

PRESS RELEASE

2010 Activity report

In her 2010 annual report, the Défenseure des enfants (French Ombudsperson for Children Rights) notes that the main infringements of a child's right occur in the event of a conflictual parental separation. Foreign children are suffering the effects of a more stringent immigration policy.

Children with disabilities have to live with an excessively high number of forms of discrimination (particularly with regard to their education).

Furthermore, the Défenseure des enfants is also concerned by the increase in violence on the internet.

Paris, 15 November 2010

The Défenseure des enfants has examined the **situation of close to 3,000 children from 01/07/2010 to 30/06/2009. (22,119 children over the course of the Institution's 10 years of existence).**

Out of the total number of complaints, **68 % come from parents or legal representatives, grandparents, family members, or family friends or acquaintances.** More than **10 % of the complaints come directly from children.** **7 % are lodged by associations** that work in the field of child protection.

Ninety three "Youth ambassadors' alerts" have been collected by young people performing community and civic services in schools.

The main reasons behind the complaints are as follows:

- 42% of the reasons concern the difficulties encountered in maintaining links between parents and children
- 21% regard disputes about the organisation of visits and housing, as well as the request for housing transfers
- 11% concern the conditions under which parental authority is exercised (schooling, holidays ...)
- 8% concern disputes about the **placement of children into care and educational measures**
- 2% concern cross-border abductions
- 16% of the reasons for the submission of a complaint concern **foreign minors (unaccompanied or in families)**

- 9 % of the issues are related to **sexual abuse and mistreatment**.
- 7% of the reasons are related to **school** (exclusion of children, violence, difficulties related to the schooling of children with a disability, etc.)
- 6% of the reasons are related to **social and housing difficulties faced by families in a precarious situation**
- 5% of reasons raise questions regarding the way in which **health and/or disabilities** are taken into account.

FOCUS ON SPECIFIC ISSUES

Foreign minors who are either unaccompanied or in families

The difficulties faced by foreign children (either unaccompanied or in families) are all the more topical at a time when immigration policy is becoming tougher. These difficulties concern problems relating to the family group, as well as questions related to visas, adoption and “kafala.”

Children whose family are in an irregular situation are therefore subject to many infringements of their rights (detention centres, etc.).

The positive impact of the intervention of the Défenseure des enfants in the situation of these families is undeniable and is also measurable in at least the majority of the complaints.

The questioning and taking into custody of adolescents

It should be recalled that taking a minor into custody is a possibility that may be used at the discretion of the police, just as the wearing of handcuffs must be limited to persons who are considered to be dangerous or to represent a flight risk. The Défenseure des enfants has received 20 complaints regarding the conditions under which adolescents have been questioned and taken into custody.

In cases in which she believes there has been an infringement of the child’s rights, then the Défenseure des enfants may refer the case to the state prosecutor. She may also refer a case to the Commission nationale de Déontologie de la Sécurité (CNDS). Indeed, in 2010, the Défenseure des enfants referred cases to this body on 12 occasions.

Abuses related to the malicious usage of social networks on the internet

Cases of theft identity and abuse on internet-based social networks have been referred to the Défenseure des enfants. As well as the criminal complaints lodged by the parents and the action taken by the Défenseure des enfants with the national educational authority, the Défenseure des enfants is currently developing a programme on this specific subject to raise the awareness of the pupils and the staff in the schools concerned, either through the intervention of her regional representatives or through the intervention of the Youth Ambassadors for the Defence of Children’s Rights.

The education of the children of Roma people and travellers gives rise to recurring problems, notably the refusal to register the children in certain municipalities.

The Défenseure des enfants has had to report the mayors in the municipalities concerned in order to remind them of a child's right to education, without there being any discrimination related to their way of life. She has also had to speak to the Préfets in these Departments so as to ensure that the children are registered in the nearest school to their home.

The education of children with disabilities continues to be a real obstacles course in both ordinary schools and in adapted structures. The provision of support for pupils is based on the decisions taken by the Maisons départementales des personnes handicapées - Departmental Centres for People with Disabilities(MDPH), which draw up individual plans for children. Many of the parents who have submitted a complaint feel that the usage of the word "handicap" in the name given to these bodies makes it difficult to sign up to the proposed plan. The work of the Défenseure des enfants is to support the parents towards an acceptance of the process, in the greater interest of the child.

There are also difficulties related to the involvement of special needs assistants (AVS) in schools. The contracts of 5,000 special needs assistants ran out in summer 2009 and they were not renewable. The announcement made by the Education Minister in September 2009 regarding the creation of 5,000 aided contracts (who are not really special needs assistants in the strictest sense of the term) in order to provide support at school for children with disabilities (185,000 children with disabilities were registered to attend school at the beginning of the 2009/2010 academic year) has not resolved the question of the disappearance of the AVS (special needs assistants) and their professionalization.

Press contact

Laetitia GOT-THEPAULT

laetitia.got@defenseurdesenfants.fr

01-53-63-58-66 / 06-32-47-63-93