



Agir Ensemble pour les Droits de l'Enfant

**Building an inclusive and benevolent society that
respects children's rights:
Let's act now!**

"I suggest that we listen more to children"

Summary of the alternative report drafted by civil society organisations
on the state of the rights of the child in France between 2009 and 2014
in anticipation of the audit of France
by the United Nations Committee on the Rights of the Child in January 2016

(February 2015)

List of the 56 member organisations of the AEDE group

ACE : Action Catholique des Enfants
ACEPP : Association des Collectifs Enfants Parents Professionnels
ADEIC : Association de Défense, d'Éducation et d'Information du Consommateur
Adéquations
AFEV : Association de la Fondation Étudiante pour la Ville
AFIREM : Association Française d'Information et de Recherche sur l'Enfance Maltraîtée
AFMJF : Association Française des Magistrats de la Jeunesse et de la Famille
Aide et Action
ANACEJ : Association Nationale des Conseils d'Enfants et de Jeunes
APAJH : Fédération des Associations pour Adultes et Jeunes Handicapés
ATD (Agir tous pour la dignité) Quart Monde France
CADCO : Coordination des Actions pour le Droit à la Connaissance des Origines
CDERE : Collectif pour le Droit des Enfants Roms à l'Éducation
CEMEA : Association nationale des Centres d'Entraînement aux Méthodes d'Éducation active
Citoyens et Justice
Clowns sans frontières
CNAEMO : Carrefour National de l'Action éducative en Milieu Ouvert
CNAPE : Convention Nationale des Associations de Protection de l'Enfant
CNB : Conseil National des Barreaux
Cœur d'Enfants
La Confédération Syndicale des Familles
DEI - France : Défense des Enfants International – France
Dynamo-International
ECPAT France
EEDF : Eclaireuses Eclaireurs de France
Entraide Universitaire
FCPE : Fédération des Conseils de Parents d'Élèves
FFJ : Forum Français de la Jeunesse
FGPEP : Fédération Générale des Pupilles de l'Enseignement Public
FIEP : Fédération Internationale pour l'Éducation des Parents
FNAREN : Fédération Nationale des Associations des Rééducateurs de l'Éducation Nationale
FNEJE : Fédération Nationale des Éducateurs de Jeunes Enfants
FSFM : Fédération Syndicale des Familles Monoparentales
Les Francas
Hors la Rue
ICEM (Institut coopératif de l'École moderne) Pédagogie Freinet
Intermèdes Cultures Robinson
Jets d'encre
JOC : Jeunesse Ouvrière Chrétienne
LDH : Ligue des Droits de l'Homme
La Ligue de l'Enseignement
MLF : Mission Laïque Française
OCCE : Office Central de la Coopération à l'École
OVEO : Observatoire de la Violence Éducative Ordinaire
Pasde0deconduite
RNJA : Réseau National des Juniors Associations
SE-Unsa : Syndicat des Enseignants de l'UNSA
Solidarité Laïque
SNUipp-FSU : Syndicat National Unitaire des Instituteurs et Professeurs des écoles et PEGC
Sparadrap
The judicial authorities union
Thémis
Trisomie 21
Unapp : Union Nationale des Acteurs de Parrainage de Proximité
UNIOPSS : Union Nationale Interfédérale des Œuvres et Organismes Privés non lucratifs Sanitaires et Sociaux
Unsa Education

Note for the Reader:

This summary often refers to the exhaustive report
drafted by the AEDE group
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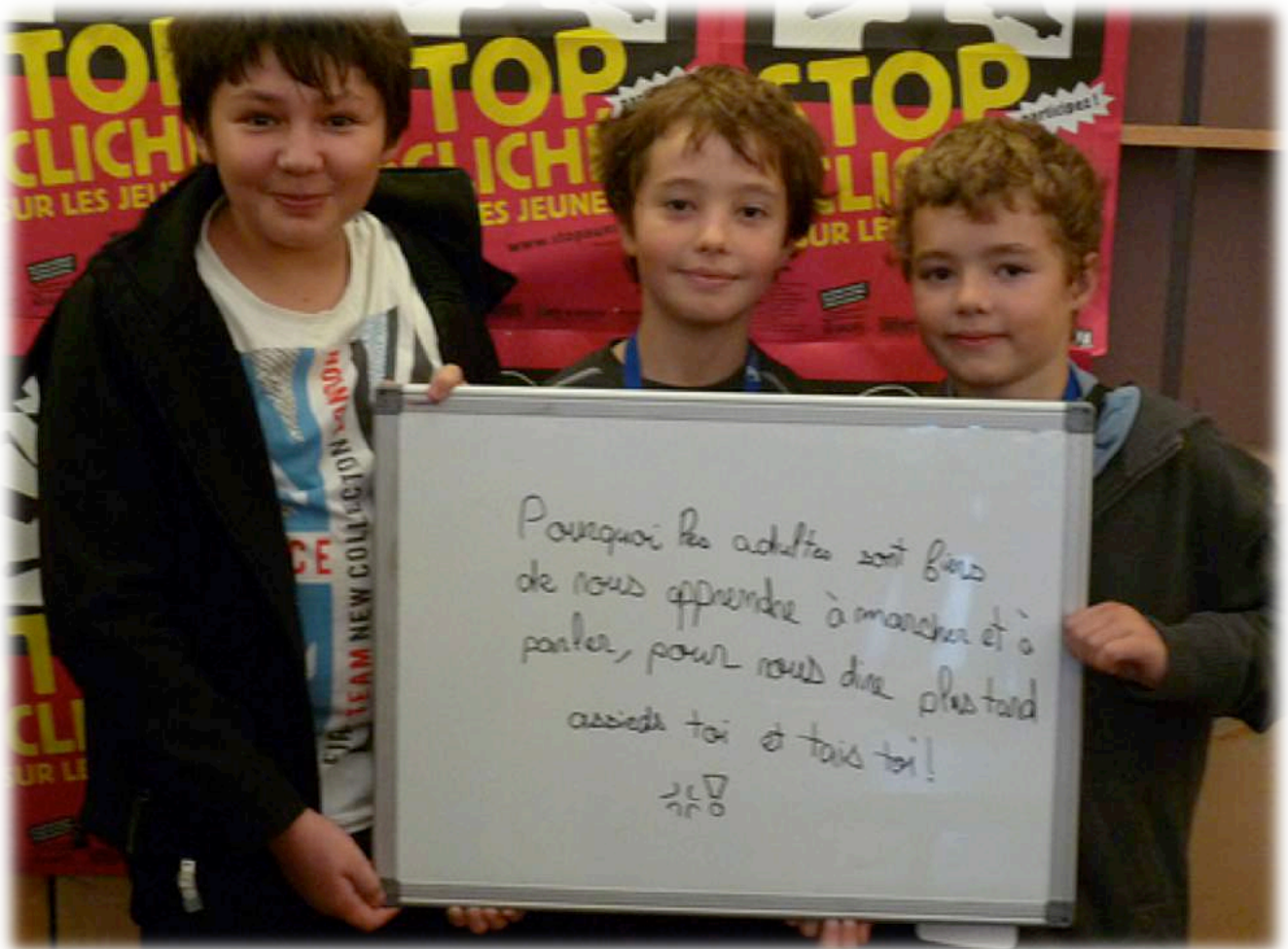
Paragraphs and appendixes numbers in brackets in the summary refer to this exhaustive report.

Summary translated by Peter Marsh

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*“Why are adults so proud teaching us to walk and to speak
if they tell us later to sit down and to keep quiet!”*

FOREWORD / the AEDE project: A dynamic and ambitions to facilitate the dialogue between the civil society and the State in order to improve the situation of all children¹

Initiated in 2013 on the initiative of DEI-France and in coordination with Solidarité Laïque, the AEDE project – Acting Together for the Rights of the Child – gathers 56 organisations that are active players in all the fields of youth in France (education, health, justice, handicaps, citizenship, support provided to parents, youth protection, culture and leisure activities, responsible consumption, etc.). These structures have managed to rise above their own organisational culture and their specific areas of activity in order to mobilise their resources with the sole objective to achieve a better implementation of the United Nations Convention on the Rights of the Child² by the French public authorities. A charter has helped set up a specific organisation and governance for this project (annex 2)³.

The main objective of the AEDE project is to conceive and to draft jointly an alternative report that is intended for the United Nations Committee on the Rights of the Child⁴ in preparation for the next control of France's enforcement of the Convention. It was a matter of evaluating the situation of the children's rights in France over the 2009-2014 period and also to assess the actions France has undertaken at the international level. Another goal of the AEDE project has been to take advantage of the drafting period to start up again a long-abandoned dialogue between the authorities and the civil society for a better respect of the rights of the child in our country⁵. Finally and above all, the AEDE project has wished to associate children and young people as much as possible to the drafting process (through the involvement of youth organisations in the project, collecting verbatim and testimonies, etc.) so that the report also shows their preoccupations.

The objective of the AEDE group⁶ wasn't only to make an assessment of the evolutions – whether positive or negative – of the actual situation of children's rights in France, but more importantly to engage in a proactive process that will improve the living conditions of children and young people in France in concrete terms. In this perspective, the report offers suggestions⁷ based on observations and the good practice noticed and/or followed by its organisations.

Taking into account the wide range of fields involved and the scope of the activities carried out by the AEDE member organisations, a complete report has been drafted. Entitled "*En avant pour les droits de l'enfant : respectons-les dès aujourd'hui !*"⁸ ("*Let's go for the rights of the child: Let's respect them right now!*"), it is as exhaustive and documented as possible. With over 450 pages, this report is to be used as a reference document that can be consulted by the members of the United Nations Committee on the Rights of the Child when they wish to go into specific topics in depth or by the French authorities and the organisations involved in this project when they resume a dialogue that is so wished for by the AEDE group. It can also be used as an information educational tool by youth professionals, parents, young people and any member of the general public who is sympathetic to these issues. The sources for this report consist in written contributions in specialised fields from organisations that have been summarised and completed by an editorial board and then enriched with additional texts during the edition stage and with debates organised on 10th December 2014.

The present report summary is intended for the United Nations Committee on the Rights of the Child and follows the format and the layout requested by them. Being unable to deal with – even briefly – all the points included in the exhaustive report, the group had to make choices that limited the number of topics selected and refers the reader who wishes to know more about specific points to many paragraphs (indicated in brackets in the texts) of the complete report. In the present summary report, the emphasis is on the major preoccupations and the most outstanding facts identified by the group's organisations.

¹ The reader is invited to consult the complete foreword showing the early stages of the project in the exhaustive report.

² Referred to hereafter as "the Convention" or the CRC (Convention on the Rights of the Child).

³ Paragraph and appendixes numbers in brackets refer to the exhaustive report.

⁴ Referred to hereafter as "the Committee".

⁵ In this perspective, two major meetings were organised by the AEDE group on 21st November 2013 and 10th December 2014. They were attended by public authorities representatives (the Minister of Families and local authorities) and by the institution of the Defender of Rights. The 10th December event gave us the opportunity to formally present the report's main axis and to open a debate about them.

⁶ The AEDE group is sometimes referred to hereafter as the "the group".

⁷ The recommendations are shown in boxed paragraphs.

⁸ The exhaustive report's table of contents has been enclosed in the present summary.

INTRODUCTION / 2009 – 2014: a context marked by the economic crisis, self-withdrawal and a change of political majority

A new majority in power in 2012

New legislative and political measures were adopted between 2009 and 2012 in spite of the Committee's concluding observations in 2009 that indicated deep worries. These measures were very detrimental to children, especially in the penal field, regarding immigration policies and access to their rights, as well as more limited appeals with the disappearance of the Children's ombudsperson Institution (*Défenseur des enfants*). As a result, the change in majority in 2012 gave members of the civil society a lot of hope for improvement, especially as the new President of the Republic had made public that he wanted youth to be one of his priorities. Let's bear in mind that young people represent no less than a quarter of the French population.

A will to change some legislative measures in favour of children on some issues has indeed been noticed since 2012. Instances include the steps taken to recreate the School of the Republic, the work done on a draft bill that reforms family law and that is centred on the child and his best interests, as well as reforming penal policies towards some kind of restoring justice. However, it must be noted that this will to reform has been hindered by many obstacles, particularly the tension about societal issues, sustained by ultra-conservative circles and used as a political means to get the government to give up its projects. Regarding other issues such as immigration policies, the new majority hasn't shown any real will to adopt new measures.

In the context of the economic and social crisis

The worst economic crisis in France and in Europe in 70 years has resulted in more families living in a precarious situation and in widening social inequalities. It is getting harder for young people to join the professional world; as a result, parents worry a lot about their children's future and unintentionally put them under a lot of pressure creating a feeling of insecurity in a climate of premature competition.

The economic crisis is accompanied by a social crisis which has for effect to make the social classes fold back on themselves and even create a tendency towards communitarism and, at the national level, a temptation to close the French society. Observers witness an increase in individualism, the targeted rejection and exclusion of the "newly-arrived", reconsideration of collective solidarity, the naming of specific groups as scapegoats and their non-acceptance by a segment of the population, the demagoguery of political parties that prone a return to "traditional values" in defiance of rights that has been acquired through social struggles, especially regarding women...⁹

Within the context of financial restrictions, the crisis also generates striking local inequalities and local authorities (communal, inter-communal, departmental and regional) that have been given many powers concerning youth matters have the freedom to plan their own budgets in which spendings are not always in favour of children and young people. We have also witnessed a tendency from the national government and authorities to throw back at each other in a kind of unacceptable table tennis game the responsibility to support some categories of children and young people who figure among the most vulnerable.

The hindrance to building a society that includes all children and that takes care of their well-being

Stuck in this double economic and social crisis, France experiences difficulties in building a society that includes all children and young people and that takes care of them. The country even finds it difficult to give each of them access to basic rights, whether they are handicapped, immigrants, from a disadvantaged background, ill, experience schooling difficulties, in conflict with the law or in any other situation. Even though the social protection system did manage at the beginning to soften the effects of the crisis, it has since then become unable to welcome and protect children who are the most vulnerable and the furthest from access to their rights leading to important mistreatments from the institutions concerned.

As a result, The AEDE group throughout its report argues for the creation of an inclusive society, the only type of society that will be able to guarantee that all children – in their diverse backgrounds and

⁹ The general trend described here also gives special importance to the AEDE group's observation showing young people's genuine will to get involved and to serve the general interest as mentioned in chapter 4. It also points to more and more frequent collective mobilisations of the civil society in order to achieve a higher level of solidarity within society.

situations – have access to their rights. We long for a more respectful and fair society that creates the right conditions of autonomy as well as of a whole citizenship for all, as subjects of rights.

... and to build it with the children and for the children

Despite some recent improvements in the involvement of young people in policies that affect them, the French authorities as well as the civil society and still a considerable number of families experience difficulties in considering children as truly entitled to rights, to involve them in the decisions about matters that concern them, to really take into account their opinion and to integrate it in the decision-making and in the ensuing follow-up processes.

This situation exists in spite of the terms of the Convention that require more than ever that solutions be found by the public authorities at all levels in collaboration with the civil society, the professionals involved in youth and mainly, the children, young people and their families.

Considering and addressing public policies through a rights-focused approach

More globally, the Convention requires that public authorities, whether parliamentary or executive and outside the frame of political party influence, manage to enact laws that focus on the children's well-being in France and to create policies that target their collective best interests. The latter should be conceived in a long-term perspective and ought not to be systematically reconsidered each time there is a new political majority in power.

Therefore, the AEDE group invites in its report the State and the local authorities to abandon their current approach to youth policies which fragment, segment and shrink their targets – the student to be taught, the child who needs protection within his family, the teenager threatened by dangerous driving, the young people to be integrated, etc. The AEDE group invites them to adopt a global approach based on the Convention and the rights that it promotes, encouraging cross-section contacts and cooperation among the players concerned, time and living environment relevance, as well as on-going follow-up throughout time of the child's educational development and his integration into society. This is an urgent matter.

Urgency made all the more obvious after the January 2015 terrorist attacks

At the time when this summary was being written, France was still reeling from the shock caused by the dramatic events that took place at the beginning of January 2015. Three young Frenchmen, born and raised in France and who had attended the School of the Republic, joined terrorist organisations and committed crimes that targeted directly the values of the Republic through the choice of their victims. It is impossible not to include in our reflections the current context in which every one, whether an institution, a teacher or a mere citizen, ponders about what they missed and were not able to do to prevent these excesses. Even though there has been a very strong reaction of solidarity and show of respect for these common values that gathered large segments of the population and people of all ages, these events were also the opportunity for a sudden realization that some young people don't seem to picture themselves in the frame of the Human Rights values but rather privilege other private norms, that can be religious, community-related or that are followed by certain groups that reign over "districts forsaken by the Republic" and who sometimes want to impose them within the school environment.

In addition to the world's geopolitical context that partly explains why these young people committed those massacres, one has to ponder not only the path followed by these young people who committed the crimes but also on a larger scale the non-appropriation by a certain number of adults and young people of the rights defended by the AEDE group in its report: the right to freedom of conscience, information and expression, the right to equality between boys and girls, the right for children to be protected from war and any kind of enlistment and fanaticism, the right to democratic relations and the right of people to self-determination. One must also consider the transmission and teaching of these values and most importantly, the appropriation of these rights by the young people themselves. We shall come back to this point in the conclusion of this summary, but we can already bet that better knowledge and promotion of the rights of the child and above all a better everyday enforcement of these rights in the life of children and young people could constitute an efficient defence against such excesses. The AEDE group trusts that it can contribute to it with the fruit of its labour.

1. Chapter I – CRC general measures of implementation / a slow awareness process

In order to enforce in the best and most efficient way the CRC, France – 25 years after having ratified it – still needs to acquire the means to give “the best of herself” to children. In particular, this is achieved through general strategic, institutional, legal, organizational and financial measures that are indispensable and of which France is just beginning to be aware.

1.1 One step forward with the signature of the 3rd Protocol related to the CRC

The AEDE group is glad that France finally decided to sign the 3rd Protocol related to the CRC in New York on 20th November 2014, ending more than three years of procrastination due to bad reasons (§ 1.2 et annex 4). However, we can also feel sorry about the lack of communication from the government about this signature. France has therefore become the 47th signatory state to this protocol which became effective on 14th April 2014. It allows any child – or any adult close to a child – to appeal to the United Nations Committee on the Rights of the Child if it is believed that one of the basic rights protected by the Convention has been violated or if a complaint that has been lodged with the national legal system leads nowhere. This signature is an encouraging first step towards more effective enforcement of the CRC in France but has to become a reality as soon as possible through its ratification by the Parliament.

The AEDE group recommends that France should ratify the 3rd Protocol additional to the Convention on the Rights of the Child as soon as possible, as she has already done with appeal legal tools for numerous other human rights pacts.

1.2 The early signs of a global and coherent national strategy?

It is necessary that youth be the object of a global and coherent national strategy with a direct link to its rights, so that the CRC isn't any more a mere legal text but produces all its effects on the daily life of children. This has not really been the case in France yet, and the AEDE group, while reminding the government of its obligations regarding the effectiveness of the rights mentioned in the 4th article of the CRC, invites the State to include the rights of the child in a long-term planned perspective, to take them into account systematically in its different state projects and to make sure that they are also addressed in all the different national projects¹⁰.

A few early signs show that measures have been taken in the right direction, such as the mission given on 6th November 2013 by the Prime Minister¹¹ to the General Commissariat to Strategy and Prospective (*Commissariat général à la stratégie et la prospective / CGSP*)¹² to set the objectives of a “national strategy for youth and teens”¹³. The commission assigned with this task presented the main lines of its report on 4th February 2015. Even though the work was presented in the introduction as “being in the continuation of the CRC” and developed four very general main axes¹⁴, it seems like it is not really based on all the rights that have to be taken into account to build this global strategy even though the CRC built the foundations of a project though FOR and WITH the children. The Commission's report doesn't either mention the necessary conditions for setting up such a strategy: national coordination and guidance, financial means targeting youth¹⁵, collecting data about youth, means to reduce national inequalities, the study of the impact of laws on children, promoting the CRC, etc.

¹⁰ Despite the 2013 revision of the constitution “the organisation of the Republic is decentralised” (article 1 of the constitution), the governance adjustments of the resulting public policies have still to be made.

¹¹ The Prime Minister's mission letter is available on the CGSP website - <http://www.strategie.gouv.fr/actualites/installation-de-commission-enfance-adolescence>

¹² The CGSP has recently adopted the name “France Stratégie”.

¹³ V.<http://www.strategie.gouv.fr/blog/2014/02/les-objectifs-des-strategies-integrees-pour-lenfance-ladolescence-leurs-mesures-commission-enfance-21012014/>

¹⁴ 1/ Train an individual linked to another and able to develop cooperation 2/ Develop skills and diverse abilities to fulfill oneself and to integrate oneself into society 3/ Protect and accompany the empowerment process 4/ Develop equal access to health, leisure, education and accommodation resources.

¹⁵ The AEDE group invites the State to conduct a budgetary study that targets children, as other countries – such as Sri Lanka – have already done.

The AEDE group recommends, among other measures (§ 1.6.4):

- The creation of a national youth council, an inter-ministerial organism for youth with real executive powers and parliamentary delegations for the rights of the child.
- Setting up a global and coherent national strategy for youth with real action plans that will establish a long-term perspective enforcement of the CRC.
- The requirement for all new bills, as well as for national and local policies to conduct systematically an impact study of these projects' consequences on children.
- To draft financial studies centered on the child in order to follow the evolution of the funds granted, to assess their appropriateness to the children and to their families' needs and to optimize their use.
- To evaluate the share of the total national budget allocated to children and so make sure that a coherent and efficient allocation is planned on the whole territory in order to eliminate local disparities.

1.3 Insufficient promotion of the CRC among all parties involved

Even though many initiatives have been launched in France¹⁶ – and in Europe – to promote the CRC, the AEDE group was sad to notice that the CRC is still unknown by a majority of children, young people, parents, youth professionals, policy makers and, in general, members of the public at large. The latest survey conducted by UNICEF-France and the TNS survey organism in 2009 revealed that only 32% of adults had already heard of the CRC. Regarding this point, there is no improvement in France.

In order to raise awareness of the Convention, all professionals and volunteers who play an active role among children, in all fields such as education, health, youth protection, justice, etc. have to be trained in order to integrate the CRC principles in their professional occupations. In addition, the development of partnerships with the media could be a right solution to raise awareness of the rights of the child amongst children, young people and the members of the public.

Recommendations:

- To encourage the public authorities, national and local alike, to finally realise their duty to organise in a structured and systematic way actions measures that will not only make the Convention known, but also its concrete consequences on the daily life of children and their families.
- The systematisation of human rights and particularly children's rights education in schools, in the required trainings for youth professionals and in university-level colleges that train the future policy-makers.
- To set up a human rights and children's rights education programme in the school curricula at all levels (BOTH primary and secondary) with its concrete application in the school's environment.
- Strengthen the partnerships with the media in order to raise awareness of the CRC among members of the public.

1.4 Cooperation with the civil society: some encouraging signs

Cooperation between the civil society and the public authorities constitutes the intrinsic essence of the AEDE project. Since its creation, there has been a will to re-establish a connection and a dialogue with the public authorities concerning children's rights. Since 2012, the State's attitude toward civil society has advanced favourably. In November 2013, the Minister of State for the Family expressed herself in favour of a global youth policy, planned with the assistance of the civil society. Her successor also seems to share the same ideas. However, the AEDE group is sad to notice a certain ambiguity regarding the support of organisations by the government witnessed by the fact that there has been a dramatic diminution of funds allocated while the involvement of organisations was declared the great national cause of 2014 (§ 1.10.4).

¹⁶ We will notice for example a partnership between the Defender of Rights and the civic service agency to recruit young ambassadors who visit secondary schools to share information about rights.

Another encouraging sign is the Youth French Forum (*Forum Français de la Jeunesse – FFJ*). Since 2012, this forum that represents youth movements has become a privileged interlocutor with the State and is consulted when setting up policies that concern the youth. The Defender of Rights (*Défenseur des droits*), an independent institution that, among its goals, has the mission to protect children’s rights has also been engaged since its creation in a close partnership with civil society organisations in particular through the creation of an “agreement committee” and the promotion of a dialogue between the public authorities and the civil society.

At the local level, we can witness more frequent collaborations between organisations and public authorities with the aim to set up projects as well as methods that involve organisations and even members of the public. These groups feel the need more and more to involve the children and young people in the process, but often do not have the methodological means to do so. They have to be encouraged in order to achieve this goal.

Recommendations:

- Systematise the consultation of civil society organisations and give the priority to the organisations that represent and involve children and young people, in order to plan, set up and assess national and local policies that concern children.
- Encourage France to involve the civil society in three steps: when the Committee’s concluding observations are published in order to set up a strategy to put them into use; during a periodic check (on every 20th November for instance) to make sure that the measures that have been adopted are effective and to assess their progress; and finally to participate in making the next report and to do an assessment and identify the improvements that are still to be made.

1.5 The effects of the creation of the Defender of Rights (*Défenseur des droits*) on the rights of the child

The AEDE group has also studied the consequences of the merger of the Children’s ombudsperson (*Défenseur des enfants*) with the Defender of Rights in 2011. This move had then caused many protests from organisations even though the Committee had just recommended to France to strengthen the Children’s ombudsperson’s powers and means (§ 1.11.1).

Even though the AEDE group would like to remind the reader that the nomination of the Defender does not follow the European Council’s recommendations on guarantees of independence, the evaluation of the performance of the Defender of Rights that it has made over three years can be considered globally positive. The AEDE group considers that today, even though we can regret the abolition of the *Défenseur des enfants* as a specific and autonomous institution for the rights of the child with a visibility that had patiently been built up and which was considered a bit like the children “spokesperson”, we must now rely on the new assets of the institution of the Defender of Rights, in particular its increased powers and an interesting cross-section approach to deal with some cases.

From now on, it is necessary to endeavour to restore the full visibility of its function of children’s ombudsperson with the main objective of promoting and implementing effectively the rights of the child as described by the CRC – and not only by French law¹⁷.

Recommendations:

- At the end of the six-year operation of this institution, to conduct an independent assessment of its different missions, especially concerning the protection of the rights of the child.
- To reform the way the Defender is nominated during the next reform of the Constitution in order to strengthen the independence of this institution.

¹⁷ The Defender’s services tend to refer more to French legislation than to international standards. This can be seen when reading the reply to the question “Can a teenager go to jail?” in the Q&A forum on the website: <http://www.defenseurdesdroits.fr/connaitre-son-action/la-defense-des-droits-des-enfants/faq>

1.6 Actions at the international level for the rights of the child: let's not lower our guard!

Even though the AEDE group is happy about a 2014 law of orientation and programming on development policy and international solidarity within which the primacy of human rights is stated, it is still worried about the decline of the international role played by France (§ 1.12.2). This decline can be observed through the diminution of funds allocated to public aid for development (PAD). France is still far from reaching the target set by the UNO, i.e. the allocation of 0.7% of its gross domestic product (GDP) to its APD (in 2013, the amount represented 0.41% of the GDP) and this aid is less and less spent on the most disadvantaged countries. In addition, France did not renew in June 2014 its participation to the World Partnership for Education that raises funds for the schooling of millions of children throughout the world – whereas today 132 million children (including secondary school level) and 57 million primary-school-level children do not have access to schooling. Since then, France has stated that it will spend 1 million euros on this issue, fifty times less than its prior commitment! All these failures from France are real whistle blowers as they have a direct impact on the protection of children and the respect of their rights throughout the world.

The latest international news such as the crisis in Mali, Syria and Central Africa, natural disasters, pandemics and epidemics such as the Ebola outbreak in western Africa reminds us that it is necessary for France to assist the poorest countries in strengthening on the long term their health systems, education, governance and economy in order to avoid new disasters and ensure a better respect of the rights of the child at the international level.

Recommendations:

- To encourage France to allocate 0.70% of its GDP to public aid for development and direct this assistance according to the high-priority poor countries named on the list of the French cooperation.
- To ensure that the PAD contributes to a better respect of the rights of the child throughout the world and that a portion of the PAD is allocated to achieve that target.
- Encourage France to pursue its commitment to the World Partnership for Education with an amount that should be similar to her last contribution (50 million euros for the first reconstitution for the 2011-2014 period).

« I am fed up being told "You, the young, one day you will take over!". "In fact, we are already here. We don't want to be mere spectators."

Juniors Associations

2. Chapter II – Definition of the child / Emancipating progressively the youngest without neglecting to protect the oldest until 18 years old, and even young adults?

Chapter 2 of the AEDE report concerns the respect of the first article of the Convention: to give a specific legal status of child – linked protection and emancipation fact – to any human being less than 18 years of age. The AEDE group remembers the trend that prevailed between 2009 and 2012 which contested the rights to specific protections given to young people between 16 and 18 by the Convention and which resulted in major regressions, especially regarding penal matters. The new majority government has since then backtracked on some of these issues, but not all of them. Therefore, the AEDE group reminds all that older teenagers need a protective status as much as – if not more than – younger children as they tend to put themselves in very dangerous situations more easily than others (§ 2.1).

The report also recommends, in collaboration with young people, the creation of social protection systems for young adults beyond 18 years old with an intermediary status giving them access to a minimum income, accommodation and work. It also requests for the young people in the most vulnerable situations – for instance, those taken care of by social aid services or by juvenile legal protection organisms – the development of strengthened support measures for young adults from which the State and some departments have stepped back because of financial constraints (§ 2.2).

The AEDE group regrets the near-total lack of legal rights for children that still exists in French law and that refrains them from making progressively use of their civil rights and freedoms (for example, they do not have the right to file a case at any court, except the children's magistrate when they consider themselves to be in danger)¹⁸ (§ 2.3). As a result, children find it hard to assert themselves in society as real legal subjects, to be active players along the path of their life and to progressively make use of their freedoms. The consequence of this situation is that when they turn 18 years old, they suddenly have to take responsibility for their status of adult without any prior progressive acquisition of the responsibilities involved. This quasi-civil inability is all the more shocking when we know that their penal responsibility is recognised very early, from the age of judgment which can be set from 7 or 8 years old according to the judge.

In order to remedy this incoherence, propositions were advanced by a think-tank¹⁹ during the preparatory work for the family law reform project in 2013 (§ 2.4). Giving up fast the notion of a pre-majority, their report even recommends extreme caution regarding the idea of setting up legal age brackets that would determine which capacity or which freedom can be enjoyed in an autonomous way. On the other hand, it advises to use discernment²⁰ and to follow the principle of the child's best interests that should guide educators and judges when making decisions. As a result, it asks for the transposition of article 3, paragraph 1 of the Convention into internal law.

Therefore, the AEDE group invites the State to (§ 2.5):

- Formally include into internal law a status for children, younger and older without exceptions until 18 years old, that asserts them as people in their own right, social players, citizens able to progressively exercise their freedoms with an emancipating and protective protection given by adults and institutions, guided by their best interests rather than by their age.
- Great caution regarding the temptation to set age brackets under 18 years old for specific ages of majority.
- Take into account the necessary protection not only of children until 18 years old, but also of young adults, especially those in increased precarious situations, so that everyone can play their full role within society.

« We aren't too young to express our opinion »

ACE, les enfants des clubs ACE, 9/12 years old, Paris

¹⁸ It is only in very limited cases and over a specific age that they have the right to exercise a veto (for instance, one has to be at least 13 years old in the case of adoptions) or to act legally without the authorisation of the legal guardians (in the medical field for example, and especially regarding serious interventions such as an abortion, they must be accompanied by an adult).

¹⁹ Rosenczveig/ Youf/ Capelier : *De nouveaux droits pour les enfants? Oui... Dans l'intérêt même des adultes et de la société* (January 2014) <http://www.rosenczveig.com/25%20janvier2014%20-%20Rapport%20final%20du%20groupe%20droit%20de%20l%27enfant.pdf>

²⁰ But the report recommends the presumption of discernment – indisputable in some civil cases – from 13 years old.

3. Chapter III - CRC general principles / Still highly jeopardised

The AEDE group has noticed that the key rights of the Convention; effective equality of the respect of all children's rights, wherever they live and whatever their situation (article 2), that their best interests constitute a primary consideration when taking decisions that affect them (article 3), that their opinion is taken into account in all matters that concern them (article 12) are still jeopardised in France in 2015.

The AEDE group has been keen on associating children and young people to the report drafting process. In order to achieve this, some AEDE group member organisations held in 2014 meetings with gatherings of children (from 6 to 11) and young people (from 12 to 18) inviting them to bring forward their own contributions to the alternative report (chapter 3 – What children and young people think about it). These concerned mainly their knowledge of the general principles of the CRC and of the rights they consider as essential. A summary of the analysis of their feelings can be found below.

What children and young people have to say about it

What children (6 to 11) have to say about their rights

Aware of the universal character of children's rights, their empathy and altruism lead them to associate themselves to children deprived of essential rights in matters such as accommodation, privacy, education and health, good treatments and abuse. They wish to enjoy the support of adults for comfort, to have their opinions taken into account and to have the guarantee that they can enjoy the respect and the protection of the rights they are entitled to. The notion that *"we are all unique and different individuals, but all have the same rights"* results in active solidarity among children from all backgrounds but also a need for mutual respect in proximity and in the daily life. As children have stated, *"one has to respect each other in order to get along"*. While emphasizing their specific rights – playing, choosing their own leisure activities, relaxing, going to school – they say that they also wish to be considered as full human beings, as important and trusted people similarly to adults.

What young people (12 to 18) have to say about their rights to free speech and to have their opinions taken into account

Their life experiences enrich considerably their observation and analysis skills and allow them to develop their fields of interest as well as the relevance of their suggestions. They have given them a critical approach to knowledge, respect, as well as the exercise and practical effects of their right to freedom of speech. However, they are neither disheartened nor cynical regarding the opportunities to improve the current situation: within the family, at university, at school or in training, during extra-curricular activities, among peers and friends, at children and young people's municipal councils, on social networks, through the media, on the street and, to sum it up, *"anywhere people can be found"*.

However, according to them, adults too often have a tendency to think that their opinion isn't relevant enough to be asked for and to be taken into consideration, particularly in difficult situations (for instance within the family or at school). In addition, school assessments and reports do not take into account enough their skills and their orientation choices.

As a result, we recommend that children and young people should be better informed about their rights, including through media campaigns. Education (not only schooling) must allow all the people – from the youngest age – to learn how to express themselves and create the right conditions for expression, particularly for those who are more reserved or shy. It must be based on more frequent dialogues between children and adults, within the family, at school and in other meeting areas. They have also made methodological suggestions that could facilitate – through the listening process and mutual respect – the possibility of common projects.

Some of their propositions are definitely more political than others, such as to consider a *"week of the youth"*, campaigning for the drafting of a governmental circular on the children and young people's right to free speech, suggesting children and young people's municipal councils to put pressure on the State through the U.N. to get the spread and the strengthening of these councils in all communal districts, *"to test the voting right at 16 years old" ...*

3.1 Reluctances from within the society and practical difficulties to take children's opinions into account

The AEDE group observed in its exhaustive report that, even though respect of the child's opinions and his right to be heard during any procedures that concerns him are advocated by the CRC as essential principles for the respect of their other rights, **the knowledge and the promotion of article 12 are not sufficiently assured** among members of the public (§ 3.3).

The issue of putting into practice article 12 is still very difficult. We can witness a persistence of obsolete and even pejorative social representations towards children and young people's thoughts and speech modalities, as well as a lack of conviction that is often linked to a lack of experience regarding the fact that children's opinions – even the youngest ones' – can be both enlightened and enlightening for decisions that adults have to make and also to improve their pertinence and acceptability. In French culture, the representation of a child as an active player isn't automatic and many adults still need to be convinced of the importance to consult children on social issues and the life of the city and also to accept the fact that their opinions might not always be what they expect.

Moreover, the AEDE group has noticed that, very often, families, governmental policy makers, youth professionals, most adults and institutions, even when they have a will to apply this right, don't always know how to create the right conditions for a genuine freedom of speech for children, they don't necessarily have the right ethics and methodologies to involve them and to take fully their opinions into account. It is important to promote this "culture of participation" for children and young people in all issues that concern them.

It would be impossible to summarise here the whole study that was conducted by the AEDE group in its report and the application of article 12 in the following fields: in law (§ 3.3.2), in the administrative protection of children (§ 3.3.3), within the family (§ 3.3.4), at school and in local educational projects (§ 3.3.5), in the health system (§ 3.3.6), in the public life (§ 3.3.7) and for the most vulnerable groups (§ 3.3.8). The reader is invited to read the whole chapter and only some of its recommendations will be mentioned below.

Recommendations:

- To promote in a general way article 12 among all; children, parents, youth professionals, administrations, institutions, government policy makers, the media while insisting on the fact that this is not only a right of the child, but that it is also in our interest to take into account their opinions that might affect the relevance of the decision taken and the success of projects that concern them.
- In law, to modify article 388-1 of the civil law code in order to introduce a presumption of discernment, whatever the age, for the child who wishes to be heard by the judge in a legal procedure that involves him; the judge will assess the child's discernment and maturity during an interview with the child.
- Regarding the administrative child welfare, plan for the child the opportunity to be assisted by a counsel and to set up mechanisms to allow them to file a complaint in situations when decisions concerning them were taken without having listened to them or having their opinions taken into account.
- Within the family, mobilise necessary means to ensure suitable information and pedagogy concerning the content and the meaning of article 371.1 of the civil law code which aims in its last sentence at promoting within each family the spirit of article 12 of the CRC²¹.
- At school, to develop active pedagogical methodologies at all stages of schooling and to involve actively children and young people in the organisation of the daily school life.
- Regarding health services and institutions, to develop expression and collect the children and young people's opinions about the preventive actions and healing treatments that are offered.
- In everyday life, to encourage local authorities to create local children and/or young people's councils as well as other channels of discussion with children and young people about projects (educational, urban planning, etc.) that concern them.

²¹ "Parents include children to decisions that concern them" (*excerpt from article 371-1 of the Civil Law code defining parental authority*).

3.2 Non-discrimination and equal access to rights: a wide gap between the norm and reality

French law adopts a restrictive approach to discriminations which are defined as a voluntary difference in treatments in only some fields and following a list of limited criteria. However, the AEDE group reckons that any inequality regarding the effective respect of rights points to discriminations – even unintended but based on wrong ideas, prejudice and other elements – that have to be fought. The exhaustive report, after having pleaded for an inclusive society (§ 3.1.3), addresses many types of discriminations (§ 3.1.4 to § 3.1.8), among which of course lies racism. But the AEDE group has also opted to emphasize the issue of increasing discriminations linked to precariousness and to differences in dealing with different genders that lead to strong inequalities between boys and girls. The reader is also invited to read paragraph 6.1 of this summary that concerns children with disabilities and who are also the victims of many discriminations.

Precariousness must also be recognised as a criterion for discrimination (§ 3.1.7)

In France, in the current context of crisis, nearly 3 million children live in a precarious situation. This leads them to be victims of discriminations, even unintended, and humiliations from their peers. These children, young people and their families are often looked down upon by society, are being treated differently than other people and are prevented from – because of a presumption of incapacity – having access to common law and to their fundamental rights: the right to decent accommodation and the right to health. The issue of reception in kindergarten places must also be addressed: 8 out of 10 children under 3 years old from precarious backgrounds never go in any collective care place (§ 3.1.7.3). This affects their needs that are often more important than other children regarding stimulation of psychomotor awakening, speech and language, early socialization and imagination. However, among the twenty criteria of discrimination currently mentioned in French law (articles 225-1 of penal law), precariousness isn't included.

Recommendations: The AEDE group pleads to add the criteria of social precariousness as an outlawed cause of discrimination to article 225-1 of penal law code, to article L 1132-1 of labour law code and to the law 2008-496 dated 27th May 2008.

Discrimination based on genders, a reality in France (§ 3.1.6)

Equality between girls and boys is one of CRC's main guiding principles. However, in the context of France as everywhere else, sexist stereotypes, inequalities between boys and girls as between men and women and violence based on gender remain a daily issue despite the fact that the principle of equality is a foundation of our Republic. One improvement that we have noticed is the obligation for all new bills to undertake a study of their impact on men-women equality; but this preoccupation seems limited to women's rights rather than to children's rights.

Hindrances linked to genders that harm equal rights are not at all taken into account in all the intervention fields that concern the rights of the child²² even though they have consequences not only for girls but also for boys and contribute to limit the range of possibilities to all, in terms of development through games, scholar achievements, professional orientation, leisure activities and the preparation to exercise one's future parental responsibilities...

To step from the formal legal recognition of equality to an actual equality of rights it is essential that the public authorities generalise the collections of gender-based statistical data and plan a targeted budgeting. It is also crucial to strengthen gender mixing and the training of the professionals who take care of children and that members of the public are made aware of the impact of sexism on the children's exercise of their rights. It also necessary do create a systematic follow-up process based on genders of the allocation and the use of resources for the children and to evaluate in which way investments made in any sector treat boys and girls as equals.

Most of all, we have to fight from the earliest childhood against gender stereotypes and the resulting representations circulated by society. Even school manuals tend to include such stereotypes. A very concrete non-sexist education programme – called the “*ABCD of equality*” – was tried at the beginning of the 2013 academic year in ten voluntary academies (§ 4.4.4). Despite some very positive evaluations, this

²² For example, the 2012 report of France on the implementation of the 2005 law on handicaps doesn't take the gender into consideration and doesn't provide any opportunity to know if more or less handicapped girls than boys are oriented towards the MDPH and are given schooling in regular schools, in particular according to the type of handicap.

programme was abandoned in 2014 because of protests from ultra-conservative circles that did not hesitate to spread extravagant rumors on the children's teaching programme. The AEDE group regrets very much that the government backed down on this issue.

Recommendations:

- To continue to raise awareness of the stakes involved in equality and of their importance among parents, educators, organisations and sport federations.
- To involve families in helping girls discover fields that have been mainly reserved for boys (and vice-versa) and, in the perspective of professional orientation, to include in education a thinking process targeting job representations based on genders.
- To encourage the professionalism of men in order to create better gender mixing in jobs related to childhood: young children, health care, teaching and law.
- To encourage a greater diversity of boys' and girls' sportive and artistic activities. This can be done by raising awareness among parents, professionals, institutions, and associative players of the issue of gender inequality and the benefits of these practices for all.
- To re-establish the generalisation of the "ABCD of equality" programme to all schools and allocate the necessary means for a genuine training for all professionals regarding these issues.

Finally, the AEDE group wishes to mention another criterion for discrimination linked to gender representations that target sexual orientation and homosexuality (§ 3.1.5) in particular. These discriminations result in great suffering for some teenagers that sometimes can lead them to commit suicide.

3.3 The best interests of the child: a notion that is more and more pointed to, but a principle that is little and badly applied

Article 3 paragraph 1 of the CRC states that the best interests of the child (BIC) shall be a primary consideration in all actions concerning him. This statement is a right for the child, a principle that affects all the other rights and, in all cases, an obligation for the policy makers.

The AEDE group has noticed that the notion of the best interests of the child is more and more pointed to in France, in national and European norms and jurisprudence alike (§ 3.2.2.1). However, this notion isn't explicitly linked to the notion of rights and referred to the CRC, which can lead to wrong interpretations and even to restrictions of the rights. We can also notice some confusion in the description of the competences of the Defender of Rights (*Défenseur des droits*), the protection of the BIC being put on an equal footing with the rights of the child which can lead someone to think there could be an arbitration between them while in fact they are inseparable (§ 3.2.2.2).

The AEDE group has also noticed that article 3 paragraph 1 of the Convention is very poorly understood and applied within the family, at school, in the fields of law, social work and in politics. Being the object of the parents' own appreciation – who are not informed enough about it – and being seldom the target of training for youth professionals and institutions, it is often used either in a highly subjective way or totally rejected by the legal world... because of this particular risk of subjectivity.

Recommendations: Relying on the recent general observation (n°14) of the Committee on the Rights of the Child on this topic, the AEDE group recommends, among other measures, to (§ 3.2.4.2):

- To transpose the principle of the best interests of the child to the different internal legal codes with concrete procedural elements to make decisions that have an impact on the child or a group of children and that would allow to approach in the most efficient way their best interests (among which figures the obligation to listen to the child and his parents).
- To insure some pedagogy of the best interests to the parents, the youth professionals and policy makers in order to guide them to the concrete manner to apply this principle.
- To create lists of criteria to be taken into account in order to better define in each individual situation the best interests of the child.

“When I play football in the playground, I am being told:

“Get out of here, you're a girl!””

2013-2014 Campaign for the rights of the child

Exchange of ideas related to the story “Les cinq pierres dorées” (Editions Quart Monde)



Être Jeune
et écouté, c'est
Comme faire du Rodéo!

Being young and heard is like participating in a Rodeo!

4. Chapter IV - Freedoms and civil rights / Heavily involved young people who have difficulties finding their place within society and who demand a “right to mobility”

Among the many rights addressed in this chapter – right to an identity and to a nationality, access to one’s personal roots, religious freedom, right to reunion and association, civil involvement of young people in political life, issue of the right to vote at 16 years old, freedom of speech and of publication, right to relevant news, right to the respect of one’s private life and rejection of inhuman or degrading treatments – the AEDE group has retained below those that were most mentioned by children and young people.

4.1 Promoting children’s rights to association and to publication in order to allow their civil commitment to bear fruit

Contrary to the distorted image that the French society gives about children and young people²³ (already condemned by the Committee on the Rights of the Child in 2009²⁴), children and young people are heavily involved in associative and civil commitments. Thus, youth organisations (under 35 years old) came together to form the Youth French Forum (*Forum Français de la Jeunesse-FFJ*) in June 2012. Since then it has become an unparalleled force that makes suggestions and that represents young people among the public authorities²⁵. As a result, it seems particularly important to develop the rights to association and to publication in France in order to allow the youth’s associative and political commitment to bear fruit.

The right to association (§ 4.5.2)

In 2009, the Committee reminded France that the right to association granted to children by the CRC wasn’t subject to any age limits²⁶.

While a bill submitted in 2011 emphasized the minors’ right to perform leading associative functions, a mere amendment introduced in a law on securing professional paths in July 2011²⁷ created an opportunity (with the addition of the article 2bis to the 1901 law regarding the freedom to association) for minors over 16 years old to found associations freely and – provided that their legal representatives have given their prior written agreement – to manage it on daily basis with the exception of the power to dispose of or to modify the association’s assets on the long term.

The State’s report judges this legal provision as a headway for the youth’s right to association. However, the AEDE group agrees with many players in the fields of youth and popular education who believe that even if the move was the result of good will, the conditions included in the law are rather a step backwards compared to the current situation with the right to association granted to all young people²⁸.

Recommendations:

- From a legal point of view, to repeal – or at least to amend – the article 2bis added to the 1st July 1901 law in 2011 so that children can freely exercise their right to association independently from any age limits.
- To facilitate the concrete exercise of mandates exercised by minors in the daily management of associations (bank account management, subscribing to an insurance policy and signatures of contracts, requests for subventions, etc.) by creating administrative accompaniment measures.

²³ One can refer to the survey published on 24th November 2011 and conducted by IPSOS for Logica (now called CGI) and Le Monde in which 63% of people surveyed consider young people as selfish and 53% as lazy.

²⁴ Concluding observations of the United Nations Committee on the Rights of the Child made to France (22nd June 2009) § 33

²⁵ We must admit that the government has been able to support its training and to establish a governmental authority that is its interlocutor with an interdepartmental youth deputy, as well as an interdepartmental youth committee in charge of making youth policies. The President of the Republic elected in 2012 had made this one of his priorities.

²⁶ Observations made by the Committee to France § 48 et 49 (June 2009)

²⁷ 2011-893 law dated 28th July 2011 on the development of the alternation and the securing of professional paths.

²⁸ Jean-Claude BARDOUT, a magistrate specialized in the minors’ right to association that has already been mentioned, this new provision constitutes an “unexpected drawback of the minors’ association ability”. “Article 2 bis implicitly excludes all minors under 16 years old from participating in any decision made within the association high school body and explicitly forbids minors over 16 years old any administrative act within an association, except with the written and prior agreement of their parents or legal guardians.” Jean-Claude Bardout, *L’inattendu recul français de la capacité associative des mineurs*, *Le Monde*, 17 August 2011 – on line at http://www.lemonde.fr/idees/article/2011/08/17/l-inattendu-recul-francais-de-la-capacite-associative-des-mineurs_1560255_3232.html

- Finally and most importantly, the effectiveness of the right to association requires the training of young people and adults involved in co-education in order to create a relationship of trust and of distanced accompaniment. The French public school system can contribute towards it.

The right to publication (§ 4.8)

The AEDE group wants to discuss here the expected improvements regarding the minors' right to publication. We consider this a particularly important exercise in order to have a progressive access to a full and enlightened citizenship. Today in France, the minors' full right to publication is restricted to higher secondary school students only and within their school framework only. Thus, in a lower secondary school, a town neighbourhood, a youth council or an association, a minor is not allowed to manage the publication of a newspaper. Moreover, the restriction of the distribution of these higher secondary newspapers to the higher secondary school itself and to the students' families considerably limits the reach of these newspapers. Finally, the legal frame that controls this right is rather vague legally as it is stated in two ministerial circulars dated from 1991 and 2002 and we know the small weight it carries faced to a tribunal (§ 4.8.1).

Moreover, there is a wide gap between the legal framework which defines the exercise of this right and its concrete application. Thus, a number of high school publications have faced many difficulties and even censorship (§ 4.8.2)²⁹.

Recommendations:

- To give access to the right of publication to all minors through a system of "junior publications" similarly to the junior associations. The creation of this right will be accompanied by the offer of trainings for these publications so that their right can be exercised in a thoughtful and enlightened way.
- To create a legal training about the legal measures concerning the publications. These could be written or posted on the web within the high school educational programmes in a more general course about media education.

Beyond setting up in a concrete way the rights to association and to publication, three other points need to be developed in order for young people's involvement to fully bear their fruit.

The initiation, from the earliest age, to the practices of democratic participation

Regarding this issue, the children and young people's councils are – if they are set up by the municipalities or General Councils following the ethical rules stated by the CRC – a good way to experiment from 9 or 10 year old an active participation to the local political scene.

Recommendations: The AEDE group recommends setting up places that would allow consulting children as early as primary school and the creations of bodies managed and animated by young people from lower secondary school upwards. The creation of local (educational) projects also needs the consultation and the association of children and their families.

Civic service (§ 4.6)

The civic service's goal is to encourage the involvement of young people in a general collective interest project with the objective to strengthen national cohesion and social mixing. Its advantage lies in the fact that it doesn't support any kind of discrimination, whether linked to the level of education or the nationality.

Recommendations: As a result, the AEDE group encourages a large development of the civic service for all social classes as long as the civic service agency assures a real control in order to avoid that this disposition is used as an alternative to the creation of paid work that young people could benefit from and that the material conditions (including compensation) are also improved.

²⁹ See Observatory of high school press practices – Investigation of high-school students' right to publication (March 2011).

The issue of the voting right at 16 years old (§ 4.7)

Finally, the AEDE group couldn't end this chapter about the young people's civil involvement without bringing up again the question, often asked, of the voting right at 16 years old.

This issue has been the topic of debates within the AEDE group and even across its member organisations as well as the youth organisations.

The AEDE group remains cautious about lowering the voting right to 16 years old³⁰. It proposes – while admitting that this solution is not unanimously endorsed by all within the group – an experimentation of this right. In any case, an eventual voting right at 16 years old mustn't in any way be accompanied by lowering the civil majority as it would affect the penal treatment of young people between 16 and 18 years old which isn't conform to the CRC.

4.2 Promoting a “right to mobility” asked for by young people

Even though this right isn't really stated in the CRC³¹, the AEDE group wishes to promote here a “right to mobility” asked for by young people and which seems essential in the French and international contexts in which they live. This right has been put forward by the French Youth Forum (FFJ) in its recommendation number 2³².

If the issue of mobility is particularly pertinent for young adults, it is worth addressing it here as it influences – in a discriminatory way moreover – the future perspectives that the child will consider, for example during the professional orientation process³³. The issue of access to mobility also concerns access to public transportation, facilitation of obtaining a driving licence, access to vocational training and work for the older ones, and for the younger ones, especially those who live in “ghetto” urban suburbs that children almost never leave as well as children in rural areas where the lack of transportation prevents them from having access to leisure activities, sports and culture.

The obstacles to the mobility of young people in France are currently due to psychological factors (one has to dare going towards the unknown) and also and mainly to financial factors. When searching for accommodation, the necessary budget is often out of reach. Regarding inter-city transportation, prices are more and more a deterrent. The preparation for and obtaining a driving licence are prohibitive as well as the price of insurances that target young people as high-risk category and make them pay increased premiums.

Recommendations: The AEDE group will state here the recommendations made by the FFJ:

- To raise awareness among young people about mobility through education and by the involvement of peers, through field trips and trip abroad, educational trips for all that allow young people to exchange ideas and to overcome their reluctances.
- To create a single mobility counter at the regional level³⁴.
- To facilitate access to public transportation, subsidise financially the driving licence and put a restriction on increased insurance premiums for young people.
- To develop the Erasmus dispositions for students and the “Youth in Action” (“*Jeunesse en Action*”) dispositions for non-students, with goals that include figures concerning the percentage of young people from a specific age bracket that have access to it.
- To facilitate proximity mentoring and befriending³⁵ that offers opportunities to meet other people in terms of geographic mobility as well as social and cultural mobility.

³⁰ An important related condition would be to give foreigners (who are often parents) the right to vote at local elections.

³¹ The right to freedom of mobility and to choose the place where we live is the only right that appears in the Declaration of Human Rights (article 13) that is not given to children in the CRC.

³² “*The issue of mobility, whether domestic or international, constitutes a vital component to stimulate young people's social and professional integration. European and French policies aim at encouraging as much as they can the phenomenon of mobility which is considered as an educational experience in all aspects. However, measures that have been implemented target a small minority of minors, and mainly students. In particular, international mobility programmes lack visibility and suffer from great administrative complexity and often from limited budgets. However, the opportunities created by mobility are huge: discovery of the world, cultural and personal self-fulfilment, training, etc. Domestic and international mobility must absolutely become an opportunity for all young people*”, *New policies towards youth*, recommendation number 2 of the FFJ.

³³ In this perspective, a child will be able to stop attending a training programme that is conducted far from the parents' home. His/her own accommodation will be necessary, which is not affordable for many families.

³⁴ For example, with the Aquimob mechanism in the region of Aquitaine: <http://www.aquimob.fr>

³⁵ cf <http://www.mandbf.org/mentoring-and-befriending-in-europe>

5. Chapter V - The family environment and alternative care / In favour of the parents' benevolent accompaniment and the promotion of the parental condition

5.1 Children's legal safety in new family structures and in parental separation cases still pending

The AEDE group is sorry that the draft bill on family law that was supposed to be submitted to Parliament in April 2014 and that included a global approach to "the best interests of the child" was suddenly abandoned in February 2014 under the pressure of minority conservative circles. This move was made despite the fact that four thematic think tanks that had been specially set up to support the bill, including the rights of the child, had already submitted their reports with many suggestions (§ 5.1.1).

Parliamentary bills have adopted some elements of the draft bill, but only partially and have not been passed yet at the beginning of 2015. Consequently, we regret the fact that no long-term political will has appeared to make family law reforms a reality that is necessary to secure legally the situation of children in their family paths while these are very diverse. This diversity is especially the result of frequent parental separations, reconstructed families and also – even though far less children are concerned – contexts in which both parents share the same gender.

Recommendations: Thus, the AEDE group considers that many propositions should see the day, such as:

- The specialisation of the functions of family matters judges (*Juge aux affaires familiales* /JAF).
- The presumption of the child's discernment in order to be heard by civil law judges.
- The inclusion of family mediation into civil law code and its promotion
- Giving a right to children to have two abodes – at each parent's home – if their parents are separated. The conditions of residence between these two addresses should be set after an agreement has been reached between both parents and/or the judge, guided by the child's best interests³⁶ and, if possible, after having heard the child³⁷.
- The ability for the child to seize JAF jurisdiction to reassess the sharing of his time between his two homes³⁸.

5.2 Accompanying the parents in a better way

The AEDE group has decided to emphasize in this summary the issue of parents' accompaniment by the State, local authorities and the Republic's institutions to help them in their difficult and main task of raising children. Yet, one cannot learn the functions of parenthood and parents need a minimum of information and the benevolent accompaniment of the public authorities to exercise their parental authority in compliance with the CRC as the children's rights must also be taken into account. The AEDE group considers this benevolent accompaniment a key – very diversely used – to a real primary prevention of educational troubles and also of potential child abuse.

Between parental authority and parental responsibility (§ 5.2.1)

Parental authority³⁹ should, in compliance with the spirit of the CRC, be understood as a protection and a benevolent guidance in charge of progressively allowing the child to exercise his own freedoms and guaranteeing his rights. However, its history, marked by the notion of *paternal power*, remains very significant and its "authoritarian" sense rather than "authorising" aspect still often prevails over the more democratic practices promoted by the CRC.

³⁶ In the best interests of the child, extreme vigilance is required in the case of separation of the parents caused by domestic violence. *Adéquations* considers that a double residence should be avoided by the magistrate as soon as there is the tiniest risk of having this violence – whether physical, psychological or sexual against the child or the mother – reactivated.

³⁷ The AEDE group would like to emphasise that the potential young age of the child should not be an obstacle to an alternate residence in the homes of both parents, contrary to what very often happens nowadays.

³⁸ This issue is a matter of debate among lawyers.

³⁹ Since 2002, parental authority is defined in the civil law code as "the parents' set of rights and duties intended to uphold the best interests of the child" (since 2013, the phrasing "father and mother" was substituted by "parents").

It has been suggested that the term “parental authority” be replaced in the civil law code by “parental responsibility” which is more in compliance with the Convention. However, this suggestion didn’t reach a consensus within the AEDE group. Despite this, the AEDE group agrees about **the obligation of the exercise of parental authority in compliance with articles 5, 12 and 18 of the CRC** stating permanently and dialectically the protection of the child and his emancipation through the progressive exercise of his rights and freedoms, starting by the right to be consulted and participate in making decisions that concern him.

Recommendations:

The AEDE group believes that it is necessary to explain, through informative actions among families and the professionals that accompany them, what the notion of parental authority implies “the goal being the best interests of the child” in order to avoid any authoritarian excess as mentioned earlier. Along the same lines, the AEDE group requests the modification of the following sentence in article 371 of the civil law code: “*The child, at any age, must show his mother and father honour and respect*” by the following sentence: “*Parents and children owe each other mutual respect, consideration and solidarity*”.

From “support to parenthood” (“*soutien à la parentalité*”) to “promoting the parental condition”? (§5.2.2)

Even policies cannot be made with words only, these still have their importance. In the AEDE’s opinion, this applies to “support for parenthood” policies that have too often been orientated towards a kind of family social control. These have been judged as failing, especially as some of their targets were to prevent school absenteeism and juvenile delinquency, a former governments’ hobby horse. For example, one can mention the *contract of parental responsibility*⁴⁰ with departmental competency, the families’ rights and duties councils⁴¹ with municipal competence and also financial sanctions and social-educational control mechanisms for the parents in case of school absenteeism⁴².

If the recent governments’ intentions were different – as shown by the 2013 cancellation of the *contract of parental responsibility* and of financial sanctions for parents in case of their children’s school absenteeism – it would be preferable to drop the term “support to parenthood” which doesn’t sound benevolent enough or even humiliating for parents and that avoids taking into account their conditions of life, living environment, as well as their abilities to assume or retake a genuine power to act in the field of family education.

Recommendations: The AEDE group suggests giving up the term “support to parenthood” (“*soutien à la parentalité*”). Actions from the public authorities to accompany families with their parental responsibilities should be gathered under the term “promoting the parental condition” as this expression allows to better take into account all the factors that determine the way of being parents.

These propositions, far from being only relevant in the field of semantics, could lead to behavioural changes to relations between professionals and parents and could achieve a genuine co-educational mechanism.

Informing parents about their parental responsibilities and their rights (§ 5.2.3)

The first step in accompanying parents consists in providing them with the knowledge of their rights and obligations within the frame of the exercise of parental authority while going further than the mere reading of article 371.1 of the civil law code – concerning parental authority – when they get married and when they register the birth of their child. They must also be better informed about the assistance and accompaniment systems available.

⁴⁰ 31st March 2006 law “for equal opportunities”

⁴¹ 5th March 2007 law on the prevention of delinquency

⁴² 28th September 2010 law

Recommendations: The AEDE group suggest that time and support structures should be found to inform all parents about their parental responsibilities, help them appreciate all their implications and to make them aware of the different types of assistance in this field that they can benefit from. This can be done through different exchange times: teaching notions of civil law at secondary school, psychological interview with 4-month old pregnant women – the attendance of both parents being highly recommended – and within the framework of “Parents Listening, Support and Accompaniment Networks” (*Réseaux d’Écoute, d’Appui et d’Accompagnement des Parents (REAAP)*).

Parents’ right to guide their child... (§ 5.2.4): The second step (taken during the exchanges suggested earlier) consists in putting forward the parents’ right to guide their child in the progressive exercise of his rights and to have the right to the respect of their freedom enlightened by exhaustive information to make educational choices that are still limited by the children’s other rights. Dispositions can be taken to accompany parents in giving up traditional practices that are detrimental to the child: educational violence (§ 5.5.2), forced marriages (§ 5.5.3) or domestic violence (§ 5.5.4) which is highly damaging to children, even if they are not the direct victims.

Recommendations: The AEDE group recommends that during the exchange and information times mentioned earlier, parents should be made aware of their obligations, in particular considering the child as a person in his own right whose rights have to be respected within the family, being themselves guided by the best interests of the child in their educational action, and also to file the necessary complaints when their child’s rights are abused. The AEDE group suggests including in article 371-1 of the civil law code the ban of corporal punishments and any other kind of educational violence or negligence. Campaigns against forced marriages and domestic violence should also be organised.

... and the restrictions to this right to guidance (§ 5.2.5): Respect of the child’s freedoms within the family: Once the knowledge of the rights of the child has been acquired by parents, the third step in the accompaniment of parental responsibility consists in helping in a very concrete manner the parents to put into practice the most delicate aspect of this right, i.e. the exercise of the child’s freedoms. This isn’t an easy task and the instance of taking into account the child’s opinion within the family is particularly important (§3.3.4). The “Parents Listening, Support and Accompaniment Networks” (*“Réseaux d’écoute, d’appui et d’accompagnement des parents” / REAAP*) and the “family democracy workshops” set up on the parents’ initiative would be suitable frames to inform them and to accompany them concerning these points.

Developing and preserving the shared exercise of parental authority (5.2.6): even if French laws sometimes comply with this principle, the parents’ shared responsibility isn’t always a fact of life in the children’s daily life. Several factors can explain this situation: still very significant gender-based social representations of the roles of men and women in society, the endangerment of shared parenthood in case of separation due to weak knowledge of the law and how to get round it by many youth professionals (enrolment to a crèche, school, health care needs, etc.), and family matters judges’ prejudices in particular when very young children are involved. Another factor lays with child care services that, in order to protect the mothers who are very vulnerable with their children, neglect the link with the father and even unintentionally encourage a rupture. The development of “parental centres” instead of the current “maternal centres” would help avoid this kind of pitfall.

Finally, the AEDE group would like to draw attention to the different mechanisms which, with the support of the “family allowance office” (*“Caisse d’allocations familiales”*), participate in the promotion and the strengthening of the parental condition: financial assistance of course, getting an alimony (which, if not paid, jeopardises even more the parents – particularly women – who raise their children alone (§ 5.2.7)), places that welcome children and parents where children under 4 years old are welcomed without conditions with the parents present (§5.2.8) and that should be further developed, and the assistance and accompaniment services at the parents’ home and that assist families with education, health, life hygiene, etc. interventions. Befriending can also be a solution to accompany some parents who are facing, even temporally, hardships in exercising their parental responsibilities (§ 5.2.10).

5.3 Putting into practice in a more efficient way the 5th March 2007 law amending child protection and the care system

Quite often, on the occasion of dramatic instances of abused children within their families that are given much media attention, there is a resurgence in the will to reform this law (which, as the AEDE group would like to remind the reader, concerns only cases of negligence, domestic violence or acts of violence committed in the near environment).

Recommendations: The AEDE group recommends putting into practice in an equal and global way across the country the 2007 law before starting the process to reform it.

The AEDE group regrets the lack of national guidance and a disparate implementation of the law across the country (§ 5.3.3). Many dispositions have not yet been implemented seven years after this law was voted. Divergences in putting it into practice sometimes lead to striking inequalities between departments. In addition, the differences in means, materials and workforce involved have the potential to become greater because of the budgets constraints experienced by the departments.

Recommendations: The AEDE group recommends organising a national steering project managed by some General Councils representatives in cooperation with the ministry of social affairs in order to harmonise the implementation of the law and to discuss in Parliament every three years the progress made regarding the child protection and care system, based on reports submitted by the Endangered Childhood National Observatory (*Observatoire National de l'Enfance en Danger (ONED)*) and by the Defender of rights (*Défenseur des droits*) related to the rights of the child.

The role of Prevention is much too limited in the child protection system despite the fact that article 1 from the law stipulates that it is an integral component of it. Today, it is often limited to placement prevention whereas the 2007 law suggests many other actions regarding perinatal issues and parents' accompaniment, as well as key moments of childhood and teenage (§ 5.3.4).

The diversification of solutions has not been developed enough despite being promoted and provided for by law. The law has actually broadened the range of solutions regarding secondary and tertiary prevention as well as child administrative protection; however, these solutions are poorly implemented such as the educative and budgetary accompaniment of parents in the interest of the child as well as sequential and modulated reception centres (§ 5.3.5).

The AEDE group is also preoccupied by intolerable delays in implementing judiciary decisions regarding child protection. This issue constitutes one of the main dysfunction of child judiciary protection in the French system. The refocusing of the Youth Judiciary Protection services (*Protection Judiciaire de la Jeunesse*) that has been made official since 2008 on missions targeting exclusively children in conflict with penal law has contributed to the worsening of the situation. Regarding this point, the AEDE group agrees with Senator Jean-Pierre Michel⁴³ to abandon the *PJJ* exclusive penal action policy⁴⁴.

The drafting of the Project for the Child (*Projet pour l'enfant (PPE)*) is still incomplete (§ 5.3.7). The 5th March 2007 law forces the departments to develop a PPE whenever the child is the subject of an administrative or judiciary protection decision⁴⁵. However, France finds it difficult to develop harmonised practices in the country that would allow an effective implementation of the PPE. It is therefore manifest that the child's participation is taken into account in very few departments only as shown by the study undertaken by the ONED in 35 departments⁴⁶.

⁴³ *La PJJ au service de la Justice des mineurs (The PPJ at the disposal of young people Justice)* – Report drafted by Senator Jean-Pierre Michel, Senator assigned to the Ministry of Justice (December 2013) – page 115.

⁴⁴ Some of the AEDE group's member organisations do not share these recommendations because they imply a risk of confusion between each youth protection player's competences.

⁴⁵ The PPE reaffirms the central place of the child in the youth protection mechanism and confirms the place of parents as players in the definition of protective measures that concern their child.

⁴⁶ ONED The Project for the Child (November 2009)

Out of the 35 departments surveyed, "only five of them collect his observations (the child's), four of them provides him with information about this project and three of them allow him to sign it if he is able to show discernment)".

www.oned.gouv.fr/system/files/publication/rapport_ppe_200911_5.pdf

Recommendations: The AEDE group encourages each department to comply with their obligations to set up a PPE with the families, to make sure that the child participates in its development, to create training courses for professionals to collect the child's opinions and to ensure that all professionals involved work in collaboration with the families.

The training of professionals that work with children is another aspect of the law that is insufficiently implemented (§ 5.3.8).

Finally, the appreciation of the consequences of the judge's subsidiarity is still a topic of discussion today. Even though the principle of subsidiarity of judiciary intervention established by the 5th March 2007 law makes less frequent interventions of judges a "possible consequence", it seems that many departments – through departmental schemes – make this reduction in judiciary a "goal in itself". The will to get the parents' adherence is prioritised, which sometimes causes the problem of the withdrawal of the notion of danger that the child is exposed to. Appealing to a judge is also even done by the administrative child protection (*Aide Sociale à l'Enfance (ASE)*) services as a means of pressure on the parents to get their agreement. The AEDE group worries about this excess (§ 5.3.10).

Recommendations: The AEDE group has noticed a disparity in the implementation of the law and in appealing to a judge depending on each department; on this point, it suggests an evaluation of the 2007 law on the national level and, using the results, to draft a clear and harmonised interpretation valid everywhere. It also recommends setting criteria requiring the department ASE services to bring a case – or not – before a juvenile court judge (particularly regarding the issue of danger that the child might be exposed to).

The dramatic diminution of young adults protection measures is also very worrying (§ 5.3.11).

The right for young people taken care of during their minority to be able to benefit from reinforced accompaniment measures by the child administrative or judiciary protection services is highly jeopardised by the PJJ and the General Councils once they reach adulthood. The state of public finances as well as budgetary choices is the reasons for this situation.

Recommendations: The AEDE group approves the proposition of Senator Jean-Pierre Michel in his report to modify the 18th February 1975 decree so that the juvenile court judge can order some kind of assistance measure in the form of an educative action in the everyday environment or helping with housing for a one-year maximum period young adults that were the subject of an educative assistance measure or an educative measure ordered within a legal frame and who still experience great social and professional difficulties.

And overseas?

We must mention that the ruling to adapt the 2007 legal provisions to French Polynesia, New Caledonia, the Wallis and Futuna Islands and Mayotte has never been implemented.

The situation resulting from the State's withdrawal regarding child protection and from the General Councils' notoriously insufficient financial investments is particularly alarming in the departments of Guiana and Mayotte. The case of Mayotte is especially bad, as stated in the mission report requested by the Defender of Rights in 2013⁴⁷.

In conclusion

The AEDE group considers that, even if there is a need to clarify the interpretation of some points such as the criteria to appeal to a juvenile court judge, the child protection mechanism against danger or the risk of danger within the family or in the close environment seems today legally exhaustive and strengthened.

⁴⁷ Defender of Rights – report on the mission led by Ms Yvette MATHIEU, Prefect and assigned to the Defender of Rights, protection of the child's rights in Mayotte (March 2013).
http://www.defenseurdesdroits.fr/sites/default/files/upload/compte-rendu_mission-protection-droits-enfants-mayotte.pdf

However, the implementation of some provisions of the 5th March 2007 law is incomplete and disparate in the different dependencies. There is a need to harmonise the practices according to the founding principles of the respect of rights, particularly regarding the best interests of the child. Even though some departments have a certain autonomy resulting from the decentralisation process, child protection is the mission of the State which must guarantee it. The State must also, in the name of child judiciary protection, assume its role in achieving its goals to improve the efficiency of the protection system by giving the PJJ civil protection missions⁴⁸ and by allocating sufficient funds to educational measures undertaken within the family environment (*Actions éducatives en milieu ouvert*).

Moreover, insufficient secondary and tertiary prevention measures have caused situations to worsen and protection decisions to be delayed or taken hastily. They lead to heavier assistance measures with higher costs that weigh upon the child social assistance budget and lower the financial measures upstream. We find here a vicious circle that has to be broken. It is urgent that all the recommendations found in chapter 5 of the report (and chapter 8 about juvenile justice) are implemented.

Finally, beyond abuses within the family, all kinds of abuses committed by the institutions have to be remedied and, without any doubt, their prevention, detection and elimination have to be taken care of. Dysfunctions and shortcomings of administrative and judiciary protection are obvious prime examples. Some types of abuses or neglects within the school environment or any other institutions are other examples.

5.4 For a higher respect of the rights of children separated from their family

The term “placement” has been used for a long time – despite the abandonment of this wording in the 2007 law – to indicate the fact of separating a child from his family in order to protect him. This term is unfortunate and should be replaced by the term “reception” used in the reformed law of 2007. It is seen as not consistent enough with the status of the child as a person – and not as an object that we can move around at the whim of adults or institutions. Moreover, it leads to setting the capacity of reception to the question of available “space”, which is unfortunately too often a fact of life⁴⁹.

Recommendation: The AEDE group wishes that the word “placement” be changed into the word “reception” in the field of child protection.

The AEDE group is worried about the strong correlation between precariousness and separations in the field of child protection (§ 5.4.1). The rupture of family links is a very significant reality in highly impoverished environments whereas maintaining the family unit is a permanent concern for families from disadvantaged backgrounds. Currently, all the necessary conditions are not available to make child protection services provide real assistance towards the education of impoverished children. The social workers are not trained to help raise the families’ potential, but rather to evaluate the risks and dysfunctions detrimental to children. As a result, the families feel more controlled than assisted and experience their relationship with social workers as a sword of Damocles that could lead to decreed solutions, among which the worst would be “placing” their children. Therefore, they often try to avoid meeting them at the cost of not getting the educative or more global support social workers could bring.

Recommendations: The AEDE group recommends that France should conduct national surveys in order to establish an exhaustive overview of the reality of the impact of poverty on the separations of children from their families by the child protection services, to train the professionals so that they can modify their practices, to allocate suitable material assistance to families accompanied by child protection and care services and to set up – in collaboration with them and using their own resources – solutions to

⁴⁸ Some of the AEDE group’s member organisations do not share these recommendations because they imply a risk of confusion between each youth protection player’s competences.

⁴⁹ It is a fact that some people consider the term « placement » as an opportunity to give back the child a place in society. This sense of placement falls within the field of a very interesting construction, but it is not evident that its perception by the first people concerned – children separated from their families – deals with the issue. This understanding of the word placement was brilliantly developed during the symposium “The Placement of Children” organised on 10th and 11th June 2013 in partnership by EFB, the Association Louis Chatin, l’Ecole nationale de la magistrature (ENM), and the Paris Court of Appeal.

their educative difficulties; finally to develop mediation programmes to establish a link between these families with remote access to their rights and the professionals involved.

The child isn't sufficiently recognised as an active player and as a force to make propositions in child care institutions. The AEDE group suggests several measures that might be able to change this situation which doesn't comply enough with the rights of the child (§ 5.4.2).

Maintaining family links is also problematic in the case of separations (§5.4.3). In fact, several studies and testimonies tend to show that all the necessary conditions have not been implemented to maintain or establish the link between parents and children and that excuses regarding organizational ability are often made to prevent their return to the family environment.

Recommendations: The AEDE group recommends the development in all departments of the alternatives to "placements" (in sufficient numbers and diverse forms) suggested in the 5th March 2007 law reforming child protection. This would help maintaining the links with the parents.

And what about siblings? Everyone agrees that siblings should not be separated⁵⁰ and article 371-5 from the civil law code stipulates that *"The child must not be separated from his brothers and sisters, except when this proves impossible and if another solution is needed in his interest"*. However, we have noticed that most siblings entrusted to the ASE are separated, not in their own interest, but because of material constraints or unjustified theoretical considerations and practices. In addition, it is often difficult to maintain the link between the children and their families.

Recommendations: The AEDE group recommends that – in addition to other measures – a clear motivation should be requested for any judiciary or administrative decision regarding the "impossibility" of not separating siblings or for the justification of the interest of separating such and such child.

Those that have been forgotten by the child protection mechanisms

We shall not mention again here the abuses committed by institutions described several times earlier. However, the AEDE group wish to remind the reader that some categories of children who live in France – and particularly foreign children – are confined to slums or extremely destitute conditions. Moreover, some isolated foreign minors who have arrived in France without their parents are left in the street by the institutions and are in a particularly dangerous situation regarding health, education, accommodation, and even some kinds of exploitation (sexual, economic, etc.).

It is however the State's duty to protect them, to give them access to their rights, educational public services, health care, emergency accommodation, child protection services, decent living conditions that respect their childhood.

But very often none of these rights are guaranteed: their best interests are far from being essential taking into account the immigration policies that have been applicable for a few years and that continue which gaining in strength. The reader is invited to consult chapter 8 for an exhaustive description of their situation.

"Some children are beaten up by their parents and aren't protected at all. All children should be protected from violence."

Pedagogical game "Let's not give up our rights!" 6-12 years old

⁵⁰ Surveys of feelings felt by children formerly placed in social services centres and foster families conducted by the sociologist Camille Dumaret, indicate that the children welcomed at the "SOS children Villages" express their gratitude mainly to the services that have allowed them to remain together. A survey conducted in 2010 by the Seine-Maritime General Council among young adults formerly looked after by the ASE (Social Aid to Children) mentions the same retrospective satisfaction when the public service endeavours and succeeds in not separating siblings.

The Defender of Rights in its November 2011 report "Children placed and looked after, let's protect their rights" (p. 72) and also the CNCDDH advice of 6th July 2011 remind us of the necessity of not separating siblings.

6. Chapter VI - Basic health and welfare / For a society that includes all children and takes more care of their physical and psychological well-being

The AEDE group has chosen to deal with three issues in this summary: the still important difficulties experienced by children, the worries about health, access to health care and the risky behaviour of young people; and poverty that affects more and more children in children. The care of small children which is particularly important will be discussed in the summary's seventh chapter to show the committed position of AEDE of an approach that no longer targets hygiene and care, but rather adopts an educative dimension and emphasizes the awakening of young children.

6.1 Children and teenagers with disabilities: The State could do better

We have to stop treating children with disabilities as children apart from others, as children who need a separate treatment. On the contrary, it is urgent to give them access to common law as anyone else. The society has to become "inclusive"; it is not the child's duty to include himself or even less "to integrate himself" into society (§ 6.3.4).

Recommendations: The AEDE group recommends opening access to common rights for all children with disabilities and not to limit their accompaniment to medical support only. They ought to be heard in an objective and independent way at the Handicapped People's Departmental Home (*Maison Départementale des Personnes Handicapées (MDPH)*) particularly through the assistance of a third party. A universal accessibility system must be set up to allow these young people to live at home in the most normal way and without forcing their families to resort to specific institutions. A logical path should be created in local areas by building synergies between all institutions concerned and finally to set up a global professionalism of all accompaniers.

Screening and prevention of handicaps (§ 6.3.2):

As the 11th February 2005 Law reminds us, a person with a disability and his family's medical-social and/or psychological support must be conducted as early as possible. The Early Medical-social Action Centres (*Centres d'Action Médicosociale Précoce (CAMSP)*) whether public or associative, play an important role within this frame, but we have noticed important local disparities regarding the level of equipment and the delays to have access to these structures. This also applies to both psychological and mental handicaps regarding the Medical-Psychological Centres (*Centres Médico-Psychologiques (CMP)*) from the public service and the associative Pedagogical-Medical-Psychological Centres (*Centres Médico-Psycho-Pédagogiques (CMPP)*) that offer free care for the families and as well as multi-professional care.

Recommendations: The AEDE group recommends the development of the CAMSP and CMPP network and strengthen the CMP's in order to cover all the local areas and to give better information about these dispositions.

Schooling of children and teenagers with disabilities (§ 6.3.3)

The AEDE group wishes to acknowledge an important legal headway with the integration of the concept of "inclusive schools" in the articles 1 and 2 of the 8th July 2013 law on the school system (*refondation de l'Ecole de la République*). We still have to put into practice in a concrete manner this inclusive approach so that it doesn't remain just a formal intention. However, the state of affairs is still very disturbing: many children with disabilities still don't have access to full-time schooling. There are also wide disparities between different areas; some children benefiting from only a few hours of schooling while others can enjoy full normal schooling. Another alarming figure: 38% of children with disabilities have never been taken care of or followed by any medical-social structure and have never known schooling in a regular environment apart from a very short time.

The coordination between the schools and the medical-social services wanted by the 2005 law is still not sufficient despite a few experimentations conducted here and there, as the implant of specialised teaching structure units within regular schools. If the new naming – Classes for school inclusion (*Classes pour l'inclusion scolaire (CLIS)*) in primary schools and Local units for school inclusion (*Unités localisées pour l'inclusion scolaire (ULIS)*) in secondary schools are a step in the right direction, the teachers' training is still based on an old classification of handicaps (hearing impaired, visually impaired, intellectually impaired, etc.) and does not comprehend the handicap(s) in a global way.

The major difficulty lies in setting up the personalised schooling project (*projet personnalisé de scolarisation (PPS)*) for the child and which is supposed to create the child's learning path and to adapt it on a regular basis. These PPS vary in quality, are sometimes non-existent or ignored by the teaching staff. We can also ask ourselves questions about their set up as the child concerned and his family are not always involved in the process (§6.3.3.3).

The AESH (*accompagnant d'élèves en situation de handicap*) – accompanying person for students with disabilities – have finally been recognised since the 27th June 2014 decree as a real job that necessitates specific training. The AEDE group welcomes this headway.

However, we must keep an eye open on the excesses that have sometimes been witnessed when assigning some AESH: attendance of the child at school conditioned by the attendance of the accompanying person, an AESH assigned to very few hours or, on the contrary, an AESH that creates a "relationship bubble" with the child that hinders his development and his interaction with his teacher. We have even witnessed – probably because of a rise in the number of atypical students in a class, a lack of training for teachers for students with special needs and the weakening of the RASED system – that some families are sometimes coaxed into submitting a file to the MDPH even though their child, in spite of his difficulties in learning and behaviour, does not belong to the field of handicap stated. This constitutes not only an abuse of the child and his family, but also, when the file is accepted, a diminution of the means available to help other children who really need it (§ 6.3.3.2).

Recommendations: The AEDE group has made numerous suggestions that the reader is invited to consult (§ 6.3.3), among which feature the followings:

- To do our best to achieve the autonomy of children with disabilities.
- To ensure that, in all cases, the child and his family are involved in the planning, the management and the assessment of the PPS.
- To set up informative actions and trainings for all youth professionals.
- To develop the medical-social accompaniment within regular schools as soon as the child needs a highly specialized accompaniment.

In parallel with the rise of the number of children with disabilities attending school, we ought to develop and to improve the quality of specialised structures that take care of children judged unable to attend regular schools. Regarding this issue, France is still way behind its neighbours. As a result, thousands of children aren't taken care of in France and cross the border into Belgium for a cost that is much higher than it should be were the competent and diversified structures established in France, especially concerning autism and development disorders.

The AEDE group insists on the importance to improve access to common law care structures for children with disabilities (§ 6.3.5).

6.2 Promoting health and equal access to health services to improve the well-being of children and young people

The state of health of children and young people in France, even though it can be thought to be globally satisfactory, raises increasing worries.

Unfortunately, it is difficult to find figures about the health situation of children within the Convention (0 to 18 years old) in our country and no global specific health policy relating to children has been offered⁵¹. The only systematic figures registered concern 17-year-old people collected within the framework of an ESCAPAD survey conducted during the Day of Call to Preparation to Defence, now known as Defence and Citizenship Day. Some studies are done for the students by their insurance companies or for the most precarious students by some organisations⁵². The result observed is that France is quite mediocly ranked among the most industrialised nations.

⁵¹ In the DREES' latest report on the health of the French population (February 2015), the health of children fill up only one and a half page in a 28-page summary.

⁵² In this perspective, on the occasion of the Convention's 25th anniversary Médecins du Monde condemned the fact that nearly 13% of the patients in the frame of its programmes are children (on the rise). One third of them are late regarding their compulsory vaccinations and 80% are in a situation of food precariousness. See annex 7 in the exhaustive report.

Particular worries about the care of health problems of young children

Regarding children's mental disorders, the AEDE group denounces the lack of or the great inequalities of distribution of child psychiatrists as well as the diminution and the insufficient number of psychologists and specialised teachers within the RASED structure (*Réseau d'aide et de soutien aux élèves en difficultés*). Moreover, the medicalization and the psychiatric treatment of some behavioural problems or of some schooling difficulties as well as the more widespread prescription of psychotropic drugs rises the issue of their effectiveness to fight these problems and, as they are bought with a prescription, of their harmlessness.

Children hospitalisation is also a situation in which the AEDE group has noticed that the rights of the child are not always respected while they are in a particularly vulnerable situation: lack of information given to the children and their parents, frequent and systematic separation from their parents, difficulty for the parents to use facilities to stay with their child during a long hospitalisation process, insufficient pain management, mechanisms to appeal to Commissions of the relations with users and quality of care management (*Commission des Relations avec les Usagers et de la Qualité de la Prise en Charge-CRUQPC*) of hospitals are insufficiently known, schooling is not always available, and sometimes children are cared for in services that welcome adults.

The hospitalisation of teenagers

The reader is invited to read paragraph 6.4.2 from the exhaustive report for a more complete study of the situation, but we can mention here some major worrying points: the young French are amongst the most pessimistic people in the European Union⁵³, which could explain a rise in risky behaviours (drug abuse, suicides, eating disorders, etc.) and which makes it more difficult for the public authorities to make them hear their prevention messages.

Recommendations: The AEDE group reminds the importance of the structures that welcome and listen to young people (*Points d'accueil et d'écoute jeunes*) and encourages the generalisation of "Teenagers' homes" structures (*Maisons des adolescents*) while requesting an assessment of the relevance of their links to hospitals⁵⁴. We also think that solutions to the practices of binge drinking, early tobacco products consumption and cannabis consumption – linked to a phenomenon of socialisation among peers – should be searched for through a process of prevention among peers or policies elaborated using young people's resources.

Regarding the risk of suicide – very high as suicide is the second cause of death among people under 18 years old – the AEDE group considers that a systematic proposal to accompany young people who have already attempted suicide should be promoted and that an environment that facilitates the children's self-fulfilment be created by acting upon the causes of stress which need to be controlled (social, economic, or from the school).

We have to add to this picture one of the highest levels of STDs among minors in Europe, in particular in France's overseas territories: in 2007, the level was 10.8‰ in metropolitan France and 25‰ in its overseas territories⁵⁵. These figures clearly show a failure in the information and education process regarding sexuality and contraception (§ 6.4.2.4).

A necessity to promote health, not only at school but also in everyday places where young people gather

The study of the situation described above points to the necessity to develop educational policies and to promote health among children and young people. They should also be able to deal with some social

⁵³ Maurice Tubiana, Medical National Academy, "Education pour la santé à l'école" (*Education for Health at School*) 2010. (<http://www.academie-medecine.fr/detailPublication.cfm?idRub=26&idLigne=1821>)

⁵⁴ Indeed, we have to be careful not to consider teenage in its behaviours only in terms of mental health and hospitals do not necessarily provide the most suitable structures to create a channel of trust with teenagers that will allow them to explain their problems.

⁵⁵ Information report on the behalf of the National Assembly Delegation to Women's Rights on contraception among minors. http://www.assemblee-nationale.fr/13/rap-info/i3444.asp#P557_87491

We don't have any more recent figures because the DREES reports do not distinguish between adults and minors.

behaviours that young people have mentioned being worried about for their health: violence, discrimination, racket, wrong usage of the Internet, girls/boys relationships, etc.

However, the “school health”⁵⁶ system suffers from a lack of vocations and a lack of national navigational assistance and of the means to accomplish its mission despite the fact that the number of students has been steadily on the rise these last few years.

The school should also be a privileged area where one can acquire a real health and sexual education as well as having access to contraception means (§ 6.4.1.2), to a food diet set within the frame of responsible consumption (§ 6.5.6) and to the education of tastes at the school canteen.

Finally and importantly, the school must be a place that respects the children’s health and local authorities in charge of the buildings and catering must guarantee the access to premises that are adapted to children of all ages, to toilets that preserve one’s privacy, to catering services that are available to all whatever the current situation of the child’s parents is, to any handicap or health problem. This is not the case today. The reader should consult § 6.4.1 for the many suggestions made about these topics.

Access to health and health services is more and more unequal

The deterioration of the French health care system - which had been the object of unanimous praises for many years – can be witnessed in these uncertain economic times by a strengthening of inequalities and an increased precariousness of the already vulnerable fringes of society. In 2004, 10% of French people stated that they had given up health cares for financial reasons; in 2008 they were 11.8%⁵⁷. Children are the first victims of this situation, putting into jeopardy the future self-fulfilment, sometimes even across generations. They don’t have access to the usual health care paths and develop particular pathologies. Furthermore, obesity has now become a social marker as it affects more the least prosperous segments of society and this, since early childhood⁵⁸.

Without the financial means to assume their children’s follow up in the regular health care system, families in a precarious situation have to find alternate ways, more or less accessible, even if they are inappropriate. As a result, the number of patients at paediatrics emergencies has increased by 5% these last years as they often are the only guarantee that the medical costs will be instantly covered by the paying third party. This trend leads to daily crowded emergency services which, many of them, don’t have paediatric consultations, and to a resurgence of diseases that could be avoidable with a regular, early or preventive follow-up.

6.3 The importance of devoting oneself to the poverty and precariousness of children as a matter of priority

The discriminating character of the poverty of children concerning access to health and health care is a reason that more than sufficient for the State to tackle this problem. The economic crisis and the ensuing budget constraints must not be an excuse to say that the State cannot do more. On the contrary, they act as an additional motivation to give priority to improving the poorest children’s standard of living. In January 2013, France adopted a multi-year plan to fight poverty and for social inclusion⁵⁹, but it doesn’t contain any goals with figures regarding lowering children’s poverty.

A more noticeable advance of poverty among children

*“Poverty has strongly increased among all age brackets, but it has affected children more than others. According to the INSEE, the progression of children’s poverty explains the two thirds of the progression of poverty for the whole population. **Today, one poor out of three is a child**”⁶⁰. Moreover, in some difficult*

⁵⁶ Since 1991, the school health system has been renamed “health promotion service in favour of the students”.

⁵⁷ Defender of Children, “Precariousness and Protection of the Rights of the Child, Assessment and Recommendations”, 2010 Thematic Report <http://www.ladocumentationfrancaise.fr/var/storage/rapports-publics/104000603/0000.pdf>

⁵⁸ In the 4th year of secondary school, 23.4% of children whose fathers are “unskilled workers” are overweight compared to 9.8% of children whose fathers are “managers” with considerable psychological consequences. Source: The Defender of Children, “Precariousness and Protection of the Rights of the Child, Assessment and Recommendations”, 2010 Thematic Report.

<http://www.ladocumentationfrancaise.fr/var/storage/rapports-publics/104000603/0000.pdf>

⁵⁹ <http://www.social-sante.gouv.fr/IMG/pdf/DP-PAUVRETE.pdf>

⁶⁰ http://www.social-sante.gouv.fr/IMG/pdf/V4_Rapport_atelier_familles_vulnerables_enfance_et_reussite_educative_couv.pdf

areas, the level of poverty among children reaches 50% revealing shocking local disparities that appear more and more in France, notably in sensitive urban areas and in overseas territories.

Anticipating and preventing situations of poverty

Mother and child protection departmental services (*Protection maternelle et infantile (PMI)*) as well as academic school health services have a crucial role to play as early as pre-primary schooling. They have to assess the general state of the child, identify difficulties (sensorial deficits, late speech and language abilities among others) and make sure that are remedied immediately. However, the school health system cannot be truly efficient as long as doctors avoid these postings, and likewise for the PMI's doctors. That's why we need to remedy this loss of interest by making these postings more attractive. The welcome areas and the parents-children meeting places, the general practitioner's or the specialist's prevention services, accompaniment services for the parental condition (chapter 5) must not be cut because of budget restraints as they are a useful and necessary investment for the long-term well-being of the child, his family and, finally, of society.

Recommendations: To drive a real combat policy that will fight children's poverty, carried by a ministry of childhood and youth, assessed by a national childhood council, with an action plan that includes targets with clear figures and applied in all territorial areas.

Youth itself has been badly affected by precariousness, whether financial⁶¹ or social, with return trips between several social situations (student, unemployed, apprentice, young worker, trainee, in training, etc.). This has led to a rupture of social rights and very crippling paths with precarious lifestyles and a difficult access to accommodation for young people.

Preserving and accompanying the ones in the most precarious situation: a necessity

There is no fatality regarding children's poverty. The fight against it must target the reduction of inequalities and social justice must rely on all solidarities. Poverty involves many factors and takes on many shapes, which make it complex. To solve all these problems requires time and global actions even if the issue of managing the family budget and over-indebtedness remain among the factors that contribute to the impoverishment of families that have to be addressed first. The reforms that have been initiated and based on Bertrand Fragonard's report⁶² are a step in the right direction.

Recommendations: To encourage departments to put into practice in broader way the "Social and family economy accompaniment" measure (*Accompagnement en économie sociale et familiale*) planned in the 5th March 2007 law and to include it in departmental child protection and/or aid to family schemes. They should also plan specific measures for single-parent homes.

Accommodation and access to housing

It is estimated that 600,000 children currently have inadequate accommodation, among which 16,000 live in collective housing structures. The FNARS has pointed out that "*the number of requests to the 115 has risen by 28% from February 2012 to February 2013 because mainly of the boom in families' demand (+72%)*".

Family accommodation in social hotels or emergency accommodation centres tend to last on the long term rather than being a temporary solution; and this in conditions that are not suitable for children and accompanied by frequent moves from one place to another. This situation has deleterious consequences, as shown in a survey conducted by the Social SAMU Observatory in October 2014⁶³. More generally, the lack of social housing and accommodation centres shows the non-involvement of the public authorities despite the creation of the enforceable right to housing (DALO). Many communes are against the construction of social housing units and would prefer to adopt social discrimination and pay legal fines.

⁶¹ 19.4% of students and 19.6% of people under 18 years old live under the threshold of poverty, compared to 14.1% of the overall population.
<http://www.inegalites.fr/spip.php?page=recherche&recherche=seuil+de+pauvret%C3%A9>

⁶² B. Fragonard - President of the High Council to the Family - Aids to Families (April 2013)
<http://www.ladocumentationfrancaise.fr/var/storage/rapports-publics/13400220/0000.pdf>

⁶³ The reader is invited to read the results of this survey in the Le Monde newspaper article:
http://abonnes.lemonde.fr/societe/article/2014/10/01/les-hotels-sociaux-facteurs-de-precarite-pour-les-familles_4498317_3224.html

Currently there is a lack of 900,000 units while prices in the sector have doubled in ten years. Moreover, the number of evictions has risen by 50% these last ten years.

Recommendations: - The State must take full responsibility for providing emergency accommodation and for establishing paths leading to long-term solutions. They should not leave local authorities and organisations (“115” service) face this problem alone.
- The presence of children without accommodation or in unsanitary housing should constitute an emergency criterion for an immediate and long-term response, even if the family members do not reside in France on a regular basis.
- The mayors and prefects must also use the policing powers against “sleep sellers” that enrich themselves from the precarious situation of others and sometimes even put the families’ life in danger.

We must not forget as well the shameful living conditions of children living in slums⁶⁴ (§ 6.5.4.2 and § 8.3).

The AEDE group wishes to emphasize the fact that the families’ precariousness and extreme poverty not only have an impact on the children’s material quality of life, comfort or essential needs, but also – and which is worse – on their health, their education and the way they foresee their future, their place in society and their self-esteem. Thus, in the mind of children from disadvantaged background who are the witnesses of the way their families and their neighbourhoods are considered by outsiders, a negative image of the social environment imprints itself. This environment is an obstacle to their development and prevents them to think positively about their future.

Recommendations: The AEDE group encourages all public policies to combat in a concrete way risks of exclusion created by situations of precariousness and poverty. This should involve not only financial resources, but also personal and social relations: these could be facilitated by the many propositions included in the AEDE report: accompaniment of parents, the children and young people’s progressive exercise of their civic rights, reduction of inequalities regarding access to leisure activities, etc.

“The poorest families should be given some kind of housing.”

Solidarité Laïque – Pedagogical Game “Let’s not give up on our rights!” - 6 – 12 years old

⁶⁴ In 2013 in France, according to the Interdepartmental Delegation to Accommodation and Access to Housing (*Délégation Interministérielle à l’Hébergement et à l’Accès au Logement (DIHAL)*), 16,949 people lived in 394 slums throughout the country. See, among others, the DIHAL letter: http://www.gouvernement.fr/sites/default/files/contenu/piece-jointe/2014/09/newsletter_13_dihal-2_avril_2014.pdf

7. Chapter VII - Education, leisure, recreational and cultural activities/ For a global children co-education based on their rights and built with them

The AEDE group considers that education – not only schooling –but globally – is one of the major ways to progress and development, in France as in the rest of the world, for the rights of the child.

7.1 Territories sacrificed: The example of Mayotte, where schooling is completely insufficient

The right of access to a free compulsory education, with suitable conditions and quality is not always respected throughout France. The AEDE group has decided to deal only with the case of Mayotte, a French department and region since March 2011, and which is problematic (§ 7.1.1.1).

Schooling in Mayotte is recent and the population is very young (41% of Mayotte population attends school). Additionally, the demand for schooling is growing, which necessitates not only the construction, equipping and maintenance of the establishments so as to be able to accept all Mahorais, but also to recruit and educate teachers and service personnel.

Mayotte is in a special situation due to massive immigration from the Comoros that includes a large number of children. Now, for the year 2012-2013, only 44% of requests from newly arrived students received a favourable response and the refusals are often improper.

Few children aged 3 are in school. Many children only start school from CP (6 years old). Elementary school is adversely affected by the system of class rotations, due to the lack of buildings, and more especially by the deplorable materiel conditions affecting certain communes.

Access to secondary and tertiary education is not at all satisfactory; although the pass (success) rates are relatively low, they do improve from year to year. Today almost 62% of students obtain the « Bac General ». As for access to superior education, Mayotte does not possess any establishment of this kind, except for the University Centre of Mayotte (CUM) that opened its doors at Dembéni and welcomes 700 students studying for a Bachelor's degree (of which 300 are teachers following a teachers 'training programme) of which only a small proportion are Mahorais⁶⁵.

The AEDE group recommends increasing the efforts of the State and "Departmental Council" to end a situation which in fact constitutes a violation of the rights of Mahorais children due to a serious geographical discrimination in the territory.

7.2 Towards a public service encouraging the awakening of young children to education

The French government's report, surprisingly, has no mention of this question, although it is fundamental, apart from the question of the capacity in regard to the needs for "places". Yet the welcome accorded to very young children not only concerns their need to be welcome expressed by the families, but well beyond that a real occasion of their awakening to education. Consequently, the preoccupation with young children must not be confined to the one problem of available places in the welcoming structures, nor to the conditions concerning the security and quality of their physical welcome. It must also take into consideration the relational and educational needs appropriate to this age range.

A flagrant lack of collective structures and huge territorial and social disparities

The majority of 2-year-old children do not benefit from a collective reception (welcome) (less than 13% in 2011) neither from any form of pre-school crèche. Additionally there are important disparities affecting their welcome/reception: territorial, the number of places available at reception⁶⁶, as well as differences in the types of reception available, social because the structures and services of the reception are in the majority accorded to the families in the most favorable situations, because of their financial capacity but also the time they have available for their children. The poor children are most often pushed

⁶⁵ 56% of young people aged 15 to 29 who have completed their schooling did not obtain a diploma against 19% in France.

⁶⁶ In 2013 there was a range from 1 to 9 depending on the department.

to reception with family or relations. They do not profit, or minimally, from all the equipment and allowances available to young children whose parents are both working.

Recommendation: For improved equality in the development prospects of the very young, the AEDE group considers that the State must implement a real public welcoming service for the very young in collective reception facilities, with the targets below.

Collective premises for welcoming the under 2s that are diversified and innovative

The classic scene for collective welcoming premises for the very young is made up of collective nurseries or family nurseries managed by the communes or local authorities. But other facilities exist such as teams of nursery assistants, a multi-method approach, community crèches, notably parent-run, company day-nurseries.

The hoped-for public service must support all of these structures. However they tend towards certain uniformity in the way they function and are not always within reach and/or the obligations of the most disadvantaged parents. It is therefore necessary to complete this community scene by innovative structures offering an unconditional welcome as close as possible to the homes of the families. Experiments exist giving access to awakening early learning activity using mobile work spaces for this awakening and the socialisation of the youngest children (§ 6.2.1.2) that merit being developed and evaluated.

Pursue the resumption of schooling for the 2-3 year olds, by working the system of transition, “gateways” (*dispositifs Passerelle*) or others.

Until 2012, schooling of the under 3 year olds suffered from a reduction in the number of posts for teachers (the number of under 3s in school went from 35.4% at start of the 2000 school year to 18% in 2008 and 11.6% at the start of the 2011 school year). The current government has made it a priority to reverse this trend; but even though the AEDE group congratulates this initiative, it demands that they increase their efforts⁶⁷. The schooling of the very young also helps the development of devices that will allow a smooth transition, making space for combining teaching between parents and professionals, allowing some to go to the children and their families where they live: a plan of action to welcome children and their parents organised jointly by the class teachers and teachers from RASED for the families living furthest away from the school, gateway classes co-led by the communes and educational establishments sometimes with the help of the CAF, development of unconditional welcome areas stimulating the students in the public and popular and popular districts, or additionally early learning workshops in the slums.

Personnel trained and involving all genders

It means also creating a real training network for the needs of the very young and helping their professional development. It must also be seen to it that the skills of the very young, today almost exclusively feminine are taken up by the males because at stake is the equality of girls and boys and men women.

Thoughtful prevention

Unlike some excessive early detection that stigmatizes young children, it would be more appropriate to promote a humanistic approach in all places in which the child is welcomed by a welfare carer taking the children and their families from where they have started, giving them confidence in their capabilities, whatever the difficulties they encounter. It also means sheltering the child from the requirements of performance and competition in any selection process.

Open public areas to those in early childhood

Finally it is essential to take into account the fact that young children are at the very heart of collective social life.

⁶⁷ According to a note from the DEPP dated June 2014 the number of 2 year olds in school increased at the beginning of the 2013 school year (11.9% compared to 11% for 2012).

The communes must be sure to provide public areas accessible to these young children, without relegating some to any specialised institutions.

The reader can refer to § 7.1.2 for all the exact recommendations of the AEDE group.

7.3 Schooling paths that are far too influenced by the social background

If, the world over, the social origins of children continues to determine the course of their education, this tendency has been growing in France for about twenty years. So the children whose parents are in management positions generally succeed better than those having working class parents⁶⁸. Now the consequences of this incapacity of the school to compensate – and certainly not increase- the inequalities of birth is disastrous because it is the first contact of an individual with a public institution deemed to embody for him the ideas of Equality and Fraternity.

A system that is too elitist and that penalises many children, especially those from poor families

Thus, the AEDE group is seriously worried that an elitist school system continues causing numerous children suffering (§ 7.1.3.1). It creates a failed school system, with no diploma or qualification for about 140.000 children per year. Additionally, this teaching failure is closely tied to the poverty and insecurity of families who don't have the means nor the "institutional codes" in order to best guide the child (§ 7.1.3.2). Besides that, the guidance to following studies in the sector of general education or sectors of professional education is most often decided by default by college pedagogical teams (§ 7.1.4.2), leading to numerous setbacks in the sectors not chosen. Absenteeism and leaving school are often a prelude to the development of social exclusion, and are also the result of disciplinary procedures in schools (§ 7.1.4.4).

New hope with the large 2012 consultation to "re-found the Republican School"

The member organisations of the AEDE group, many having participated in the large consultation launched by the new government in the summer of 2012, appreciate the willingness of this government to have put in place this consultation, very wide open, under the sign of success for all, of the fight against the disconnection, of a more benevolent school, and of the search for a real education for all our citizens. One big regret: this consultation did not include except very marginally, children and youngsters as the representatives of the school organisations had difficulty joining us due to the meeting being held over the summer holidays

In October 2012, the report of the consultation was submitted to the President of the Republic. It resumes the findings and the major themes referred to in the consultation and its ambitions: social justice, benevolence towards the child (and not only to the student), confidence, democracy, etc. These latter must feed the orientation law and programming for the rebuilding of the school system.

But it is still an orientation law without ambitions, even if it brings some progress

The AEDE group has noticed a certain amount of positive progress in the law resulting from the consultation, in particular the return to the educational and professional training of teachers, removed by the previous government – with the creation of *ÉSPÉ (Écoles supérieures du professorat et de l'éducation)* and the interdepartmental willingness to strengthen the ties between family and the school with special attention given to parents a long way from the educational institution (§ 7.1.5.3).

However, the law and the reforms that followed, of which the aims have been lowered, after negotiation with the different stakeholders, could have - and should have, according to the AEDE group – gone much further, in the best interests of children in the long term, in subjects such as the redefinition of the aims of the school and the qualifications to be acquired by all future citizens, the evaluation of qualifications and ending the scoring system in primary school⁶⁹, education in human rights, children and citizenship, or the participation of the school in a more global education defined through educational projects connected to the territory, thus taking into account a better consistency of the different education times of the children.

⁶⁸ «L'élitisme républicain» Christian Baudelot, Roger Establet, Seuil, 2009.

⁶⁹ The ending of marking, though advocated by many specialists, was discarded out of hand by the minister of national education even before the Klein commission, requested to make recommendations on the evaluation of pupils, gave its report.

7.4 For an education active in human rights, the rights of the child, and citizenship.

This part of the report takes on a special importance after the terror attacks of January 2015 in Paris, and the debates that then went through the educational establishments, showing that a certain number of young people experienced difficulties navigating and working a hierarchy between different standards and values invoked by their life styles: family, peer group, neighbourhood, school, township, other educational places.

The AEDE group believes that the incantation call of the motto of the Republic – liberty, equality, fraternity – or displaying a secular charter signed by students and parents, like the calls to restore “Authority” will have no effect as long as these values – beginning with the human rights of children – will not be embodied in a more democratic functioning of the educational establishments or the townships either, as long as the children do not make the link between these values and Law which permits to transfer them to their everyday life, and to live well together.

Secular moralities, moral and civic education, return to secularism (*Morale Laïque, Laïcité*)

2008: the new teaching programmes lowering the education of citizenship to a civic instruction based on maxims.....makes one believe we have gone back 100 years in time !

2013: the Ministry of National Education announces “Secular morality education” (*Enseignement de la morale laïque*)

2014: the high council of programmes proposes “a moral and civic education”

2015: the tragic events of January lead to a “mobilising of the Schools of the Republic for the values of the Republic” and especially for the public culture of *Laïcité*. (7.2.1)

One thing is certain: one can turn these terms around as much as one likes, no advance will be achieved as long as the rights of the child remain unknown; that the adults are not well trained and do not implement the rights of the child, and that a dialogue isn't started with the families allowing them explicitly to explain and embody these somehow abstract values.

Recommendation: The AEDE group believes moral values cannot be transferred unless the adult transferring them applies them daily and recognises the child as a subject of rights. It is therefore imperative to provide all adults with training, and especially to the teachers, about the transmission of these values in both the ethical and legal framework which constitute the Convention of the rights of the child. It therefore follows that teachers and developers of citizenship have obligations, particularly concerning the rights to respect, to information, to expression, to participation by students and the progressive exercise of their freedoms.

For a civic and legal education starting as soon as primary school

If it is crucial to understand the fact that our societies are built on moral values – we are inclined to say on an ethic – it is no less indispensable that pupils know that this ethic has been legally created over many years, and particularly since the adoption of conventions on human rights, via international law but also in French law. The AEDE group judges it imperative to add in the context of lessons from a common base, with the aim of building judgment and obtaining the knowledge necessary for all future citizens, a legal education starting from primary school. A minimum knowledge of civil law, family law and their main principles, but also some penal law would seem just as important as mastery of the language by the end of compulsory schooling. Indeed, it is said that no one can ignore the law, but where can one learn the law?

Recommendation: To include in school programmes some education on law, fundamental human rights, some notions of civil and penal law and of how the justice system works and could be useful to all citizens.

Democratising relations in the school environment so as to educate all about citizenship

Now the education of the citizen, whether in school or elsewhere, obviously goes through an apprenticeship and the progressive use of the rules to participate in a democracy. “*School is not a democracy*” one hears so often ; sure, today pupils do not elect their teachers or head staff; nevertheless from now on it must be the first place to obtain a concrete knowledge and exercise of democracy, beginning by the application of article 12, line 1 of the CRC. However, the AEDE group has noticed that, in

the majority of cases, and even in high school, the right of children and young people to participate in the decision-making process is largely ignored by the teaching personnel.

Recommendation: The AEDE group wishes that the cooperative learning and their representative bodies (childrens' council) are encouraged and made known, within the school, to bring to life not only a real education in citizenship and create a better climate in the school, but also the issues concerning living in a community extend far beyond the walls of the school. In particular the children must participate in the drafting process of internal school rules in accordance with the rights of the child, including those that concern sanctions in the case of non-respect of these rules (§ 7.2.4).

For an education aimed at equality between girls and boys

The role of school education in promoting equality between girls and boys depends on different points. Affective and sexual education is an essential one; the struggle against sexist stereotypes in school manuals is another (§ 6.4.1.2). The AEDE group, in its report, deplores the ending of the “*ABCD of equality*” programme whose effectiveness was widely recognised. It is also important to have a working dialogue within the families, discussing these questions.

Education in citizenship cannot reach its objective except under a number of conditions:

- To plan a course at school concerning human rights and the rights of the child.
- To apply their principles clearly, with more democratic methods, in the running of the educational establishments.
- To plan a civic and legal course in a way that children will understand and use the rules given by France to live together as full citizens.
- To include a course on responsible and sustainable consumption⁷⁰ including but not limited to :production conditions respecting both people and the environment (product quality, health.....) the methods of production and their effects on the world economy and on the environment, methods of ownership and / or usage, the methods, conditions and practices of consumerism.. (§ 7.2.7).
- and, far from limiting the understanding of the rules applicable in our country, include a far larger vision of world citizenship with ideas for international citizenship and solidarity (Education à la citoyenneté et la solidarité internationale - ECSI) “*enabling future citizens to make a choice and leading to reasoned solutions to complex questions of durable development, that will enable decisions to be taken, to act in a responsible manner as much in their personal life as in the public life*”⁷¹.

The ECSI must lead to the makings of a concrete citizenship and allow children and youngsters to be actors in their own rights, participate in and be engaged with concrete developments.

However the school cannot do everything: if it holds an essential place in education and citizenship, the latter cannot develop except within a larger educational framework encompassing educators, families and the children themselves and everybody concerned with the child's education: popular education associations, leisure centres, sports clubs, regional collectives etc. It is to show children that society is not a mix of systems that ignore each other with each having its own rules, but is building through dialogue with all the various structures that between them have a common objective: the well-being of everyone, starting with the children. At issue is the development of an education not only intellectual but global including all the child's educational possibilities.

7.5 Regional educational projects (*Projets éducatifs de territoire*) for a more global education susceptible of reducing the inequalities of access to leisure and cultural activities?

Inequalities of access to recreational activities, holidays and cultural activities

Recreational, artistic and cultural activities are obviously part of a child's education. Practicing a recreational activity in an associative framework with other children and young people helps exchanges and creates social mixing, helps personal development in an atmosphere strong on socialisation and such

⁷⁰ In the last decades consumption has taken a more and more important place at all levels of the economy, and has played a large part in the social and environmental areas. In this context the child has become a privileged target of the consumer society; unprepared, he often becomes an instrument for the resources of consumerism, particularly marketing and publicity. So it would be appropriate, in the framework of the rights of the child, to adopt specific measures that already exist and make them known, and to define those proposed and carry them out with the aim of protecting, informing and educating the child.

⁷¹ Official bulletin of national education circular No. 2011-186 of 24.10.2011
http://www.education.gouv.fr/pid25535/bulletin_officiel.html?cid_bo=58234

participation. It gives access to citizenship, subject to these activities being the child s' choice and not being requested by adults.

Unfortunately, not all children have equal access to recreational and cultural activities. Children of families in precarious situations are noticeably absent from places designed for these purposes. They do not take part in music, art, theatre, not even simple sports. They don't take part much in youth movements.

Children from low income families rarely take holidays. Half of low income families (less than 1,500 euros net per month) did not go on holiday in 2011⁷². So, many children never leave their neighbourhood, even when the school offers an outing, but more and more constrictive rules discourage teachers (§7.3.1. and 7.3.2.1).

Children with disabilities also find it more difficult to get access to recreational and cultural activities (§ 7.3.2.2).

As for equality of access to activities and sports between girls and boys, this is far from being accomplished. Studies show very different treatments between the two sexes, by the public decision makers, notably in the creation of public areas dedicated to the recreation of children.

A new lever for a global education that is more open and egalitarian: Territorial education projects (Projets éducatifs de territoire - PEdT)

The local educational projects (PEL) that have been in existence since 2009 with the object of working for the continuity and coherence of education in times, areas and educational contents offered to children and youngsters in a territory, then the PEdT officially recognised by the orientation law of 2013 (*Loi de refondation de l'École de la République*) offer an exceptional opportunity, with the political will, to raise stakes that are not only related to school education in the fight against educational inequalities and to do so in a cooperative and participative way.

Recommendations: So while starting to put in place the PEdT, the AEDE group has formulated a number of recommendations in response to the worries expressed since 2009 by the Committee. Amongst which:

-To expand the boundaries of investigation and proposal of the PEdT of both sides of the age attendance in primary schools and to grasp other space-time educational initiatives than those concerning schooling and relating to schooling.

-check carefully that the methods of elaboration, implementation and evaluation of the PEdT include the systematic solicitation and authentic participation, active and democratic not only of the parents (in addition the elected representatives of the students' parents) but also of the children and youngsters.

Unfortunately, the AEDE group has noticed that implementation of the so-called "school rhythms" reform which was at the origin of numerous PEdT was conducted without taking into account the best interests of the students as the primary consideration, in spite of what was advocated in the workshop consultations on re-founding the school. Successive negotiations with the different adult stakeholders – staff unions, representatives of the town halls, tourism representatives, etc. – misrepresented the proposals of the 2012 consultation, leading to completely separated educational times and further reduction in learning time, forgetting that what most motivated the reform was to diminish the length of the school day. This has resulted in a risk of increasing still further the social inequalities regarding education.

The AEDE group regrets these backward steps of the government that have had negative consequences on the children. It hopes the local authorities, on the other hand, aware of their educational responsibilities, commit to real local educational projects, bringing together children and parents, to really give everybody access to a more egalitarian global education (§ 7.3.3.).

"When I was at school, I felt I was in a different world, I didn't understand the vocabulary but didn't dare to ask because I never thought I would be able to join this other world"

ATD Quart Monde

⁷² Source: Observatory of inequalities

8. Chapter VIII - Special protection measures / Invisible children, hostages to institutional conflicts, scapegoats or vulnerable children?

In this chapter one will find categories of children who, even if they only represent a small fraction of the young population of France, are victims of multiple violations of their rights, and often are the objects of institutional mistreatment on behalf of the State that is supposed to protect them. Some, as so-called “Rom” children or children in trouble with the law, are scapegoats to justify very hard policies in the penal and immigration fields. Others, like unaccompanied foreign minors (*Mineurs isolés étrangers* - MIE), find themselves hostage to conflicts that they don’t understand between the different levels of public power. Others are the ones that have been “forgotten” in the public policies: the invisible ones. The State ignores them because to take an interest would be admitting that, in our society there are some unpleasant truths: that is the case of children victims of trafficking.

8.1 Unaccompanied foreign minors (*Mineurs isolés étrangers* - MIE)

The AEDE group has noticed that the MIEs’ care in France is still in 2014 – perhaps even more than in 2009 – extremely worrying with regard to the rights of these children. Harsh and legitimate critics of the mechanism must not however make us forget the fact that many of these children are correctly welcomed and taken care of during their childhood.

Regarding the very principles that preside over any thoughts concerning the situation of these young people, the AEDE group would like to assert:

- that the principle of non-expulsion of these young people must remain the rule and France must insist on widening it to the European level
- it is in the interest, not only of the children, but also of all society to welcome these minors and young adults – with a friendly approach fitting their profiles, rather than making a selection that would quickly become mistreatment excluding some minors from the protection to which they are entitled and forcing the young adults to go underground.

How many and who?

It is difficult to put forward any figures for the number of MIEs on French territory and the same applies to the influx of new MIEs arriving every year. A senate report put the number of those on the French territory in 2010 at between 4 and 8,000. The department at the ministry of justice in charge of following up the recent protocol between the State and the departments concerning these children (cf. infra) counted 5,800 new MIEs in 18 months (Mayotte excepted), namely about 3,850 per annum, but we cannot confirm that this number conforms to the reality⁷³.

On 31st October 2013, out of 1,600 MIEs counted in a census, 88% were boys⁷⁴. The main home countries were: Guinea, RDC, Mali, Bangladesh, Albania, Pakistan, Morocco and Algeria; following those: Angola, Ivory Coast, Afghanistan, Tunisia, Kosovo and Russia. However, these figures are very variable and can change within a few months. This shows the different situations faced by these young people and the need for individualization in their care and protection, especially to protect them from any type of human trafficking which applies particularly to girls.

The departments are concerned in very different ways by the arrival and the child care of these young people. Thus, in Paris, in 2010, 1,700 MIEs were entrusted to the department which represents about 30% of young people entrusted to the ASE (5,700). 1,500 were physically taken into care. The department of Seine St. Denis is also very involved.

⁷³ Some MIEs are taken into care without the knowledge of the authorities and about the same number calling themselves MIEs don’t appear in the accounting because they have been reclassified as adults on very questionable grounds and often wrongly.

⁷⁴ 12.5% were under the age of 15, 27% were 15, 45% were 16 and 10% were 17.

The MIEs hostages to the conflicts between the State and departments based on budgetary considerations

In the autumn of 2011, the president of the department of Seine Saint Denis announced that from then on, and contrary to his legal obligations, he would refuse to accept new MIEs and got the Minister of Justice to put in place an exceptional system allowing the prosecutor's office to order the provisional placement of new MIEs in a dozen of neighbouring departments – they, however disagreed with the system and some will go to court against the State. Paris already has an exceptional system of selection through certain organisations to give the MIEs some cover whilst waiting for the hand over to the ASE which can last for ages, perhaps months; a situation that, in April 2012 led a group of organisations defending the rights of these youngsters to refer to the Defender of Rights⁷⁵ who gave some general recommendations to the government in January 2013 and in August 2014 requested the mayor of Paris to modify these practices⁷⁶.

A willingness to get an agreement reached in May 2013

The new government formed in 2012 began negotiations with the Association of French departments, and on **31st May 2013 a protocol relating to the protection of unaccompanied foreign minors (MIE)** was signed by the Minister of Justice, the Minister of the Interior, the Minister of Social Affairs and Health and the assembly of French departments (ADF). It is completed by a circular from the Minister of Justice to the attention of all public prosecutors specifying the methods for evaluating the minority and the isolation.

Whilst confirming that the MIEs depend on the competence of the departments because they are part of common law for the child protection, a national programme to shelter, evaluate and orientate, financed for 5 days by the State, is put in place with a willingness to share the responsibility of welcoming these young people between all the departments⁷⁷, something like the exceptional system used in Seine St. Denis. The objective is also to harmonise the procedures of local councils and jurisdictions, whilst guaranteeing young people declared minors and isolated the protection recommended by international convention (§ 8.2.1.3). This protocol also agrees to help the MIEs by a “presumption of minority”. A committee following the 31st May 2013 circular was set up by the Minister of Justice in September 2013⁷⁸.

But still some serious obstacles to rights on different steps of the journey

Unfortunately the putting in place of the protocol has not resolved the difficulties encountered during the troubled journey of these youngsters who present themselves as MIEs (§8.2.2 to 8.2.5). The main recommendations of the AEDE group are recapitulated below.

Recommendations:

-The AEDE group requests that use of bone radiological examinations be totally forbidden to reclassify young MIE as adults, having discovered that some were accused of fraud and had been found guilty and severely condemned⁷⁹. So long as no reliable way of determining age has been found the AEDE group proposes to apply a **real presumption of minority for these young people**⁸⁰.
- the AEDE group recommends **increasing the current time limit of 5 days**, which is far too short, in order to obtain an evaluation of any danger, in particular the danger of recruitment into bands of criminals or traffickers. This evaluation must be more multi-disciplinary and be carried out with total transparency.

⁷⁵ See http://www.dei-france.org/IMG/pdf/Saisine_DDD_2012-04-13_version_def.pdf

⁷⁶ <http://www.dei-france.org/Severe-rappel-a-l-ordre-du.html>

⁷⁷ If the intention announced by the government was not to derogate the rules of common law on the protection of minors, certain parts of the circular can be judged derogatory as the reader will see in what follows.

⁷⁸ It is regrettable that, apart from one association for the defence of the rights of foreigners not particularly specialised with children (the CIMADE) the only associations present in the committee were (operational) to whom the general councils sub contract the operations in the first instance for the evaluation of MIEs of which one was seriously criticised for its work with MIEs in Paris.

⁷⁹ The reader can consult the call made by RESF in January 2015 and signed by LDH, DEI, the *Syndicat de la magistrature*, UNICEF France, la Voix de l'enfant, Médecins du monde, GISTI, etc.

<http://www.educationsansfrontieres.org/spip.php?article52122>

⁸⁰ Great vigilance is needed to avoid other sorting devices that could be even more arbitrary than those based on bones radiological examination.

-In the case of a refusal to take into care according to the terms of the evaluation, **this decision must be subject to being orally notified as well a notification in writing by the ASE departments**, in the language of the young person explaining what remedies he/she is entitled to; the administrative decision must be suspended during the time a judge takes to decide, so as to avoid finding themselves on the streets.

At the end of the evaluation, the MIEs must be **interviewed quickly, assisted by a lawyer, by the judge specialized in this type of problem so their future orientation can be discussed together** as for all children in danger who are unable to live with their families. The possibility of being moved to another department may be proposed, but taking into account the child's opinion, which is an obligation if we truly want to work in the best interests of the MIE, and also of the adequacy of the welcoming facilities of the receiving department in relation to the minors' personnel plans.

-The AEDE group requests that, in addition to the application of the 31st May 2013 circular, **inspections be conducted so as to follow up closely the educational support of the MIEs** entrusted to the ASE services.

- The AEDE group wishes that the State as well as the departments continue a dialogue to find a solution for the MIEs who arrived when they were over 15 to get protection and residence rights **once they reach adulthood**.

-The AEDE group also wants the authorities to deal as soon as possible with the children thrown out of the childcare system, or quite simply ignored wherever they may be e.g. in squats where they find refuge without asking anyone, knowing that no one is interested in them and they could be doomed to live with many dangers, one being prostitution.

In conclusion a first step was taken in 2013 with this new plan of action. The plan, if it is continued, must definitely and rapidly be improved taking into account the recommendations above. The AEDE group regrets that the willingness shown to improve the situation of the MIEs has been turned into a device for managing the influx of new MIEs to the territory, based on a logic of abusive screening by putting in doubt the word of the MIE and using radiological bone examinations whose reliability is very questionable.

8.2 Children known as “Roms” or slum children

The naming of “Roms” children or people will be used in the rest of this paragraph for convenience, even if it seems preferable to use that for children “dits roms” (so called Roms), to refer to children who have come from East Europe, who live in France in very precarious conditions, usually on land occupied illegally, some of which could be classed as shanty towns. These children, though many of them are members of the European Union, are classified as Roms, whereas in fact some of them are not, with the underlying wish to send them back to ethnic origins which suffer from numerous negative biases. According to the interdepartmental delegation for accommodation and access to housing (*Délégation interministérielle à l'hébergement d'urgence et l'accès au logement - DIHAL*) in 2013 about 17,000 people were living in about 400 shanty towns in France. About one third of them are children.

Victims of obvious institutional abuses

The stigmatisation of which the Roms are victims, already mentioned by the Committee on the Rights of the Child in its 2009 concluding observations, has got worse with the passing of time, with the help of speeches made more and more openly by certain political parties and by the governments themselves⁸¹.

They live in conditions of extreme insecurity, in squats and shanty towns and often they have no access to the most elementary services, such as running water, sanitation, electricity or waste collection.

The politics of intensive dismantling started in 2010, has been conducted more and more vigorously since May 2012: according to the census conducted by Philippe Goosens⁸², from January 2010 to March 2012, 27 months in all, 16,818 people have been affected by forced eviction by the police forces, that

⁸¹ In 2010, the government's fight against the illegal immigration of Roms became a State and the situation has hardly changed today, in spite of the change of government after the May 2012 elections. One could also hear the Minister of the Interior making the following comments in 2013 “Those living in encampments have no wish to integrate in our country (...) The Roms should stay in Romania, or go back there”.

⁸² www.aedh.org

hardly complied with their rights, sometimes brutal and nearly always with no support and no proposals concerning re-housing⁸³.

Many Rom children find themselves refused admission to school.

So the ERRC report (European Roma Rights Centre) published in 2014 following research in six French shanty towns taking part (in Seine St. Denis, Marseille and Lille) revealed that more than half the children of the people questioned were not in school. In 60% of the cases this situation was due to the refusal of the town halls to enroll the children.

The health of Rom children suffers from the deplorable sanitary conditions in which they live and the begging to which they are so often driven. Having hardly any access to schooling, they are unable to benefit from neither school canteens nor the school medical checks. The occasional health checks they get are regularly stopped by them being expelled.

Finally, delinquency committed by Rom children has been the object of increased police repression. Although victims of networks that exploit them, and although the offences they commit are most often small thefts, they are over incarcerated because of a lack of any educational support and care institutions truly adapted to these children's needs, though they are first of all, victims.

The disappointing results of the circular of 26th August 2012 require a true policy of inclusion

The ministerial circular of 26th August 2012, *concerning the anticipation and support for operations of evictions of illegal encampments*⁸⁴ and signed by a number of ministers, was welcomed with great expectation by the French civil society. Whilst confirming the necessity of applying the law concerning evictions from places illegally occupied, it aims to treat these evictions with humanity: implementing a prior diagnosis of the individual families in the encampments in advance of the eviction from their homes, search for personalised solutions concerning re-housing, social support and help with integration. The DIHAL monitors the implementation of this circular together with its main partners and the associations representing or working in the interest of these people.

Finally, after one year, in September 2013, all the assessment reports were unanimous in saying that it was rarely and badly applied with enormous differences over the local areas⁸⁵ and tension between the announced implementation of humane support for these migrant people and the political will to get rid of the places where they live in. It is this second tendency that up until now has always prevailed, and the repeated evictions are catastrophic for the children and, in addition, useless, as they do nothing more than move the problem, and nothing has changed for the last two years

Recommendations: The AEDE group is waiting for France to formulate a national strategy for the integration of Roms, in accordance with European Union incentives. This strategy links up with the campaigns of information to combat the stigmatisation of these children, penalties for mayors that do not respect their legal obligations and the social services who unfairly request documentary evidence, the development of mediation processes with the health authorities to systematically vaccinate the children, keep track of pregnant women, screen and take in hand handicap situations, and look for better solutions other than prison for delinquent Rom children, with secure care institutions offering a suitable educational support.

⁸³ The European social committee noted that in 2009, in France the police forces often resorted to brutal methods, going from using tear gas to the destruction of personnel belongings whilst removing people from illegal sites the children found themselves on the streets with nowhere to stay and no solution as to re housing, their caravans confiscated, which put them into a situation of vagabondage. A recent example, the order to evacuate the slum of Coquetiers in Bobigny on 19th August 2014 by the mayor despite the decision by the referral judge of 2nd July 2014 reveals the violence and arbitrariness that surrounds this problem. Violating the fundamental rights of families and children, this decision to evacuate was not justified for security or by any legal imperative. Neither was it matched by any proposals for re housing. (www.liberation.fr/societe/2014/08/25/un-arrete-anti-roms-indigne-a-bobigny_1086829).

⁸⁴ See http://circulaire.legifrance.gouv.fr/pdf/2012/08/cir_35737.pdf

⁸⁵ One can refer to the reports of the inspections of the central administration, to that of the defender of rights, to that of the group "Romeurope".

8.3 Children victims of trafficking

Even in France, children are victims of trafficking, truly, a worldwide problem helped by porous frontiers and the development of techniques in communications. Sexual exploitation is an important part of trafficking but other types of trafficking exist such as begging, domestic slavery, forced delinquency.... The different types of exploitation linked to trafficking are not disconnected and children sometimes move from one type of exploitation to another.

Most of the systems for the protection of children do not seem well suited to a situation involving minors who are victims of trafficking. Specific measures must be taken in liaison with the child social aid (*Aide sociale à l'enfance* ASE) services, the police and the courts so as to guarantee the protection of minors during the long and difficult process of recognizing the status of victims of human beings trafficking.

Contrary to some countries suffering from a “veritable” industry of sexual exploitation of children, France has been spared a massive and flagrant phenomenon. In effect no network exists specifically dedicated to the sexual exploitation of minors; however minors are exploited within the framework of adult prostitution. Moreover, the AEDE group would like to express its concern about the development of prostitution of minors who are not victims of a network of pimps, on French territory. Between questions of sexuality, education, poverty, migration, delinquency, violence, the impact of new information and communication technology or even social perceptions (the tendency to over-sexualise young girls⁸⁶, the logic of merchandising, trivialising sex for a number of adolescents etc.) the sexual exploitation of children is a difficult subject to comprehend in our country⁸⁷. During her visit to France in 2011, the United Nations special reporter for questions of prostitution and pornography casting children noted the challenges to be overcome and the measures to be put in place in order for France to be in compliance with its international obligations⁸⁸. France has just taken some particular measures concerning human trafficking. The initiatives taken by the State, not specific to this question but nevertheless close to it, have resulted in the publication of a national plan of action concerning the fight against trafficking in May 2014. The publication of this national plan follows the putting in place in January 2013 of the MIPROF (interdepartmental mission for the protection of women victims of violence and the fight against human trafficking). However the AEDE group has noted that, as of February 2015, no means seem to have been allocated to enable the plan to be put implemented.

At the legislative level, one must welcome the ratification in 2010 and entry into effect in 2011 of the Convention of the Council of Europe on the protection of children against exploitation and sexual abuse, called the convention of Lanzarote, and the transposition of two directives of the European Parliament and the Council of Europe (one concerning the fight against sexual abuse and sexual exploitation of children, the other concerning the prevention and protection of the victims of human trafficking). However, the progress will not become effective until the measures of these nominal directives are implemented.

Children trafficking (economic, sexual and domestic exploitation among others) in France has to be more objectively quantified because the few studies of the subject show very different figures depending on whether they come from the police or specialised organisations. Penal convictions announced in France relating to sexual offenses against minors in the category of sexual exploitation, remain very small⁸⁹. But the organisations on the ground state that some hundreds of minors are in a situation of prostitution,

⁸⁶ For more information on this subject the reader can refer to the parliamentary report of Chantal Jouanno “Against hypersexualisation, a new fight for equality”, published in 2012.

http://www.social-sante.gouv.fr/IMG/pdf/rapport_hypersexualisation2012.pdf

⁸⁷ A 2012 report of the general inspection of social affairs (IGAS) underlines a “relative denial of the problem by those institutions concerned and only a small investment in the subject”.

⁸⁸ See the report of the special reporter concerning the sale of children, child prostitution and child pornography in France.2012.

http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session19/A-HRC-19-63-Add2_fr.pdf

⁸⁹ Between 2009 and 2011 there were about 20 firm convictions per annum concerning prostitution of minors (numbers unchanged). On average there were 1600 convictions for child pornography per annum (numbers diminishing) and a large increase in the number of convictions for soliciting minors for sexual purposes (from 19 in 2009 to 75 in 2011)

sometimes victims of trafficking, in every large town in France. The situations are very different depending on the area and the overseas territories (Guyana, Mayotte) are particularly affected.

No systematic coordination exists between the players concerned for a multi-disciplinary approach to the trafficking of minors, or any specific budget allocated to this problem. The different stakeholders concerned about minors that are victims and the pursuit of perpetrators of a crime on minors must also be made more aware and more trained about the whole issue.

Finally, the increasing recourse to NTIC plays an important role in the understanding of situations of abuse and sexual exploitation – *Grooming* or the solicitation of children for sexual purposes on the Internet has been greatly increasing in France and in Europe⁹⁰ - and complicates investigations because the predators, in just a few minutes, can move the servers containing pornographic images of children.

The reader can refer to § 8.8.9 and 8.8.10 of the exhaustive report for the complete recommendations of the AEDE group concerning the fight against the trafficking of minors: the ESEC issue presents multiple aspects and the replies to them must be also be as many. Here are some:

Recommendations:

-To set up an interdepartmental work group or coordination committee, as well as a national information system, to collect and analyse all information on trafficking (under the aegis of ONED - *Observatoire national de l'enfance en danger* - for example)

-To improve, by better training, the detection and the support of minors at risk of prostitution and/or victims of trafficking, by the various people concerned and create a specific reception centre (with psychological, educational, schooling, legal, social support, etc.)

- Concerning the fight against on-line child pornography, the AEDE group wishes for the reinforcement of the means of the police force specialised in investigating cyber child pornography (identifying networks, those responsible and the victims, etc.).

8.4 Children in conflict with penal law

The AEDE group points out a French peculiarity: the duality of justice concerning minors in France, the main point being that by law the main player is the children's judge (*Juge des enfants*) with two functions : for penal cases, since 1945, to judge children in conflict with the law but also in civil cases, since 1958, to protect children in danger. This double function, combined in one specialised jurisdiction, is essential in so far as the *ordonnance* of 2nd February 1945 which sets out the legal framework concerning the treatment of delinquent children, considers that before committing an offence, the delinquent child is a child in danger who should be protected and educated. Consequently the judges' primary consideration is to take educational actions judged more effective than the application of punishments to "pick up" the child, and so prevent any repetition.

Despite the recommendations in 2009 of the Committee who said they were preoccupied by "the legislation and practice which tends to favour repressive measures rather than more educational measures", France has added to the process initiated in 2002 concerning penal law. Between 2002 and 2012, France has enacted fifteen laws, two decrees and one circular, a primordial question of constitutionality (*Question prioritaire de constitutionnalité*), as well as a decision of the constitutional court, concerning juvenile delinquency. All these texts tend to increase the range of offences and/or worsen the repression, harden the controls, speeds up the referrals, guide the practice of children's judges or even bypass them, and reduce the field for individualisation (§ 8.8.1). This legislative inflation notably rests on a penal philosophy in complete contradiction to the founding principles of justice concerning minors in France as well as to the international standards of juvenile justice and with an actuarial approach of Justice that targets the categories at risk (here 16-18 year old recidivists) (§ 8.8.2) giving the illusion that the threat of severe punishment will do the job of prevention.

⁹⁰ See especially the report of UK Kids online 'Risks and security of children on the internet : Report for France, The results of an EU investigation of 9-16 year olds and their parents in France" January 2012 p.10 available at <http://eprints.lse.ac.uk/46443/1/FranceReportFrench.pdf>

However one notices that the hardening of the legislation against minors in conflict with the law, through a multitude of measures that would appear to be more like a bid to please the electorate, does not necessarily have the impact on the judiciary that is required (annex 16).

A state of affairs that is still very worrying (§ 8.8.3 to 8.8.6)

Those who run the juvenile penal justice system are less and less specialised: few are trained to international standards; the children's judge - the essential person to deal with the treatment of delinquency in children - is more and more often bypassed⁹¹; but the most inadmissible change from the point of view of the principle of specialisation in the minors justice system can be found in the law of 10th August 2011 with the creation of a correctional court for minors (*Tribunal correctionnel pour mineurs – TCM*)⁹².

The procedures and measures also lose their specific features (§ 8.8.3.4): new procedures for faster judgements are preferred to a longer term educational support: a summons by an officer of the judicial police (*Convocation par Officier de police judiciaire - COPJ*) before the children's court; the procedure of immediate presentation (PIM) before the children's court which bypasses the children's judge; penal examination (*Composition pénale*) from the age of 13, during which the prosecutor can propose alternative measures to judicial proceedings concerning petty crimes. The new measures put in place are also little adapted for children: minimum sentences, removing the principle of mitigation of punishment for minors (*excuse atténuante de minorité*) in the case of recidivists 16 to 18 years old, giving a service contract in a public institution for joining the defence force (EPIDE) as a measure of reprieve, once more for the 16 to 18 year olds.

Penal restorative measures though demanded by all those elected and magistrates, understood by all the young concerned and have proven effective in terms of preventing recidivism, or also courses in citizenship, are less and less used and less and less financed by the Youth judicial protection system (*Protection judiciaire de la jeunesse PJJ*).

Justice for minors that too often involves incarceration

While incarceration should be the last option available for children, figures show that prison sentences represent an important percentage of all final decisions pronounced by the judge : nearly 8,5% firm sentences and 28% all kinds of prison sentences (firm, suspended sentence, suspended sentence with conditions) (§ 8.8.4 and annex 16).

More and more there is recourse to placements in closed centres of education (CEF) this also raises interrogations, as well as the important programme to build these establishments (§ 8.8.5 and annex 19)⁹³.

Justice for minors that lacks means, whose allocation is also problematic (§ 8.8.6):

The PJJ budget and that allocated to the associative sector are declining; the allocation of credit gives priority to fostering the large and high spending institutions rather than to the needs of education and prevention.

Finally, if the increase in the financing allocated to justice for minors appears indispensable, it seems just as necessary to reconsider the missions and the organisation of the PJJ to assure the realistic and rapid implementation of decisions taken by the judges, and especially the educational measures⁹⁴.

⁹¹ In 2013, 63.5% of juvenile delinquency was dealt with by the courts without the participation of any judge: one speaks of a third way; namely an alternative way between the classification with no follow up (5.8% in 2013) and the proceedings before a judge (children's magistrate, examining judge or children's court). In 2007 the court even obtained the power to propose some educational measures sanctioned by the judge (procedure of penal composition) the court judges and the judge controls: classical logic has been reversed.

⁹² For minors over the age of 16 prosecuted for crimes punishable by a prison term of 3 years or more and committed as a recidivist, this tribunal is composed of three professional magistrates of which at least one is a children's judge who presides. The remaining two judges are not necessarily children's judges.

⁹³ If the CEF are not, at first sight, places of physical confinement ("judicial" confinement due to the risk incarceration in case of escape), the Controller General of places of confinement considers they come under his mandate and he monitors their functioning.

⁹⁴ In 2013, forty days were needed on average for an educational measure requested by a magistrate to be implemented while incarceration would become effective on the same day.

Hopes for improvement with the arrival of a new majority, but few realizations up to now (end January 2015)

The AEDE group notes with satisfaction that juvenile delinquency was not at the heart of the 2012 presidential campaign and seems even less present in political debates since 2013. The law of 15th August 2014 inspired by the results of a consensus conference towards a sense of restorative justice, happily removed minimum sentences for all, so also for children, and also allowed the reconsideration of the application of the principle of mitigation of punishment for minors with full rights until 18 years old (its suppression is still remaining possible if justified by the judiciary).

Other necessary legislative modifications to improve the situation following the repressive inflation mentioned earlier have been postponed to a further reform of the *ordonnance* of 2nd February 1945. This reform has been announced, but no time frame has been set and no one knows if it will really see the light of day.

Recommendation: As a minimum, it is urgent that the promise of the President of the Republic made during his campaign to abolish the correctional court for minors (TCM) be honoured.

At the time the current summary is finalised and while the possible abrogation of the 1945 *ordonnance* and its replacement with a new penal code for minors was being ready at the Ministry of Justice, the January 2015 terror attacks seem to have postponed deadlines for the above changes and no one can say today if they will see the light of day before the next presidential elections. However, the AEDE group would like to make some recommendations in this regard.

Recommendations:

The AEDE group considers that, taking into account the gap between the ordinance in its current version and the obligations tied to the convention and other international standards of juvenile justice, the text governing penal law applicable to children must be re-written entirely and immediately. To this end it gives a number of proposals (§ 8.8.8) amongst which are the following:

- fixing a minimum age for criminal responsibility, that should not be under 13 years old, while keeping an additional child discernment capacity criterion beyond the threshold, with the objective of a more individual reply⁹⁵.
- a criminal procedure with a break in the proceedings, applied by a specialized children's judge and getting a quick legal opinion but also leaving a part of the investigation and educational guidance in the context of a probation period of 6 months, adjustable; so the removal of current judgements at close time limits is proposed, with the exception of one, exceptional, for which the children's judge would have the possibility to oppose the prosecutors' choice.
- a penal justice system that is also suited to young adults, with the creation of a correctional court for young adults to be based on legislation specific to minors.

Preventing children from becoming delinquents

The definition of a new penal policy in regard to children must give all it can, unlike what has happened up to now, to the prevention of entering delinquency. One can even talk about the "right of the child to be saved from the danger of delinquency". In addition to the ways of prevention mentioned in Chapter 5 concerning the protection of children (notably specialised prevention), this global policy of prevention must look at different ways amongst which one should remember the two following: upstream, an education in civic and legal knowledge starting from primary school, and subject to the proximity judges being trained to the rights of the child and able to order restorative measures adapted to the child's

⁹⁵ The fixing of an age threshold for penal responsibility (§ 8.8.8.6) poses the question of the diverting youth from the criminal justice system (penal) of misdemeanors and crimes committed by children under the threshold. The French system with its double function for children's judge- civil and penal - allows the judge to request some educational assistance that will work for the child. For lesser crimes that don't require it, the group worries about the powers given to town halls according to the law for the prevention of delinquency of 5th March 2007. So it is important that in the framework of these diversion solutions, the child concerned benefits from the same guarantees of its rights just if he/her were taken to court, notably access to the file, a defense and a right of appeal. This question of diverting youth from the criminal justice system for youngsters below the threshold of penal responsibility, as for the small misdemeanors committed by the oldest, is not simple and, up till now, has hardly been looked into in France.

needs, relying on this proximity justice (*justice de proximité*) as the first step towards the education of youngsters having committed small misdemeanours, in such a way as to prevent them getting into more severe delinquency (§ 8.8.9).

8.5 Between specific devices and common law

The discussions that have taken place concerning the best way to deal with these categories of especially vulnerable children have put into question the status of means or devices aimed at a specific treatment of these children so they are able to adapt to the demands of their circumstances, characters and special needs. The specific measures and devices often point towards special treatment, a stigmatisation and indeed discriminations that lead to being pushed aside, which is contrary to the principles of an inclusive society, with equal rights and no discrimination. This also creates gaps to widen exemptions to common law for children that are at the borders of the common system.

The AEDE group agrees to say that for all these vulnerable groups, the primary objective remains their access to common law⁹⁶. Specific devices may exist but it is important that these do not open the way to procedures that contradict common law⁹⁷. In conclusion one thing is certain: every time that solutions have been found within the framework of common law and with an inclusive approach, for adapting the practices or the law to new conditions within the most vulnerable groups, the improvement was a long term benefit to very many children, not recorded as vulnerable but who suffer from a lack of understanding of their own individualities.

“Another problem, I was told I was 16 years and 8 months old. So it may be I can’t go to school and I leave home without any papers”

Pucafreu programme, Isolated Foreign Minors, aged 16/18

⁹⁶ As advocated in the recommendation of the commission of the European Union of 20th. February 2013 2013/112/UE “invest in children to break the vicious circle of inequality”.

⁹⁷ For example the question has been asked concerning MIEs about the possibility of the prosecutor taking an OPP in a different department or even for the creation of platforms for regional evaluation.

CONCLUSION

At the end of 2014, the AEDE group was getting ready to complete on a positive note their exhaustive report on the state of the rights of the child in France entitled *Let's go forward with the rights of the child: let's respect them as from now*. Despite having noticed some limitations in France regarding the rights of the child and despite the economic and social crisis, the AEDE group could see in the signature by France on 20th November 2014 of the third additional Protocol to the Convention and through its own mobilisation that gathered more than fifty organisations that are active in all fields related to childhood, the illustration of two strong wills – the government on one hand and the civil society on the other – committed to improving the situation of the rights of the child in France. Among these civil society's active movements, one of them justified our optimism in particular: the participation of children and young people in drafting the collective report project. This showed that they were aware on their rights and involved in their concrete implementation. They have proved to be particularly pertinent analysis sources and, if the conditions are right, able to provide solutions.

However, the second part of the exhaustive report title, *Let's respect them as from now*, underlined some urgency for these combined wills to produce some concrete headway in the children's daily life, "for a society that is more equalitarian and that combats discriminations", and especially fighting discriminations linked to poverty and precariousness. It is also urgent that adults are finally able to implement concretely relations with children and young people that are based on more democratic principles, allowing them to gain progressively access to the exercise of their freedoms and that the adults can listen and take into account their opinions.

The January 2015 terror attacks in Paris by young French people affiliated to jihadist movements and the resulting debates have shown that a part of youth seem to doubt the values of the Republic. This has confirmed the diagnostic presented in our report and stressed the urgency to re-actualise the appropriateness of the values of freedom, equality and fraternity which constitute the foundation of our Republic and which inscribed on the façade of our public monuments with their concrete implementation in the daily life of children and young people who grow up in France.

In a debate organised by social centres following the January events, it has been said that "*The Republic must respect the values that it displays*". Indeed, what is currently the extent of the freedom of speech for children, especially in the state schools? In what do the freedom of access to culture and to the discovery of others for children who are confined to remote suburbs or in neighbourhoods where social mixing is less and less evident consist in? Where is the equality regarding education when the social background, precariousness, handicap, gender are determining factors in the access to early childhood collective reception structures, to their educational paths and training and to quality educational leisure activities? Where is the fraternity when the school – with its pedagogical approaches, evaluation modes and daily school life – and even some sports clubs continue to promote a logic based on competition and performances based on academic results and even sometimes tolerate violence on their premises?

The authority of adults will be re-established when the Republic's motto is implemented in the daily life of children and young people and when they are able to fully trust the institutions, when they feel that society welcomes, protects them and help them grow up as free and equal beings who are shown solidarity. Through this process, they will make these values theirs.

The AEDE group must bring up here, and even in a stronger way than before, the conclusion of its exhaustive report. Globally, the AEDE group thinks that it is possible and more necessary than ever to give priority to budgetary and political choices that affect the well-being and the respect of the rights of the child. This will result in a society in which the values of solidarity, inclusion and equality are reinforced. This can be achieved through education about citizenship – including its implementation in all educative times and areas – but also by promoting the Convention among everyone as it is still unknown or only partially known by the majority of children, parents, youth professionals, policy makers and the public at large. The Convention needs to be implemented in the daily life of children who represent not less than a quarter of the French population.

The AEDE group hopes that – with its alternative report and this present summary – it has been able to help France do her best to assist children tomorrow.

List of abbreviations

ABBREVIATIONS	COMPLETE NAME
ACE	Action Catholique des Enfants
ACEPP	Association des Collectifs Enfants Parents Professionnels
ADEIC	Association de défense, d'éducation et d'information du consommateur
ADF	Assemblée des Départements de France
AEDE	Agir Ensemble pour les Droits de l'Enfant
AESH	Accompagnant d'Elèves en Situation de Handicap
AFEV	Association de la Fondation Etudiante pour la Ville
AFIREM	Association Française d'Information et de Recherche sur l'Enfance Maltraitée
AFMJF	Association Française des Magistrats de la Jeunesse et de la Famille
ANACEJ	Association Nationale des Conseils d'Enfants et des Jeunes
APAJH	Fédération des Associations pour Adultes et Jeunes Handicapés
APD	Aide Publique au Développement
ASE	Aide Sociale à l'Enfance
ATD-Quart Monde	Agir Tous pour la Dignité-Quart Monde
CADCO	Coordination des Actions pour le Droit à la Connaissance des Origines
CAF	Caisse d'Allocations Familiales
CAMSP	Centre d'Action Médicosociale Précoce
CDERE	Collectif pour le Droit des Enfants Roms à l'Education
CEF	Centre Educatif Fermé
CEMEA	Association Nationale des Centres d'Entraînement aux Méthodes d'Education Active
CGSP	Commissariat Général à la Stratégie et à la Prospective
CIDE	Convention Internationale des Droits de l'Enfant
CIMADE	Comité Inter Mouvement Auprès des Evacués
CLIS	Classe pour l'Inclusion Sociale
CMPP	Centres Médico-Psycho-Pédagogiques
CNAEMO	Carrefour National de l'Action Educative en Milieu Ouvert
CNAPE	Convention Nationale des Associations de Protection de l'Enfant
CNB	Conseil National des Barreaux
CNCDH	Commission Nationale Consultative des Droits de l'Homme
Comité	Comité des Droits de l'Enfant des Nations Unies
COPJ	Convocation par officier de police judiciaire
CP	Cours Préparatoire
CSF	Clowns Sans Frontières

CSF	Confédération Syndicale des Familles
CUM	Centre universitaire de Mayotte
DALO	Droit Au Logement Opposable
DDD	Défenseur des Droits
DEI-France	Défense des Enfants International
DIHAL	Délégation Interministérielle à l'Hébergement et l'Accès au Logement
DOM	Département d'Outre-Mer
ECPAT	End Child Prostitution, Child Pornography and Trafficking in children for sexual purposes
ECSI	Education à la Citoyenneté et à la Solidarité Internationale
EEDF	Eclaireuses Eclaireurs de France
EFB	Ecole de formation du barreau de Paris
ERASMUS	Programme Européen de Mobilité dans l'Enseignement Supérieur
ERRC	European Roma Rights Centre
ESCAPAD	Enquête sur la Santé et les Consommations lors de l'Appel de Préparation À la Défense
ESEC	Exploitation Sexuelle des Enfants à des fins Commerciales
ESPE	Ecole Supérieure du Professorat et de l'Education
FCPE	Fédération des Conseils de Parents d'Elèves
FFJ	Forum Français de la Jeunesse
FGPEP	Fédération Générale des Pupilles de l'Enseignement Public
FIEP	Fédération Internationale pour l'Education des Parents
FNAREN	Fédération Nationale des Associations des Rééducateurs de l'Education Nationale
FNARS	Fédération Nationale des Associations d'accueil et de réinsertion sociale
FNEJE	Fédération nationale des éducateurs de jeunes enfants
FRANCAS	Fédération nationale laïque de structures et d'activités à vocation éducative, sociale et culturelle
FSFM	Fédération Syndicale des Familles Monoparentales
FSU	Fédération Syndicale Unitaire
GISTI	Groupe d'Information et de Soutien des Immigrés
ICEM	Institut Coopératif de l'Ecole Moderne
IGAS	Inspection Générale des Affaires Sociales
INSEE	Institut National de la Statistique et des Etudes Economiques
IPSOS	Institut de sondages français
IVG	Interruption Volontaire de Grossesse
JAF	Juge aux Affaires Familiales

JAPD	Journée d'appel de préparation à la défense (devenue Journée défense et citoyenneté)
JOC	Jeunesse Ouvrière Chrétienne
LDH	Ligue des Droits de l'Homme
MDPH	Maison Départementales des Personnes Handicapées
MIE	Mineurs Isolés Etrangers
MIPROF	Mission interministérielle pour la protection des femmes victimes de violences et la lutte contre la traite des êtres humains
MLF	Mission Laïque Française
NTIC	Nouvelles technologies de l'information et de la communication
OCCE	Office Central de la Coopération à l'Ecole
ONED	Observatoire National de l'Enfance en Danger
ONG	Organisation Non Gouvernementale
OVEO	Observatoire de la Violence Educative Ordinaire
PEdT	Projet Educatif de Territoire
PEGC	Professeur d'Enseignement Général de Collège
PIM	Présentation Immédiate du Mineur
PJJ	Protection Judiciaire de la Jeunesse
PMI	Protection Maternelle et Infantile
PPE	Projet Pour l'Enfant
PPS	Projet Personnalisé de Scolarisation
RASED	Réseau d'Aide Spécialisée aux Elèves en Difficulté
REAAP	Réseau d'Ecoute, d'Appui et d'Accompagnement des Parents
RNB	Revenu National Brut
RNJA	Réseau National des Juniors Associations
SE-UNSA	Syndicat des Enseignants de l'Union Nationale des Syndicats Autonomes
SL	Solidarité Laïque
SNUIPP-FSU	Syndicat National Unitaire des Instituteurs et Professeurs des écoles et PEGC
TOM	Territoire d'Outre-Mer
TNS Sofres	Société française d'enquêtes par sondages
ULIS	Unité Localisée pour l'Inclusion Scolaire
UNAPP	Union Nationale des Acteurs de Parrainage de Proximité
UNICEF	Fonds des Nations Unies pour l'Enfance
UNIOCSS	Union Nationale Interfédérale des Œuvres et Organismes Privés Non Lucratifs sanitaires et sociaux
UNSA	Union Nationale des Syndicats Autonomes