

**COMMITTEE ON THE RIGHTS OF THE CHILD**

**Forty-sixth session**

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER  
ARTICLE 8 OF THE OPTIONAL PROTOCOL TO THE CONVENTION ON  
THE RIGHTS OF THE CHILD ON THE INVOLVEMENT OF  
CHILDREN IN ARMED CONFLICT**

**Concluding observations: France**

1. The Committee considered the initial report of France (CRC/C/OPAC/FRA/1) at its 1270th meeting, held on 26 September, and adopted at its 1284th meeting, held on 5 October, the following concluding observations.

**A. Introduction**

2. The Committee welcomes the submission of the State party's comprehensive initial report, however it regrets that it does not contain information on the Overseas Departments and Territories. The Committee further welcomes its written replies (CRC/C/OPAC/FRA/Q/1/Add.1) to the list of issues and appreciates the constructive dialogue held with the multisectoral delegation.
3. The Committee reminds the State party that these concluding observations should be read in conjunction with its previous concluding observations adopted in relation to the State party's second periodic report on 4 June 2004 (CRC/C/15/Add.240).

**B. Positive aspects**

4. The Committee welcomes the active international involvement of the State party to address the issue of children in armed conflict:
  - (a) The technical assistance provided to the Special Representative of the Secretary General for Children and Armed conflict;
  - (b) The financial support to non-governmental-organizations involved in the implementation of the Protocol;
  - (c) The State party's active involvement as the Chair of the Working Group of the Security Council on Children in Armed Conflict since its establishment in November 2005.

## C. Main areas of concern and recommendations

### C.1 General measures of implementation

#### Legislation

5. The Committee notes with appreciation the signature of a memorandum by the Ministry of Defence to amend the Defence Code in order to ensure that all children under the age of 18 do not take part in hostilities in accordance with Article 1 of the Protocol.
6. **In order to strengthen international measures for the prevention of the recruitment of children and their use in hostilities, the Committee recommends that the State Party:**
  - (a) **Ensure that the violation of the provisions of the Optional Protocol regarding the recruitment and involvement of children in hostilities be explicitly criminalized in the State party's legislation;**
  - (b) **Establish extraterritorial jurisdiction for these crimes when they are committed by or against a person who is a citizen of or has other links with the State Party;**
  - (c) **Ensure that military codes, manuals and other military directives are in accordance with the provisions and the spirit of the Optional Protocol.**
7. The Committee notes that the age for the recruitment of volunteers at 17 is valid only with the consent of their legal representatives. It also notes that the Foreign Legion does not currently number any minors within its ranks, despite the legal possibility of recruitment from the age of 17.
8. **The Committee encourages the State party to raise the minimum age for recruitment into the armed forces and Foreign Legion to 18 in order to fully comply with the spirit of the Optional Protocol and provide full protection to children. The Committee also encourages the State party to provide by law for a special status, different from that of the military, for 16 to below 18 years old children enrolled in military schools and for those in the Foreign Legion.**

#### Arms export

9. The Committee welcomes the adoption by the State party of the principles of the EU Code of Conduct on Arms Exports, but notes that – among these principles - there is no specific mention, as a criterion for excluding their sale, to the possible recruitment/use in hostilities of children in the country of final destination of the arms. In this respect, the Committee also notes the information provided by the delegation that there is no specific offence in the State party's legislation prohibiting the sale of arms to countries where children could be recruited or used in hostilities.
10. **The Committee recommends that the State party consider introducing a specific prohibition with respect to the sale of arms when the final destination is a country**

where children are known to be - or may potentially be -recruited or used in hostilities.

### **Dissemination of the Protocol and training**

11. The Committee regrets that little information with respect to dissemination of information and training related to the issues covered by the Protocol are provided in the State party's report and in the written replies to the list of issues.
12. **The Committee recommends, in light of article 6, paragraph 2, of the Protocol, that the State party ensure that the principles and provisions of the Protocol are widely disseminated to the general public and State officials. The Committee also recommends that the State party develop systematic awareness-raising, education and training programmes on the provisions of the Protocol for all relevant professional groups working with children (asylum-seeking, refugee and migrant children that may have been recruited or used in hostilities), notably teachers, journalists, medical professionals, social workers, police officers, lawyers and judges. The State party is invited to provide information in that respect in its next report.**
13. **The Committee recommends that the State party strengthen its efforts to provide human rights education and, in particular, peace education for all children in all schools, including military schools and train teachers with respect to including these themes in children's education.**

## **C.2 International assistance and cooperation**

### **Financial and other assistance**

14. The Committee welcomes the State party's various initiatives relating to the protection of children in armed conflict such as in the organization of the Paris Conference (February 2007). The Committee however regrets that such efforts have not sufficiently taken into consideration the Optional Protocol on Children in Armed Conflict nor the work of the Committee in this regard.
15. **The Committee recommends that the State party continue to contribute to preventive action as well as physical and psychological recovery and social reintegration of children who are victims of acts contrary to the Protocol. Furthermore, the Committee recommends that the State party, as the Chair of the Working Group of the Security Council on Children in Armed Conflict, encourages strengthened coordination within the United Nations system. The Committee invites the State party, in its capacity as Chair of the Working Group, to promote synergy and coordination of United Nations initiatives related to the protocol and to strengthen the coordination with the Committee.**
16. **The Committee while noting with appreciation the State party's active contribution to United Nations Peacekeeping Operations, invites the State party to ensure that its personnel are fully aware of the rights of children involved in armed conflicts; and that military contingents are aware of their responsibility to ensure that these rights are not violated and that perpetrators will be brought to justice.**

### **C.3 Measures adopted with regard to disarmament, demobilisation and social reintegration**

#### **Assistance for physical and psychological recovery**

17. While noting that the State party is a country of destination of asylum-seeking and migrant children and that some of them may be arriving from countries affected by armed conflict, the Committee regrets that the State party's information provided in its written replies does not have any specific data concerning refugee, asylum-seeking or migrant children entering France who may have been involved in armed conflict abroad. In this regard the Committee regrets as well the lack of information regarding measures adopted for the identification as well as measures with regard to the physical and psychological recovery and the social reintegration of unaccompanied asylum-seeking, refugee and migrant children coming to France who were involved in hostilities abroad.
18. **The Committee recommends that the State party provide protection for asylum-seeking, refugee and migrant children arriving to France who may have been recruited or used in hostilities abroad by taking, inter alia, the following measures::**
- a) **Systematically collect data on refugee, asylum-seeking and migrant children entering France and identify at the earliest possible stage those who may have been recruited or used in hostilities;**
  - b) **Carefully assess the situation of these children and provide them with immediate, culturally and child sensitive and multidisciplinary assistance for their physical and psychological recovery and their social reintegration in accordance with article 6 (3) of the Optional Protocol;**
  - c) **Take all necessary measures to ensure that the best interests of the child is taken into consideration if he/she has to be removed from the host country. In this regard, the committee recommends that the State party take note of the Committee's General Comment No. 6 (CRC/GC/2005/6) on the treatment of unaccompanied and separated children outside their country of origin;**
  - d) **Include information on measures adopted in this regard in its next report.**

### **C.4 Follow up and dissemination**

19. **The Committee recommends that the State party take all appropriate measures to ensure full implementation of the present recommendations, inter alia, by transmitting them to relevant Government Ministries, l'Assemblée Nationale and le Sénat and to the authorities of the regions and departments, including the Overseas Departments and Territories, for appropriate consideration and further action.**
20. **The Committee recommends that the initial report submitted by the State party and concluding observations adopted by the Committee be made widely available to the**

**public at large and to children in particular in order to generate debate and awareness of the Protocol, its implementation and monitoring.**

#### **C.5 Next report**

- 21. In accordance with article 8, paragraph 2, the Committee requests the State party to include further information on the implementation of the Optional Protocol in its next report under the Convention on the Rights of the Child, in accordance with article 44 of the Convention. The report should contain information on the implementation of the Protocol in the French Overseas Departments and Territories.**