population of more than 3,500 to be respected.

The children's Ombudswoman also welcomes the fact that a new law to reform child protection was adopted on 5 March 2007, following a lengthy process of consultation. This law has created tools to develop prevention and to diversify the ways in which children can be taken into care. However, she would like the action and support plan for parents and, where necessary, for siblings and grandparents, to be reinforced within the "child's plan" that has been envisaged in the law. The children's Ombudswoman also calls for the publication, without delay, of the decree that has been envisaged for the application of the law to establish the national child protection fund, which should provide compensation for the expenses incurred by the departments in implementing this law.

**The law introduced in February 2005 on the equality of rights and opportunities, the participation and citizenship of persons with disabilities, also represents significant progress** since it recognises the right of all children with disabilities to be enrolled in a mainstream school environment in the school that is closest to their home. However, she also notes that the schooling provided to these children is still insufficient and that the parents of autistic children feel far too often that it is a real obstacle course to find appropriate care and educational facilities for their children. **The children's Ombudswoman welcomes the youth health plan, presented in February 2008 by the Minister for Health, Youth and Sports, for young people**

**aged over 16, which includes a certain number of her recommendations.**

However, she would like to point out that 15% of youngsters aged over 11 display worrying signs of mental distress (suicide attempts, early and widespread alcoholism, daily use of cannabis, self-harming, cyber-dependency...). It is necessary to implement a national plan to resolve the crisis currently being faced by the medical-psychology centres, to make good the shortfall in the number of hospital beds for child psychiatry cases and to provide a range of follow-up systems for outpatient care, to provide information and to raise awareness amongst parents so that they are able to spot any signs of distress that their children may be displaying and to support them by creating a national “parents” telephone line.

Whilst the children’s Ombudswoman appreciates the **progress made in the field of family rights over recent years**, notably with regard to the authorisation of shared parenting and the child’s right to be heard, she still believes that in order to maintain a child’s mental equilibrium, it is necessary to provide the **resources to systematize family mediation** when parents separate and to **affirm the right of the child to maintain personal relations with his or her two parents, whilst at the same time establishing professional procedures to take the child’s views into account.**

Similarly, the **statute of third parties**, who share or who have shared the child’s life should make it possible to provide legal safeguards regarding the child’s legal relations with his or her circle of family and friends and to reduce the traumatic experience of being exposed to the successive breaking of emotional ties.

Other areas show that certain children continue to live in extremely fragile situations.

**The children of travellers and Roma people** experience major difficulties in gaining access to education and live in highly precarious housing situations. The fundamental rights of **foreign minors whose parents have an expulsion order against them or unaccompanied minors** arriving on French national soil are not sufficiently protected.

**Finally, turning to children and adolescents who are in conflict with the law**, whilst **recent laws have increased the severity of the sanctions**, the children’s Ombudswoman would like to point out that the educational responses provided in an open environment for young offenders suffers from a lack of human and material means and resources, which, in particular, leads to delays being experienced with regard to the provision of care services and limits the prevention of recidivism. **She would like to insist upon the fact that exceptional status should be accorded to the incarceration of minors and that this should be accompanied by specific educational support.** In light of the development of recent legislation on the delinquency of minors, some of which, in terms of its direction, is moving away from the spirit of the Convention on the rights of the child, the children’s Ombudswoman calls for the launching of a major national debate on the topical question of the reform of the 1945 law.

Finally, she would like the **Parliament to vote on the creation of a parliamentary delegation on the rights of the child so as to accelerate the adaptation of French law.**

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