



ALTERNATIVE REPORT

**FOLLOWING THE INITIAL REPORT FROM FRANCE ON THE
IMPLEMENTATION OF THE OPTIONAL PROTOCOL TO THE
CONVENTION ON THE RIGHTS OF THE CHILD ON THE SALE OF
CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY**

PRODUCED BY

ECPAT International

**End Child Prostitution, Child Pornography and Trafficking of children for sexual
purposes**

& ECPAT France

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ALTERNATIVE REPORT

Following the initial report from France on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography

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EXECUTIVE SUMMARY

In France, no precise study of the commercial sexual exploitation of children (CSEC) exists. Moreover, the report of the French Government does not show disaggregated data on the subject of the sale of children, nor on the number of child victims of various forms of prostitution, pornography or trafficking. ECPAT therefore recommends that the French Government carry out a specific in-depth study into the commercial sexual exploitation of children in France to identify precisely the situation of children involved in prostitution, pornography and trafficking on French territory and also to assess their evolution and various manifestations, to allow for effective planning of strategies to deal with these problems. The French Government should also adopt a National Plan of Action against CSEC, define precise objectives based on the problems that have been identified, allocate appropriate resources to enable the above strategies to be carried out and equip itself with the necessary tools for follow-up and assessment to honour the commitments made in Stockholm and Yokohama and to work towards implementing the Optional Protocol.

It should be noted however, that significant efforts have been made by France to provide itself with a complete legal arsenal for punishing the numerous offences and crimes related to the sexual exploitation of children. Nevertheless, ECPAT recommends reinforcing legislation against CSEC, in particular law number 2002-305 incriminating minors engaged in prostitution and to collect data on procedures established under laws against CSEC. It is also recommended that application of extraterritorial legislation be strengthened and that the number of French liaison officers assigned to embassies be increased.

At the level of protecting child victims, the Alternative Report recommends that the French Government ensure systematic use by investigating services and magistrates, of audiovisual recordings of testimonies of child victims of sexual offences, except in cases where the victim refuses. It should also ensure the systematic presence of a third party at hearings and allocate the physical and human resources necessary for carrying out these procedures to protect the child. Finally, it is imperative to establish protocols for identification, assistance and intervention for children who are victims of sexual exploitation and to increase the capacity as well as the number of training sessions for members of the police forces and legal services, notably lawyers and judges, when questioning the child, to ensure that specialized services including qualified staff are operational throughout French territory.

It falls within the competence of the police and *gendarmerie* to interview a minor who is a victim of physical or sexual ill treatment. However, it is surprising to note an absence of unity in their practices depending on departments. It is therefore recommended that structures be put in place throughout French territory for taking care of children who are victims of sexual exploitation, so that all receive the same attention and benefit from the same specialized services out of respect for the best interests of the child and the principle of non-discrimination.

The Alternative Report also recommends improving the care of victims, in particular children who are victims of prostitution and pornography, by specialized staff, notably by increasing the capacity of child protection services as well as developing alternative care services to admit and welcome children, thereby ensuring a safe and secure environment favourable to the recovery of victims of sexual exploitation. Special protocols should also be established to provide for the identification, support, assistance and intervention on behalf of child victims. It is also recommended to take into account and to respond specifically to the special needs of children who are victims of prostitution, notably isolated foreign minors.

In terms of prevention, major awareness-raising campaigns have been conducted to combat child sex tourism, and to provide information about the risks encountered on the Internet with regard to sexual abuse and child pornography. Such prevention measures on the whole are aimed at the general public, but few specific actions targeting children who are especially vulnerable to sexual exploitation, have been identified.

With reference to combating child sex tourism, the French Government should ensure that the governmental programme of actions against the sexual exploitation of children by tourism, presented to the Council of Ministers in March 2006, is implemented.

Specific training with regard to the care of child victims of sexual exploitation, must be put in place for social workers and others working to protect children, by introducing a study unit into basic and advanced training. This module should be based on intervention protocols already established so as to reinforce the implementation of such procedures for the prevention, protection and assistance to victims.

Since the number of foreign, isolated minors in France has greatly increased over the past few years, the Government is required to take specific action. Among others, the detection and care of isolated foreign minors must be reinforced, procedures need to be harmonized throughout the territory and concrete measures implemented that are adapted to protect these children at risk from commercial sexual exploitation. Information and prevention campaigns also need to be developed and strengthened, as well as prevention and protection measures targeting high-risk groups, such as foreign isolated minors.

Finally, at the level of assistance and international cooperation, the Alternative Report recommends proceeding with an assessment of the results and application of the bilateral agreement signed between France and Romania, so as to be able to assess its impact; and the putting in place of genuine regional and international cooperation, in particular with the country of origin of children who are victims of trafficking, by means of prevention programmes and a return to their families when conditions are favourable.

I. INTRODUCTION

This alternative report to the initial report presented by France to the Committee on the Rights of the Child (hereafter referred to as ‘the Committee’) on measures taken towards the implementation of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, was produced by **ECPAT International** in collaboration with **ECPAT France**. As a network of more than 80 organisations throughout the world, ECPAT International (EI) has built an in-depth expertise in the area of the commercial sexual exploitation of children, specifically including child prostitution, child pornography and the sale of children for the purpose of sexual exploitation. Thanks to its extensive experience in this area, ECPAT International plays a key role in the promotion, implementation and follow-up of the Agenda for

Action adopted by governments during the First World Congress Against Commercial Sexual Exploitation of Children (CSEC) in Stockholm, Sweden in 1996. ECPAT International’s initiatives, developed according to the terms of reference provided by the Agenda for Action, also aim to contribute to other international child protection processes and particularly to the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. ECPAT International aims to support their implementation and to fight against the commercial sexual exploitation of children at all levels.

The information in this report is based partly on the Global Monitoring Report on the Status of Action against Commercial Sexual Exploitation of Children (*Rapport Global de Suivi de la mise en œuvre des actions de lutte contre l’exploitation sexuelle des enfants à des fins commerciales*), produced by ECPAT International in 2006, ten years after the First World Congress Against Commercial Sexual Exploitation of Children in order to evaluate the progress made and the remaining loopholes in the fight against this phenomenon, based on the terms of reference provided by the Agenda for Action. This report, along with all other reports produced in countries where ECPAT is present, are available on the ECPAT International website at www.ecpat.net, under *Who is doing what to protect children from sexual exploitation*.

This report was produced as a result of close collaboration between ECPAT International and ECPAT France, the French branch of ECPAT. ECPAT France is an NGO specialising in the organisation and implementation of development education projects, with significant experience in the organisation of awareness campaigns on the commercial sexual exploitation of children. ECPAT France also delivers training programmes to a wide range of actors, and is experienced both in advocacy and sensitisation work. Through its activities, ECPAT France has brought about a positive evolution in French penal legislation favouring greater protection of children against sexual exploitation and trafficking, and succeeded in convincing the Ministry of Tourism to develop a good conduct policy endorsed by the largest French tourist agencies.



ECPAT International would also like to thank those that participated in this work and contributed to its fulfilment by providing crucial information. Special thanks to the *Association l'Enfant Bleu – Enfance Maltraitée*, an organisation that offers short and long term therapy and legal support to children of all ages who have been the victims of physical, psychological or sexual mistreatment and abuse.

Around ten other French organisations were contacted throughout the making of the report but were unfortunately unable to contribute for different reasons, mainly due to time constraints.

General Observations

- There is currently no specific study of the commercial sexual exploitation of children in France. Several influential trials involving large numbers of family members and/or neighbours charged with sexually exploiting children in exchange for money have recently shaken France and raised many questions.¹ Nevertheless, little is known about the number of child victims of prostitution, whether regular or sporadic, or about how the sexual exploitation of children manifests itself and evolves over time in France. Most information is relayed through case updates or reports produced by non-governmental organisations. No comprehensive, in-depth research has been conducted in France to ascertain the scale and implications of the problem, or the human and financial resources required for preventative measures and for victim care.
- The report produced by the French government does not present disaggregated data with respect to the sale of children, or data relating to the number of children who are victims of different types of child prostitution, child pornography or child trafficking.
- According to the information collected by ECPAT in the Global Monitoring Report on the Status of Action against Commercial Sexual Exploitation of Children published in 2006², key child protection experts agree that child prostitution is taking place in France and has been on the increase over the past few years. Some of these child victims of prostitution are French, but most have been trafficked from elsewhere.³ The Minister of Justice confirmed in a speech in 2003 that the plight of child prostitution is increasingly affecting foreign children who arrived in France illegally.⁴

¹ ECPAT International, *Global Monitoring Report on the Status of Action against Commercial Sexual Exploitation of Children - FRANCE*, 2006. Available at www.ecpat.net.

² ECPAT International, *Global Monitoring Report on the Status of Action against Commercial Sexual Exploitation of Children - FRANCE*, 2006. Available at www.ecpat.net.

³ Mr Juan Miguel Petit, Special Rapporteur on the sale of children, child prostitution and child pornography. *Report on the Mission of the Special Rapporteur to France, November 25-29, 2002*, 60th session of the Commission on Human Rights, October 14, 2003.

⁴ M. Dominique Perben, Minister of Justice. Opening speech of the 2nd European meeting of practitioners of juvenile justice on child pornography over the Internet and on the commercial sexual exploitation of children. Athens. March 3, 2003. Accessed at: www.justice.gouv.fr/discours/d030303.htm



- The Special Rapporteur on the sale of children, child prostitution and child pornography was informed during his mission to France in 2002 that the production of child pornography is often linked to sexual abuse within the family home.⁵
- The French government is currently focusing a lot of attention on underage access to pornography, the broadcasting of child pornography and the risks involved in Internet usage among young people.⁶
- Child victims of sexual exploitation are considered “children in danger” and are therefore protected against mistreatment. The commercial sexual exploitation of children (CSEC) is not targeted specifically and there is no National Action Plan in France relating to CSEC. In 1996, the French government introduced a National Action Plan targeting the mistreatment of children which advocates better coordination between the various institutions that work on identifying and protecting victims. However, incorporating child prostitution or child pornography into a broader action plan dilutes the issue and obscures its specificities. Furthermore, there is no guarantee that the issue will receive the requisite priority attention from the government.⁷

ECPAT INTERNATIONAL AND ECPAT FRANCE RECOMMEND

Conducting a specific, in-depth study of the commercial sexual exploitation of children (CSEC) in France in order to identify the state of affairs with respect to child prostitution, child pornography and the sale and trafficking of children; evaluating how CSEC evolves and how it manifests itself; and ensuring that an effective strategy is outlined to fight these problems.

Adopting a National Action Plan targeting CSEC with specific objectives stemming from the problems identified; ensuring the allocation of sufficient resources to developing these strategies; acquiring the necessary tools for follow-up and evaluation in order to fulfil the commitments made in Stockholm and in Yokohama; and contributing to the implementation of the Optional Protocol.

⁵ Mr Juan Miguel Petit, Special Rapporteur on the sale of children, child prostitution and child pornography. *Report on the Mission of the Special Rapporteur to France, November 25-29, 2002*, 60th session of the Commission on Human Rights, October 14, 2003.

⁶ ECPAT International, *Global Monitoring Report on the Status of Action against Commercial Sexual Exploitation of Children - FRANCE*, 2006. Available at www.ecpat.net.

⁷ ECPAT International, *Global Monitoring Report on the Status of Action against Commercial Sexual Exploitation of Children - FRANCE*, 2006. Available at www.ecpat.net.



- It is important to note that France has made significant efforts to acquire a comprehensive legal arsenal in order to punish crimes and misdemeanours relating to the sexual exploitation of children. Military and civilian police staff have been trained, particularly in child-friendly interview techniques, and training initiatives are increasing throughout the country.
- Overall, the French government has taken a number of measures and initiatives to address the issue of the mistreatment of children. There has been increased coordination recently through the creation of various agencies and support given to initiatives from non-governmental organisations.
- Nevertheless, these efforts are focused on specific aspects such as the protection of children on the Internet and sex tourism involving children, or on problems encountered by particularly vulnerable groups such as isolated foreign children.
- France is now facing a shortage of specific knowledge on the commercial sexual exploitation of children, and there is a lack of attention given to the issue at all levels. As a result, the measures taken do not address the complex realities of the commercial sexual exploitation of children.
- The existing framework for coordination and cooperation is based on a broad view of the problem. Children who are victims of, or threatened with sexual exploitation are often left out of data analyses, or else they appear in statistics relating generally to sexual abuse or sexual violence. As a result, the issue remains sidelined and the differences between sexual abuse and the commercial sexual exploitation of children are obscured, particularly with respect to vulnerable children, victims' special needs, places where exploitation occurs, prevention and identification measures, and appropriate care for victims.
- Prevention measures often target the general public, and vulnerable children such as runaways, child victims of drug abuse, or isolated foreign children do not seem to benefit from specific protection measures against commercial sexual exploitation. Victims often find it difficult to talk about the challenges they faced or the trauma they endured, and as a result these concerns are not addressed.
- Care given to child victims of sexual exploitation also tends not to differentiate between the specific needs of the victims. In addition, there is often a lack of resources, and staff can be insufficiently trained or ill-informed. Children involved in prostitution are still perceived as acting of their own free will rather than as victims, in spite of a legal system that protects them and condemns soliciting sex with children in exchange for money.
- The implementation of these laws is limited as it is often difficult to gather proof. Furthermore, there is a lack of skill among staff working directly or indirectly with child victims, among civil and military police, legal staff, social workers, and child



protection organisations that are often powerless when it comes to the issue of child prostitution in France.

II. PROHIBITION OF THE SALE OF CHILDREN, CHILD PORNOGRAPHY AND CHILD PROSTITUTION

- Over the past few years, France has made significant progress in penalising the commercial sexual exploitation of children (CSEC).
- Article 227-23 of the penal code is the main article that criminalises child pornography (see *paragraph 16 of the initial report* by France). This article has been amended several times since 1998 (most notably in 2002 and 2004) and the most recent *Law number 2006-399* dated April 4, 2006 clearly demonstrates that French lawmakers were willing to adapt legislation to address this problem. In spite of this, French law only penalises the offering, the dissemination and the import/export of child pornography, while the Optional Protocol criminalises the production, distribution, dissemination, import, export, offering selling and possessing for the above purposes child pornography (article 3c). The fact of “recording” a pornographic image of a child only becomes a criminal act when there is intent to disseminate (“diffuser”). Similarly, the fact of recording or transmitting a pornographic image of a child is only considered a criminal act if there is intent to disseminate. In this respect the penal code is not strict enough as compared to the Optional Protocol. Nonetheless, simply possessing child pornography is penalised according to French legislation, which although not required by the Optional Protocol, is an essential element to any law addressing child pornography and is often lacking in national legislations.

ECPAT INTERNATIONAL AND ECPAT FRANCE RECOMMEND

Amending article 227-23 of the penal code so that it is in line with the Optional Protocol allowing for the production of pornographic material involving children to be punished.

- With reference to *paragraph 14* of the report, law number 2002-305 dated March 4, 2002 (article 225-12-1 of the penal code) led to a certain number of legal proceedings against clients of children involved in prostitution.

WE RECOMMEND THAT THE COMMITTEE ASK THE GOVERNMENT THE FOLLOWING QUESTION:

- **Is there data available relating to the implementation of this law (particularly the number of convictions) since its entry into force in 2002?**



- According to paragraph 20 of the French government's report, a child is only protected in certain incriminating circumstances until he or she turns 15. Sexual abuse as defined in article 227-25 only applies to children under the age of 15. However, since the 2002 law was enacted, perpetrators of sexual crimes who take part, or try to take part in child prostitution are punished even if the victim is over 15 year of age. The offence is considered more severe and the penalty is harsher if the victim is under 15 years of age.
- Paragraph 23 reviews the penalties that can be applied in cases of child prostitution. However, the report produced by the Internet Rights Forum (*Forum des Droits sur l'Internet*) states that "investigators from the Paris child protection brigade note that on average, possession of pornographic images of children is punished by a suspended sentence of 2 to 3 months while the broadcasting of these images is punished by a suspended sentence of 6 to 8 months, often with a social and judicial review."⁸ The organisation *Enfant Bleu – Enfance Maltraitée* also notes that offenders are often given a suspended sentence which does not always include probation.

WE RECOMMEND THAT THE COMMITTEE ASK THE GOVERNMENT THE FOLLOWING QUESTION:

- **Could the government provide statistical data on the number of convictions and on the penalties applied in cases of child pornography?**
- According to paragraphs 54 and 55 of the report from the French government, the principle of double jeopardy does not apply to offences relating to child prostitution and pimping children. The ECPAT report⁹ states "in 1998, the principal of extraterritoriality was extended to apply to other sexual offences committed abroad by French nationals and by French residents."¹⁰ The concept of double jeopardy was revoked for all sexual offences involving minors (offences relating to articles 227-27/sexual assaults, 227-22/the corruption of minors, 227-23/child pornography and 227-25 to 227-27/sexual abuse).
- With reference to extraterritorial legislation, in spite of the legal provisions for sexual offences perpetrated against children outside of France, court cases relating to CSEC are very rare (note that the trial often takes place in the country where the crime was committed).¹¹

⁸ The Internet Rights Forum, *Children of the Internet –II: Child Pornography and Paedophilia on the Internet*, January 2005. p.15.

⁹ ECPAT International, *Global Monitoring Report on the Status of Action against the Commercial Sexual Exploitation of Children - FRANCE*, 2006. Available at www.ecpat.net.

¹⁰ French Republic. *Report from the working group against sex tourism involving children - for a French strategy*.

¹¹ Ministry for Family. *Fighting sexual exploitation of children in tourism*. Available at: <http://www.famille.gouv.fr/>



ECPAT INTERNATIONAL AND ECPAT FRANCE RECOMMEND

Strengthening the implementation of laws relating to CSEC, particularly law number 2002-305 which criminalises the act of seeking services from child prostitutes; and gathering data on the procedures established under CSEC laws.

Strengthening the implementation of extraterritorial laws and increasing the number of French officers in embassies. These liaison officers, trained in dealing with the issue of sexual exploitation of children, could work with teams of local officers and collaborate with other actors working on the issue, in order to facilitate information sharing, to establish partnerships with local police, to reinforce collaboration with countries who receive sex tourists, to refine procedures for gathering evidence, to ensure possible indictments of French delinquents who have been arrested (both tourists and ex-patriots) and to allow for their conviction.

III. PENAL/ CRIMINAL PROCEDURE

- ECPAT does not have any information on this subject.

IV. PROTECTION OF THE RIGHTS OF CHILD VICTIMS

- With reference to *paragraph 89* of the French report which discusses interviewing child victims: while the procedures referenced do contribute to the protection of the rights of child victims and make up part of the wider framework for protecting the rights and interests of child victims throughout the legal proceedings, more progress is needed in this area.
- *Paragraph 91* addresses the bill relating to the improvement of legal proceedings in cases of sexual abuse, and recalls the implementation of legislation around video testimony of child victims (including the viewing of this testimony by magistrates). The public prosecutor is also required to view the recording of the child's statement. The prosecutor must ensure that the video recordings are viewed in the suspect's presence. The report also mentions professional training provided to 800 investigators to date.
- The Viout commission was charged with analysing the legal handling of the so-called "Outreau" affair. In a report submitted to the Minister of Justice in February 2005, the commission noted different practices in the video recording of the testimony of child victims and in the use of these recordings by the magistrates.¹² An evaluation carried out by the Ministry of Justice in 2001 revealed that the tribunals and high courts only

¹² Ministry of Justice, *Report from the working group tasked with drawing lessons from the legal handling of the so-called "Outreau" affair*, February 2005, available at <http://lesrapports.ladocumentationfrancaise.fr/BRP/054000099/0000.pdf>



viewed the testimonies in seven per cent of cases. Surprisingly, lawyers' requests to view video testimonies are not always well received as this is not considered to be part of the investigation. These procedures are also hindered by the lack of equipment in the courts.¹³ The situation does not seem to have improved today and many organisations, such as *l'Enfance Bleu – Enfance Maltraitée*, have noted that magistrates often refuse to view the video testimonies of child victims.

- According to the information obtained by ECPAT, certain magistrates are reticent to follow this procedure: they are more at ease reading the written transcript of the child's testimony, and want to see the child to personally evaluate his or her statements. They also point to a lack of time. In certain courts, video testimonies are never taken. There is also evidence that a third person is rarely present during the recording of testimonies.¹⁴
- According to the information obtained by ECPAT, training for magistrates is inadequate. In 2002, the Special Rapporteur noted that as a result of lack of resources, training and specialisation among magistrates and lawyers, the rights of children involved in legal cases were not sufficiently protected and that the children were sometimes at risk of continued abuse. The Ministry of Justice recognised that the majority of magistrates handling these types of cases had been trained at a time when the issue of child sexual abuse was not given enough importance, and that appropriate training needed to be part of their professional development.¹⁵ Unfortunately there has been little progress in this area. The initial nine month training at the National School for Magistrates (*École nationale de la magistrature*) in Bordeaux, includes a basic training in child psychology and sexual abuse, physical and psychological mistreatment, delivered by legal experts, hospital doctors, psychiatrists and psychologists.¹⁶ However, no attention is given to the commercial exploitation of children and its specific aspects.
- With reference to paragraph 94 which mentions the May 2005 bill from the Ministry of Justice on the concrete implementation of new legal measures in order to draw lessons from the Outreau case, it is essential that financial, human and training resources be allocated to allow for the implementation of these measures.

ECPAT INTERNATIONAL AND ECPAT FRANCE RECOMMEND

Ensuring the systematic use by investigative services and magistrates of video testimonies of child victims of sexual abuse, unless the child victim refuses. In

¹³ Child Defender. *Report on 2005*. pp.108-109. Available at: www.defenseurdesenfants.fr

¹⁴ Child Defender, *Report on 2005*, pp.108-109. Accessed May 1, 2006 at: www.defenseurdesenfants.fr

¹⁵ Mr Juan Miguel Petit, Special Rapporteur on the sale of children, child prostitution and child pornography. *Report on the Mission of the Special Rapporteur to France, November 25-29, 2002*, 60th session of the Commission on Human Rights, October 14, 2003.

¹⁶ Mr Juan Miguel Petit, Special Rapporteur on the sale of children, child prostitution and child pornography. *Report on the Mission of the Special Rapporteur to France, November 25-29, 2002*, 60th session of the Commission on Human Rights, October 14, 2003.



such a case the refusal must be clearly explained along with the measures taken to solicit the child's consent.

Ensuring that a third person is present at all times during the interviews and confrontations.

Allocating adequate physical and human resources to implement these child protection measures.

Establishing protocols for the identification of, assistance to, and intervention on behalf of child victims of sexual exploitation and increasing opportunities and training capacities in child-friendly interview techniques for civil and military police staff, and for legal staff, particularly for lawyers and judges. It is essential that qualified staff be available within specialised departments throughout France.

- Both the civil and military police are mandated to handle cases of child victims of physical or sexual mistreatment. However, methods differ greatly from one district to another, generally as a result of personal commitment at the local level. This lack of homogeneity is unfortunate as it can result in disrupting the handling of cases by specialised services.¹⁷ The report presented on reforming the child protection bill¹⁸ also raises the issue of strong territorial disparities in child protection, and these gaps are being closed very slowly. The State's role in leading policy on child protection must be reinforced.
- “Mrs Claire Brisset, former Child Defender (*Defenseure des Enfants*), recalled the State's responsibility to define the minimal standards for all departments as well as the ways of enforcing child protection by monitoring the implementation of these minimal standards. The State must intervene to regulate the resources allocated to child protection and harmonise the operating systems through the publication of national norms or references.”¹⁹
- Although *paragraph 101* of the report specifies that legal inquests are opened regardless of the victim's age, the government's report specifies that a case involving a person whose age is not known will be treated the same way as that of an adult or child whose age is known. If necessary, experts can be called in to assess the victim's age. According to information received by ECPAT, if there is any doubt over the child's age, he or she will be given a medico-legal examination. This method is often criticised as the results can be uncertain: the estimated age will be within 18 months of the child's real age, therefore minors can be declared adults. ECPAT supports the

¹⁷ Child Defender. *Report on 2005*. pp.117-118. Available at: www.defenseurdesenfants.fr

¹⁸ Mme Valérie Pécresse, Deputy, *Report prepared for the Commission on culture, family and social affairs on bill number 3184 on reforming child protection*, Document number 3256 of the National Assembly, July 5, 2006, available at <http://www.assemblee-nationale.fr/12/rapports/r3256.asp>

¹⁹ Mme Valérie Pécresse, Deputy, *Report prepared for the Commission on culture, family and social affairs on bill number 3184 on reforming child protection*, Document number 3256 of the National Assembly, July 5, 2006, available at <http://www.assemblee-nationale.fr/12/rapports/r3256.asp>



recommendation put forth by the General Inspection of Social Affairs (*Inspection Générale des Affaires Sociales*) on the need “to use the age assessment with circumspection, caution and flawless technique”²⁰ and “in case of persistent doubt to give the child the benefit and consider him or her a minor” in order to be sure that vulnerable minors are not left without protection.

- In terms of caring for child victims of sexual violence, *paragraphs 137 and 138* outline the experiences of the medico-legal units where the therapist is involved alongside the investigator during the interview and carries out an evaluation of the child’s therapy needs. According to the government’s report, there are fifty units in operation throughout France. At the time of writing, certain organisations seemed to lament the fact that the units are only present in fifteen districts. The report from the Viout commission stated that in 2004 none of them was set up in the areas where several hundred child sexual abuse cases were handled each year.²¹
- In spite of efforts made, particularly in partnership with civil society, the government’s report acknowledges the shortfalls in victim care. According to information gathered by ECPAT, the short and long term custody of minors who will eventually benefit from child protection measures, also presents significant challenges: the centres are not secured or reassuring (children can run away or can be picked up by pimps) and do not provide enough space (children are often lodged in hotels which are not adapted to the rehabilitation process). Furthermore, the care and support offered within the structures of the Social Assistance for Children (*Aide Sociale à l’Enfance*) are sometimes inadequate (often due to a lack of knowledge or understanding of the child’s culture or language, and the challenge in adapting pre-existing tools to a very specific population group²²) or insufficient (often due to lack of resources, and to the challenge in providing them with an education or professional training).²³
- Also, in *paragraph 165* the report mentions delays in handling victims’ cases in medical and psychological centres as well as the insufficient number of child psychiatrists. On this point ECPAT echoes and supports the recommendations made by the National Consultative Commission on Human Rights (*Commission Nationale Consultative des Droits de l’Homme*, CNCDH) to open welcome centres throughout

²⁰ J. Blocquaux, A. Burstin and D. Giorgi, members of the General inspection of social affairs, *Analytical mission and proposition on the conditions for receiving isolated foreign minors in France – Summary*, Report number 2005 010 – January 2005, p.50, available at : <http://lesrapports.ladocumentationfrancaise.fr/BRP/054000285/0000.pdf>

²¹ Ministry of Justice, *Report from the working group tasked with drawing lessons from the legal handling of the so-called “Outreau” affair*, February 2005, available at <http://lesrapports.ladocumentationfrancaise.fr/BRP/054000099/0000.pdf>

²² J. Blocquaux, A. Burstin and D. Giorgi, members of the General inspection of social affairs, *Analytical mission and proposition on the conditions for receiving isolated foreign minors in France – Summary*, Report number 2005 010 – January 2005, p.3, available at : <http://lesrapports.ladocumentationfrancaise.fr/BRP/054000285/0000.pdf>

²³ ECPAT International, *Global Monitoring Report on the Status of Action against Commercial Sexual Exploitation of Children - FRANCE*, 2006. Available at www.ecpat.net.



the country and to quickly allocate the necessary human and material resources in order that legislative and regulatory texts may be applied.²⁴

- With respect to child victims of specific types of sexual violence (prostitution, child pornography, sex trafficking) it seems that the existing support measures are not sufficiently adapted to the specific needs of the victims. *Paragraph 179* refers to the legal procedure for child protection which is a general procedure and does not take into account the specific aspects linked to the commercial sexual exploitation of children.

ECPAT INTERNATIONAL AND ECPAT FRANCE RECOMMEND

Developing care structures for child victims of sexual exploitation throughout France so that all victims receive the same care and benefit from specialised services that operate with the child's best interest in mind and in a non-discriminatory fashion.

Improving the care for victims of sexual exploitation, particularly child victims of prostitution and pornography, and providing specialised staff by increasing the capacity of child protection services. Care should also be offered through alternate means, while ensuring a secure and favourable environment for the rehabilitation of victims of sexual exploitation.

Establishing specific protocols to identify, support, assist and intervene on behalf of child victims of sexual exploitation.

Taking into account and responding to specific needs that child victims of prostitution may have, particularly isolated foreign children, with respect to security, language and culture, and opportunities for rehabilitation and reinsertion.

V. PREVENTION OF THE SALE OF CHILDREN, CHILD PROSTITUTION, AND CHILD PORNOGRAPHY

General introduction

- According to a report by ECPAT International²⁵ and in connection with the government's report, widespread sensitisation campaigns were developed around the issues of sex tourism involving children. Educational activities were also organised

²⁴ National Consultative Commission on Human Rights, *Statement on the conditions for interviewing child victims of mistreatment and/or sexual violence*, adopted September 22, 2005, available at <http://www.commission-droits-homme.fr/binTravaux/AffichageAvis.cfm?IDAVIS=759&iClasse=0>

²⁵ ECPAT International, *Global Monitoring Report on the Status of Action against Commercial Sexual Exploitation of Children - FRANCE*, 2006. Available at www.ecpat.net.



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on the possible risks for sexual abuse and child pornography associated with Internet use. The significant commitment of the private sector should be noted.

- According to information gathered by ECPAT, the prevention measures are aimed at a wide audience but few activities target children who are particularly vulnerable to sexual exploitation, with the exception of sporadic initiatives organised by a few groups. Challenges in identifying children who are at risk are often linked to shortfalls in training and information.
- Furthermore, there is no recent, specific, in-depth study of CSEC in France. Such a study is necessary in order to identify the risk factors and to plan tailored educational and prevention strategies.
- While efforts have been made, the national coordination of activities led by different partners is difficult in the absence of specific programmes targeting CSEC. Efforts have been made to coordinate action against child pornography, but coordination is lacking in the fight against the sale of children and child prostitution.

WE RECOMMEND THAT THE COMMITTEE ASK THE GOVERNMENT THE FOLLOWING QUESTIONS:

- *With reference to paragraph 1 of article 9 of the Optional Protocol which states that “particular attention shall be given to protect children who are especially vulnerable to such practices,” what efforts is the government making to ensure that particularly vulnerable children are identified and benefit from prevention measures, particularly isolated foreign children, runaways, street children and children living in very precarious situations?*
- *What measures have been put in place to ensure the active participation of children, particularly child victims of sexual exploitation, in educational and prevention activities, including at the international level, as is called for in paragraph 2 of article 9 of the Protocol?*
- *Have measures been put in place to inform and educate key groups such as people involved in prostitution, members of the armed forces, and embassy staff and others based overseas?*
- *Have measures been planned or put in place to evaluate the prevention measures described above, including their scope, impact, and the results obtained?*



1. Combating child pornography on the Internet and on mobile phones

- According to a report by ECPAT International²⁶, “today the French government is paying particular attention to the access minors have to pornographic material, the broadcasting of child pornography and the risks involved in children’s use of the Internet. An investigation recently undertaken by the Inter-ministerial Delegation for Family (DIF), within the framework of the working group on ‘Protecting children on the Internet in France and in Europe’, showed that 45 per cent of the students interviewed at two secondary schools claimed to have been ‘faced with pornographic imagery or child pornography.’ Although this figure cannot be considered a survey, it demonstrates the prevalence of these aggressive images in an adolescent’s online environment.”²⁷
- With reference to *paragraphs 182 to 188* of the report, it is crucial to take strong action based on recommendations in the report entitled Children of the Internet –II: Child Pornography and paedophilia on the Internet (*Les enfants du Net – II: Pédopornographie et pédophilie sur l’Internet*), published in 2005, and to ensure regular follow-up and evaluation of these initiatives.
- More specifically, with reference to *paragraph 187* which mentions a sensitisation campaign aiming to protect children on the Internet: these campaigns are essential but must be carried out in the long term. Members of the working group on Child Protection and Internet Usage deplore the fact that “many short term actions have been carried out by organisations, public offices, industry, often in partnership, but they are not long term and do not have sufficient allocated resources.”²⁸ The government must raise awareness in the long term among parents and children about the risks involved in using the Internet and other information and communication technologies. These sensitisation activities must be adapted to the various target groups (parents, young children, adolescents) and must be regularly evaluated to assess their impact.
- Furthermore, these measures must be incorporated into a comprehensive and systematic approach to the problem, particularly through training for various actors within child protection, including teachers and children themselves.
- Based on a statement published on April 20, 2005 by the National Consultative Commission on Human Rights on the Protection of Children on the Internet²⁹, it is recommended that these types of campaigns be based on detailed studies of Internet

²⁶ ECPAT International, *Global Monitoring Report on the Status of Action against Commercial Sexual Exploitation of Children - FRANCE*, 2006. Available at www.ecpat.net.

²⁷ Olivier Peraldi. *Child Protection and Internet Usage*. Conference on Family 2005, Report on the propositions submitted to P. Douste Blazy, Minister of Solidarity, Health and Family. p.44.

²⁸ Olivier Peraldi. *Child Protection and Internet Usage*. Conference on Family 2005, Report on the propositions submitted to P. Douste Blazy, Minister of Solidarity, Health and Family. p 93.

²⁹ National Consultative Commission on Human Rights, *Statement on Child Protection on the Internet*, <http://www.commission-droits-homme.fr/binTravaux/AffichageAvis.cfm?IDAVIS=745&iClasse=0>



usage and risky behaviour, especially among young people, in the use of new information and communication technologies, including the Internet and the new generations of mobile phones. ECPAT also notes that detailed and multidisciplinary research should be a priority to guide the development of prevention and protection strategies. This research should concentrate on the outlook and experience of children and youth in various contexts.³⁰

- According to the information in *paragraph 188*, Internet providers and mobile phone operators have committed to provide parents with free parental control software. In order for this software to be effective, it seems essential that it be accompanied by specific information and educational material for parents and children. According to the survey conducted by Ifop/Inter-ministerial Delegation for Family (*Délégation interministérielle à la famille*) on Parents' knowledge of Internet usage among children (*La connaissance des usages d'Internet des enfants par les parents*), published in 2005, 72% of parents deem an information guide useful, but only 11% have obtained one.³¹
- It is absolutely essential for professionals in the private sector to become involved in these measures. As was done for the prevention of and sensitisation around sex tourism involving children, it would be possible to include a module on risks associated with Internet usage in the training course for future professionals in the information and communication technology sector. Sensitisation sessions and tools could also be provided to those already working in this sector.
- According to the information gathered by the Internet Rights Forum, "Mr Yvon Tallet, head of the children's court in the Paris Family Court, notes a recent 'explosion' of cases of possession, concealment and broadcasting of child pornography through computer technology. [...] The 'information technologies' section of the Child Protection Brigade of the Regional Direction of the Paris Judicial Police handled 96 cases in 2003, mostly linked to the broadcasting and concealment of child pornography on the Internet."³²
- Faced with such high numbers, it is essential to pay attention to the demand for images of child pornography distributed in cyberspace, and ECPAT recommends the development of appropriate campaigns.

ECPAT INTERNATIONAL AND ECPAT FRANCE RECOMMEND

Implementing concrete measures based on the recommendations in the report entitled *Children of the Internet –II: Child Pornography and Paedophilia on the*

³⁰ ECPAT International, *Violence against Children in Cyberspace*, a contribution to the United Nations Study on Violence Against Children, September 2005, available at : <http://www.ecpat.net/eng/publications/Cyberspace/index.asp>

³¹ Olivier Peraldi. *Child Protection and Internet Usage*. Conference on Family 2005, Report on the propositions submitted to P. Douste Blazy, Minister of Solidarity, Health and Family. p 73

³² The Internet Rights Forum, *Children of the Internet –II: Child Pornography and Paedophilia on the Internet*, January 2005. p.8.



Internet, published in 2005, and based on the report by the CNCDH on Child Protection on the Internet presented May 25, 2005.

Developing a comprehensive programme to combat child pornography and to address the risks associated with the Internet, which would include information and training for relevant partners, namely children.

Implementing campaigns and specialised educational programmes to address the issue of demand for children for purposes of sexual exploitation and abuse, as observed in the increase in the circulation of images portraying child victims of sexual abuse.

Establishing a national, cross-sector working group to evaluate the existing measures and policies in terms of information and communication technologies, in order to direct them towards comprehensive and thorough policies and to recommend national action programmes for child protection.

2. Combating the sexual exploitation of children in tourism

- Since 2003 the French government has committed itself to combating sex tourism involving children. In 2006, an Action Programme against the Sexual Exploitation of Children in Tourism was presented to the Counsel of Ministers following proposals issued by the inter-departmental committee led by the Minister of Tourism and the Minister for Family Affairs.
- With respect to *paragraphs 192 and 193*, ECPAT would like to emphasise the concerted efforts made by various governmental, non-governmental (ECPAT France especially), and private partners in terms of educating and training students studying tourism about the campaign against the sexual exploitation of children in tourism. A specific module was introduced into the study course. To supplement these efforts, ECPAT recommends that the French government ensure that a similar training is given in professional catering schools, hospitality courses and in other vocational qualifications (travel services, reception services, and transport services). This is called for in the new bill dated July 28, 2006 addressed to school directors. The government supports the activities led by ECPAT France in vocational training schools for tourism (conferences, contests, creation of educational tools, etc).
- With respect to *paragraphs 196 to 201* of the report, according to the information gathered by ECPAT France, most of the recommendations made by the inter-departmental committee that met in 2004, were included in the government's Action plan against the sexual exploitation of children in tourism. The main proposal that was not adopted was for the creation of an ethical standard or label, "combating sex tourism involving children." Several activities were implemented, including modifying legislation to include restrictions on leaving the country, the adoption of a Charter by the tourism industry, the designation of a referring agent in French



embassies, etc. However, several of the intended measures have not yet been implemented. A follow-up committee for the government programme was introduced in June 2006, made up of civil society organisations, members of the tourism industry, and representatives of the Ministries involved.³³

- As mentioned in *paragraphs 202 to 205*, ECPAT congratulates the French government for its strong commitment to the prevention of sex tourism involving children and its involvement with the development arm of ECPAT France. The government must continue to support information and sensitisation activities.

ECPAT INTERNATIONAL AND ECPAT FRANCE RECOMMEND

Monitoring the implementation of the government's Action programme against the sexual exploitation of children in tourism, presented to the Counsel of Ministers in March 2006.

Ensuring a regular follow-up in order to evaluate the concrete implementation of the measures the government has agreed to take.

3. Combating mistreatment and violence against children:

- With respect to *paragraphs 207 and 208* relating to the Observatory for Decentralised Social Action (*Observatoire de l'Action Sociale Décentralisée*, ODAS) and the National Telephone Response System (*service national d'accueil téléphonique*, SNATEM): these services are not specialised to deal with child prostitution or the commercial sexual exploitation of children. However, particular attention must be given to this issue, through training for staff that are in direct or indirect contact with children, so that they can respond adequately to the victims' needs.³⁴
- Other noteworthy efforts to coordinate the prevention of violence against children include the creation of the National Observatory for Children in Danger (*Observatoire National de l'Enfance en Danger*, ONED), which is tasked with analysing and publicising research, prevention and intervention techniques with regards to the mistreatment of children. The position of Child Protector (*Défenseur des Enfants*) was also created, which can directly receive complaints about the non-respect of child rights.³⁵ ECPAT recommends that this position also focus on child exploitation, prostitution and pornography.

³³ ECPAT International, *Global Monitoring Report on the Status of Action against Commercial Sexual Exploitation of Children - FRANCE*, 2006. Available at www.ecpat.net.

³⁴ ECPAT International, *Global Monitoring Report on the Status of Action against Commercial Sexual Exploitation of Children - FRANCE*, 2006. Available at www.ecpat.net.

³⁵ ECPAT International, *Global Monitoring Report on the Status of Action against Commercial Sexual Exploitation of Children - FRANCE*, 2006. Available at www.ecpat.net.



ECPAT INTERNATIONAL AND ECPAT FRANCE RECOMMEND

Ensuring proper coordination and cohesion of the measures for combating the commercial sexual exploitation of children through the participation of various child protection actors, which is still lacking at this point.

Focusing specific attention on the commercial sexual exploitation of children, particularly within coordinating bodies and departments that deal with prevention and combating violence against children. These bodies need to focus more on the issues of child prostitution, child pornography, and the trafficking of child for sexual exploitation in order to play a catalysing role in directing the various initiatives, and to favour collaboration among partners.

- With respect to the bill for reforming child protection mentioned in *paragraph 210*, ECPAT would like to make the following comments.
- As mentioned in *paragraph 212*, on June 29, 2006³⁶ the National Consultative Commission on Human Rights (CNCDH) “states with satisfaction that much importance is conferred to prevention and to the other measures to prevent mistreatment. The commission also welcomes the improvements in alternative care programmes for children which allow for more tailored responses to situations.”
- However, with respect to identifying children in danger and to the improvements scheduled in the bill mentioned in *paragraph 212*, ECPAT would like to note that child victims of sexual exploitation are considered “children in danger” and are therefore under the umbrella of the protection of children against mistreatment; however, the issue of child victims of commercial sexual exploitation is not treated separately. There is no specific approach to this problem or an attempt to take into account and address the specific needs these children have while in care.
- Reports from the ODAS demonstrate that significant efforts were made within various districts with respect to the protection of children in danger. The identification of child victims of mistreatment also increased for the second year in a row in 2005³⁷ with an over-representation of adolescent girl victims of sexual violence in 2004. The districts focused on prevention work based on pre-determined target groups using two intervention techniques: home visits and neighbourhood networking. “Nevertheless, recent cases of paedophilia demonstrate that there is still room for improvement in identifying and caring for protected children. Several cases revealed that while some families were being seen by social workers, child protection

³⁶ National Consultative Commission on Human Rights, *Statement on the bill for reforming child protection*, adopted June 29, 2006 and available at <http://www.commission-droits-homme.fr/bin/Travaux/AffichageAvis.cfm?IDAVIS=778&iClasse=0>

³⁷ *Child Protection: new perspectives for the districts*, The Odas letter (National Observatory for Decentralised Social Action) – December 2006



was not guaranteed. This raises questions as to the capacity of these organisations to identify and handle all types of danger” children face, and particularly the commercial sexual exploitation of children.³⁸

- With respect to the measures mentioned in *paragraph 213* relating to the harmonisation of professional techniques and procedures, and the strengthening of partnerships, ECPAT would like to reiterate the importance of specific and targeted training for all staff working on these issues.
- Certain efforts made to reconcile the notion of danger are described in article 2 of the bill on child protection. These efforts “aim to reconcile the criteria relating to an endangered childhood likely to lead to an intervention [...] Airing clearly on the side of danger, the definition allows more space for prevention [...] This alteration allows for the definition of dangerous situations to be reconciled with the one stated in the civil code, in article 375. However, there is one addition to the definition: situations of risk for the physical or intellectual development of the child are included in the list of situations that would justify action on the part of the Social Assistance for Children. This specification aims to address the law dated March 4, 2004 relating to parental authority which introduced the issue into French law, based on the international child rights convention.”³⁹
- In June 2006, the National Consultative Commission on Human Rights commented on the bill to reform child protection and “insists that pre-existing good practice in the area of prevention, identification, and care be put to use, and that the human, financial and material resources be allocated.”⁴⁰ ECPAT supports these recommendations and would like emphasise that the commitments made in terms of training and capacity building for actors involved in child protection must be implemented and supported with the necessary resources.

ECPAT INTERNATIONAL AND ECPAT FRANCE RECOMMEND

Implementing specific training in the care of child victims of sexual exploitation for social workers and other child protection partners, through the introduction of a module in the initial training, and thereafter. This module should be based on the pre-established protocols for intervention in order to reinforce the application of procedures for prevention, protection and assistance to victims.

³⁸ *Child Protection – Observing and evaluating for a more tailored response*, 2005 Report from Odas

³⁹ Mme Valérie Pecresse, Deputy, *Report prepared for the Commission on culture, family and social affairs on bill number 3184 on reforming child protection*, Document number 3256 of the National Assembly, July 5, 2006, available at <http://www.assemblee-nationale.fr/12/rapports/r3256.asp>

⁴⁰ National Consultative Commission on Human Rights, *Statement on the bill for reforming child protection*, adopted June 29, 2006 and available at <http://www.commission-droits-homme.fr/bin/Travaux/AffichageAvis.cfm?IDAVIS=778&iClasse=0>



Focusing particular attention on the specific issue of the commercial sexual exploitation of children and particularly on the needs of child victims of prostitution, pornography, and trafficking. This could be achieved through the adoption of a National Action Plan on the commercial sexual exploitation of children.

4. Sensitisation activities carried out in schools

- According to *paragraphs 221 and 222*, specific sensitisation activities targeting students are carried out in schools. According to information gathered by ECPAT, some action is taken in schools to inform students about the risks of prostitution, but these efforts are sporadic and are not carried out within a real educational programme.⁴¹

WE RECOMMEND THAT THE COMMITTEE ASK THE GOVERNMENT THE FOLLOWING QUESTION:

- ***What efforts have been made to ensure the participation of young people in prevention and sensitisation activities, specifically in schools, and to ensure respect for the rights of children to freedom of expression as is specified in article 13 of the Child Rights Convention?***

5. Activities carried out by the police, targeting vulnerable children

- According to the report produced by the Commission for Culture, Family, and Social Affairs⁴², the distribution of skills within the legal and administrative sectors must be clarified. “The French system for child protection has been characterised by a division of skills between the different sectors involved in Social Assistance for Children since the decentralisation laws, and in the justice system for minors through the educational support procedure, based on articles 375 and following of the civil code. This double skill set can be a strong point if there is coordination between the various state and regional initiatives. However it becomes a weakness if this division contributes to confusing the procedure, for the public and for professionals. Recently, the media coverage of cases of mistreatment and sexual abuse of children has contributed to increased ‘legalisation’ in this domain.” While prevention services offered by the police are very important, information must also be centralised and child protection activities coordinated, in partnership with child protection actors, including civil society organisations.

⁴¹ ECPAT International, *Global Monitoring Report on the Status of Action against Commercial Sexual Exploitation of Children - FRANCE*, 2006. Available at www.ecpat.net.

⁴² Mme Valérie Pécresse, Deputy, *Report prepared for the Commission on culture, family and social affairs on bill number 3184 on reforming child protection*, Document number 3256 of the National Assembly, July 5, 2006, available at <http://www.assemblee-nationale.fr/12/rapports/r3256.asp>



- According to the information gathered by ECPAT, minors who approach prospective clients are sometimes arrested if they are considered children in danger. Protective measures are generally taken and in most cases the police are instructed to consider the child as the victim.⁴³ However, several instances show that this is not always the case, particularly with respect to foreign children who are not always perceived as children in danger needing special protection. The children's judge is therefore not always called upon and thus does not provide educational assistance. Many actors within French NGOs are very critical of the way the police operates and accuse them of considering minors as delinquents rather than attempting to protect them (as a result children are often subjected to body searches and locked up in cells).⁴⁴
- According to a report from the General Inspection for Social Affairs (*Inspection générale des affaires sociales*, IGAS) published in January 2005, "the police and other legal authorities who detain young people (specifically isolated foreign youths) admit that they are powerless when faced with young people who reject any educational support" and recognise the need to work further up the chain to identify and approach minors in order to gain their confidence and offer them shelter.⁴⁵ This work must be carried out in close collaboration with civil society partners, specifically with regards to isolated foreign minors. However, only two programmes for detection and shelter are operational in France, in Paris and Marseille. With respect to child victims of prostitution, there is a serious lack of services and organisations in France specialised in detecting and approaching these child victims. This work is rendered even more difficult by virtue of the fact that the children are less and less visible, hidden in apartments and in touch with traffickers, pimps and other exploitative individuals by mobile phone.

ECPAT INTERNATIONAL AND ECPAT FRANCE RECOMMEND

Developing specific protocols and implementing measures in order to improve the detection of and care offered to children vulnerable to sexual exploitation, specifically prostitution, even if occasional, and pornography.

Implementing more prevention and support measures for children experiencing difficulties, through funds allocated to working to identify child victims.

⁴³ Mr Juan Miguel Petit, Special Rapporteur on the sale of children, child prostitution and child pornography. *Report on the Mission of the Special Rapporteur to France, November 25-29, 2002*, 60th session of the Commission on Human Rights, October 14, 2003.

⁴⁴ A. O'Deye and V. Joseph, *The prostitution of minors in Paris: data, actors, and existing measures*, Cabinet Anthropos, October 2006.

⁴⁵ J. Blocquaux, A. Burstin and D. Giorgi, members of the General inspection of social affairs, *Analytical mission and proposition on the conditions for receiving isolated foreign minors in France – Summary*, Report number 2005 010 – January 2005, p.17, available at : <http://lesrapports.ladocumentationfrancaise.fr/BRP/054000285/0000.pdf>



Ensuring that police are trained initially and continuously and provided with information about child victims of commercial sexual exploitation in order to favour a victim protection approach rather than a delinquency approach.

6. Specific activities targeting isolated foreign children:

- In reference to *paragraphs 227 and following* of the report, according to information gathered by ECPAT France, the number of isolated foreign minors in France has increased in the past few years. This issue has been officially recognised by the government. Some measures have been taken to care for these children but civil society organisations note the challenges and shortfalls in the protection offered to these children by the State. It seems that many actors involved in this protection have prejudices (that the children are untreatable) or fears (increase in immigration) that contribute to the protection being insufficient.
- According to an ECPAT report⁴⁶, “great challenges were observed in the identification and care of child victims of CSEC, specifically with respect to foreign minors. Thus, many vulnerable foreign minors involved in prostitution do not benefit from systematic protection because they are not recognised as minors or identified as being in danger and referred to the children’s judge by the police. It is mostly civil society organisations that are in contact with these minors.”⁴⁷
- With respect to accommodation, foster care centres for minors seem ill-adapted to caring for young people involved in prostitution, especially isolated foreign minors: there is a lack of space, the centres are not secured which favours escapes, and there is a lack of knowledge of the children’s language and culture.⁴⁸
- In addition to the inherent challenges associated with a precarious and isolating situation, vulnerable young people and child victims also face new difficulties when it comes to reinsertion. Legal reforms implemented in November 2003 set limits to the acquisition of French nationality, which makes educational work with youth difficult as it impedes their motivation and the possibility for them to project themselves into the future, which is an essential aspect of reinsertion.
- The organisation *Hors La Rue* that offers assistance to isolated foreign minors in Paris, deplores the fact that “certain departmental instructions imply that after the age of 17 and a half educational care for young people should be limited to accommodation in the hotel with no training. This is indicative of the discriminatory practices in certain departments with respect to isolated foreign minors.” This

⁴⁶ ECPAT International, *Global Monitoring Report on the Status of Action against Commercial Sexual Exploitation of Children - FRANCE*, 2006. Available at www.ecpat.net.

⁴⁷ ECPAT International, *Global Monitoring Report on the Status of Action against Commercial Sexual Exploitation of Children - FRANCE*, 2006. Available at www.ecpat.net.

⁴⁸ A. O'Deye and V. Joseph, *The prostitution of minors in Paris: data, actors, and existing measures*, Cabinet Anthropos, October 2006.



reticence to invest in the reinsertion of these young people is also apparent within certain child protection institutions, which recommend that children over the age of 17 and a half no longer be offered real protection but simply shelter at the hotel and educational support.⁴⁹

- “If there is any doubt about the age of the minor, he or she will be given a forensic examination, a method widely criticised because of the uncertainty of the results: the estimated age will be within 18 months of the real age, so there is a risk that some minors be declared adults.”⁵⁰ ECPAT therefore supports the recommendation put forward by the General Inspection of Social Affairs (IGAS) on the need “to use the age assessment technique with circumspection, caution, and flawless technique”⁵¹ and that “in the case of persistent doubt, the young person must be considered a minor” in order to ensure that vulnerable youths are not left without protection.
- Furthermore, ECPAT insists on the need to offer the same level of protection to all children under the age of 18, as stated in the bill relating to the situation of isolated foreign minors presented by the National Consultative Commission on Human Rights in 2000, which “considers that no age distinction must be made between minors who are 16 to 18 years of age and minors who are less than 16 years of age, in accordance with the Child Rights Convention and national legislation that sets adulthood at age 18.”⁵²
- The Child Defender (La Défenseur) consistently displayed his concern for reinforcing all methods to combat CSEC, especially with respect to the vulnerability of isolated foreign youth in France and their involvement in networks for sexual and commercial exploitation. In 2004, the Child Defender asked that an exhaustive study of the issue be carried out, that cooperation with the children’s countries of origin be reinforced, that the social protection and reintegration of children be improved, and that there be better training for staff dealing with children.⁵³ However, these recommendations have still not been followed up with concrete action.
- With respect to the specific measures targeting minors in waiting zones, described in *paragraphs 232 to 238*, as emphasised by the IGAS report in January 2005, “the waiting zone must be set up with the child’s protection in mind”⁵⁴ and ECPAT would like this measure to be reinforced by taking into account the best interest of the child in all decisions made.

⁴⁹ Hors la Rue, 2005 Activity Report, p.52, available at: http://www.horslarue.org/rubrique_fr.php?ID_RUBRIQUE=5

⁵⁰ ECPAT International, *Global Report on the Implementation of Initiatives Against the Commercial Sexual Exploitation of Children - FRANCE*, 2006. Available at www.ecpat.net.

⁵¹ J. Blocquaux, A. Burstin and D. Giorgi, members of the General inspection of social affairs, *Analytical mission and proposition on the conditions for receiving isolated foreign minors in France – Summary*, Report number 2005 010 – January 2005, p.50, available at : <http://lesrapports.ladocumentationfrancaise.fr/BRP/054000285/0000.pdf>

⁵² CNCDH *Avis relative à la situation des étrangers mineurs isolés*, adopté le 21 septembre 2000, accessible sur : <http://www.commission-droits-homme.fr/binTravaux/AffichageAvis.cfm?IDAVIS=605&iClasse=0>

⁵³ Child Defender. *Report on 2004*. pp.95-96. Available at: www.defenseurdesenfants.fr

⁵⁴ J. Blocquaux, A. Burstin and D. Giorgi, members of the General inspection of social affairs, *Analytical mission and proposition on the conditions for receiving isolated foreign minors in France – Summary*, Report number 2005 010 – January 2005, p.5, available at : <http://lesrapports.ladocumentationfrancaise.fr/BRP/054000285/0000.pdf>



- In *paragraph 238*, the report mentions the “repatriation” of isolated foreign children. ECPAT would like to receive more information on this to ensure that these measures are taken with the best interest of the child in mind.
- In *paragraph 239* only the number of isolated foreign minors in the waiting zone at Roissy airport in 2005 is mentioned. This does not indicate how many isolated foreign minors present in France arrive by different means.

WE RECOMMEND THAT THE COMMITTEE ASK THE GOVERNMENT THE FOLLOWING QUESTIONS:

- *Could the government specify which “precautions have been taken” to ensure that an isolated foreign minor can be repatriated to his or her country of origin without this being dangerous, and to ensure that the repatriation takes place with the child’s best interest in mind?*
- *Does the government have more specific statistics on the number of isolated foreign minors present in France?*

ECPAT INTERNATIONAL AND ECPAT FRANCE RECOMMEND

Reinforcing the identification techniques and care programmes for isolated foreign minors, harmonising procedures throughout France and implementing concrete and tailored measures to protect these vulnerable children from commercial sexual exploitation.

Developing and reinforcing sensitisation and prevention campaigns and protection measures targeted at groups who are particularly at risk, such as isolated foreign minors.

VI. INTERNATIONAL ASSISTANCE AND COOPERATION

- With reference to *paragraph 248*, it must be noted that none of the companies signatory to the French Charter for tourism respectful of child rights, appears to have put in place activities to promote education or training for children who have come out of prostitution.
- With reference to *paragraph 252* of the report on the bilateral agreement with Romania, according to the information held by ECPAT, “the implementation of this agreement seems limited and has not been evaluated.”⁵⁵ Furthermore, when the

⁵⁵ ECPAT International, *Global Monitoring Report on the Status of Action against Commercial Sexual Exploitation of Children - FRANCE*, 2006. Available at www.ecpat.net.



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agreement was renewed, the organisation *Hors la Rue* criticised the lack of social support offered to children after their repatriation, and the absence of any qualitative assessment by the signatories to the agreement.⁵⁶

ECPAT INTERNATIONAL AND ECPAT FRANCE RECOMMEND

Evaluating the impact and implementation of the bilateral accord signed by France and Romania in order to assess its impact.

Using the results of the evaluation to redirect the terms of bilateral cooperation, reinforcing coordination between actors in order to improve protection measures in the countries of origin of child victims of trafficking; and ensuring comprehensive care for the child once repatriated.

Developing regional and international cooperation, specifically in the countries of origin of child victims of trafficking, through prevention programmes and by returning the child to his/her family when possible.

⁵⁶ Hors la Rue, Press Release “Agreement on the repatriation of Romanian children: the organisation Hors la rue is worried,” February 2, 2007.