The Commission nationale consultative des droits de l’homme (CNCDH) is the French national human rights institution fully accredited under the Paris Principles. This status allows the Commission to speak today before the Human Rights Council, immediately after France being the country concerned.

France, which has issued a standing invitation to UN Special Procedures, received the visit of the Special Rapporteur on the sale of children, child prostitution and child pornography at the end of 2011. The French Commission has facilitated the Rapporteur’s visit and its members have exchanged with her on subjects that should retain her full attention. The Commission notes the constructive and open spirit in which the Rapporteur conducted her mission. The Commission particularly welcomes the recommendation addressed to the French Government to strengthen the cooperation with our Commission.

In its report, the Rapporteur welcomes France’s commitment in the areas covered by her mandate. Nevertheless, she points out several gaps and makes numerous recommendations in line with those of the Committee on the Rights of the Child and the concerns expressed by the French Commission in its opinions.
The Rapporteur encourages the Government to adopt a national policy framework for child protection. The French Commission supports this proposal and is willing to contribute to the development of such a global strategy.

The French Commission also welcomes the Special Rapporteur’s recommendation to safeguard the established principles on juvenile justice that promote an educational approach contributing to reintegration rather than a strictly punitive approach. The Commission has recently pointed out the regression of standards of juvenile criminal law and recalled that legislative changes should neither jeopardize the educational approach embodied in the 1945 Ordinance nor ignore the requirements of international law, in particular with respect to the specific nature of juvenile justice (opinion of 23 June 2011 on reforming the juvenile justice system).

The Special Rapporteur further recommends to the French Government to prevent that the immigration policy be implemented to the detriment of the protection of unaccompanied migrant children who are the most vulnerable to all forms of exploitation and often treated as criminals rather than victims. For the French Commission, this issue is of critical importance. The Commission wishes to recall the obligation of France to take specific preventive measures for child victims of exploitation. They should benefit from the measures applied to children at risk (opinion and study on human beings trafficking and exploitation in France, 2009 and 2010).

In conclusion, the French Commission would like to draw attention to the importance of an effective follow-up to the recommendations of the Special Rapporteur. As part of its mandate, the Commission will monitor their implementation.

Beyond the deadline for submission of the next report of France to the Committee on the Rights of the Child in September 2012, the French Commission wishes that France continues and deepens its efforts for the promotion and protection of rights of the child. In this respect, the immediate signature, and subsequent ratification, of the new Optional Protocol to the UN Convention on the Rights of the Child establishing a communications procedure would be a positive step.

Thank you for your attention,
Michel Forst, CNCDH General Secretary